



Appeal Decision

Site visit made on 16 November 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/T3725/W/20/3256797

Sands Farm, Old Barn, Old Warwick Road, Lapworth B94 6HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms E Piley against the decision of Warwick District Council.
 - The application Ref W/20/0262, dated 14 February 2020, was refused by notice dated 28 April 2020.
 - The development proposed is the re-development of existing barn (Including Conversion, Demolition and Extension) to create a 4 Bedroom residential property and associated works.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Amended plans¹ were submitted during the application process. These increased the number of rooflights serving the proposed bedrooms. I have considered the appeal on the basis of these plans which would not cause prejudice to any party.

Main Issues

3. The main issues are:
 - whether the appeal site offers a suitable location for new housing development having regard to the development plan policies concerned with the location of new development and the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the character and appearance of the area, including on the designated heritage asset; and
 - The effect of the proposal on the living conditions of future occupiers, with particular regard to outlook.

Reasons

Locational suitability

4. The development plan for the district includes the Warwick District Local Plan 2011-2029 (2017)(LP). Policy H1 of the LP seeks to steer residential development into urban areas and areas allocated for new housing. The site is

¹ Proposed Plans and Elevations 3532-002 rev D

located within a small cluster of dwellings within the open countryside. It is beyond the limits of Lapworth. The site is therefore within the open countryside for policy purposes. Policy H1(d) and (e) identifies that only a limited set of circumstances would allow residential development to be permitted in such a location. This includes where development would involve the reuse of redundant buildings and be within a reasonably safe walking distance of services or public transport.

5. The proposal would be within a small group of dwellings. As such, the scheme would not result in the creation of an isolated development and would not therefore be contrary to paragraph 79 of the Framework. Paragraphs 77-78 of the Framework seek to encourage development in rural areas that would enhance or maintain the vitality of rural communities. However, the site is some distance from both Lapworth and Hockley Heath. Also, Old Warwick Road is an unlit country road. The footway towards Hockley Heath is narrow and unmade, especially for the first 100 metres or so from the site. There is no real footway other than grass verge towards Lapworth. Consequently, this route would deter future occupiers from walking or cycling to either settlement. Furthermore, it is not in evidence that the site would gain easy access to public transport options. Accordingly, I understand that both settlements could be accessed by the nearby canal towpath, but such a route would not be easily accessible or navigable especially in inclement weather.
6. I therefore do not concur with the appellant that the development would be in an accessible location. As a result, future occupiers would be reliant of the private car to access goods and services. Consequently, the scheme proposes a dwelling in a location that would be poorly located for access to day to day facilities. As a result, the proposal would not offer a suitable location for new housing development
7. Accordingly, the proposal would fail to satisfy policy H1 of the LP and paragraphs 77-78 of the Framework.

Character and appearance

8. The barn the subject of the appeal is part of a group of buildings. These include a farmhouse, the listed building of 'The Barn', an adjacent annex and the barn the subject of this appeal. I have a statutory duty² to have special regard to the desirability to preserve the setting of a listed building. 'The Barn' is a grade II listed two-storey brick structure with a long single-storey rear return. Its roadside end displays an exposed timber frame structure with brick infills. It includes two chimneys and weatherboarding to the front elevation. It's significance derives from its simple form, historical use, architectural interest and C17 origins. A key view of 'The barn' is from the entrance gate of the site. From this vantage, it makes a strong contribution to the wider landscape. Its setting takes in the traditional farm buildings behind it and to a lesser extent the annex and barn to its side. The grouping of buildings makes a positive contribution to the character and appearance of the area.
9. The barn the subject of this appeal is adjacent to the annex. This is largely visible beyond the annex in the key view of 'The Barn'. Although large it is a relatively subservient feature in the landscape as it consists of a simple construction with a breeze block base and metal clad panels above. The

² Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

arrangement of these three buildings create an ordered hierarchy of built form that enables the listed building to retain its sense of prominence in the landscape. Although the annex partly intrudes into this view it is comparatively small compared to the scale of 'The Barn'.

10. The proposal includes the removal of a front canopy and the erection of a single-storey rear addition. The front canopy has an open fronted corner. This is a relatively discrete element and is partially hidden behind the annex. The proposed works would also include the addition of tall windows to the side of the barn. Although proposing traditional materials, the proliferation of windows would be clearly evident within the key view of 'The Barn'. Furthermore, the rear extension would represent a substantive increase in the mass and footprint of the existing building. The scale of development and addition of windows would change the character of the building to a domestic feature. The effect of this domestication would alter the perception of the hierarchy of adjacent buildings. The proposal would create a slightly greater separation due to the proposed demolition. Nevertheless, the effect of the overt domestication of the barn would represent a harmful modern intervention that would be unsympathetic to its context. Consequently, the proposal would demonstrably harm the setting of the listed building.
11. In terms of the advice in paragraph 196 of the Framework, the harm to the listed building would be 'less than substantial' affecting only its immediate surroundings. The Framework sets out the need to address 'less than substantial harm' in a balanced manner against the public benefits associated with such schemes. The proposal would result in the provision of a new dwelling that would meet the needs of a growing family and would largely reuse an existing building. However, these would not constitute substantive public benefits, and would therefore be insufficient to outweigh the harm identified to the designated heritage asset.
12. Accordingly, the proposal would not satisfy policies HE1 and NE4 of the LP. These seek that where development would lead to 'less than substantial' harm to a heritage asset it should be weighed against any public benefits and requires development to relate well to local built form.

Living conditions

13. The proposal would create four bedrooms in the roof space. Three of these would only gain natural light from rooflights. The submitted cross section drawing shows a windowsill height of around 1.65 metres. This would be exceptionally high and would only allow an occupant to gain a horizontal view or sky view.
14. Consequently, the bedrooms would not be of a suitable quality to meet the day to day requirements of an occupier. Therefore, the proposal would create substandard living conditions for future occupiers in regard to outlook. Furthermore, although the proposal may meet building regulation requirements for natural light and glazing, this is a separate matter to achieving an acceptable outlook.
15. As a result, the proposal would not accord with policy BE3 of the LP, which seeks to refuse development that would not provide acceptable standards of amenity for future users and occupiers of a development.

Other matters

16. The appellant explains that the development is required to meet the needs of a growing family and that the existing accommodation cannot be readily extended. Although I sympathise with this difficulty this personal benefit is only of limited weight in favour of the proposal.
17. The Framework seeks development to make effective use of land and give substantial weight to the reuse of suitable brown field land. The established use of the barn is in some question between parties. However, for the purpose of the Framework and my on-site observations it appears that the barn is either in domestic or commercial use. On this understanding it would qualify as previously developed land. However, the site would not be a suitable location for development causing conflict with the development plan and would therefore not satisfy the Framework as a whole.
18. Furthermore, paragraph 145(g) of the Framework relates to Green Belt policy. This identifies that the redevelopment of previously developed land would not be inappropriate provided that it would not have a greater effect on openness than the existing development. The Council has found that the proposal would not be inappropriate development, and I concur with this view. However, satisfying Green Belt requirements and an absence of harm in this respect can only be considered as a neutral factor in the planning balance.
19. Policy BE4 of the LP establishes the Council's approach to the conversion of rural buildings. However, the proposal would include a substantial extension that would not enable the development to take place solely within its existing footprint. It therefore would not amount to a conversion. Furthermore, even if the proposal was subject to this policy, I have nevertheless found that it includes extensive rebuilding and adaption. This would not therefore enhance the character of the surrounding countryside.

Conclusion

20. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR