



Appeal Decision

Site visit made on 1 December 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/J3720/W/20/3256220

Armscote Hill Farm, Halford Road, Armscote CV37 8DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Christopher Taylor against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/01267/COUQ, dated 12 May 2020, was refused by notice dated 7 July 2020.
 - The development proposed is prior approval for the change of use of an agricultural building into two residential dwellings (C3) and associated operational development under Class Q parts (a) and (b) of the General Permitted Development Order (GPDO).
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of an agricultural building into two residential dwellings (C3) and associated operational development at Armscote Hill Farm, Halford Road, Armscote, CV37 8DN in accordance with the terms of the application, Ref 20/01267/COUQ, dated 12 May 2020, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q, paragraph Q.2(1) and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 3592-S2, 3952-P3 Rev B and 3592-P4 Rev B.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building (painted corrugated metal sheet cladding and painted render).
 - 3) The development shall not be occupied until the existing gates at the entrance to the site for vehicles have been either removed or relocated to a position at which they do not open to within 7.5 metres of the near edge of the public highway carriageway. Any gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 7.5 metres of the near edge of the public highway carriageway.
 - 4) The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 215 metres to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metre above the level of the public highway carriageway.

- 5) Before the development hereby approved is brought into use, the flood mitigation measures set out in UNDA document 89277-SBK-ArmscoteHillFrm-130220-v2.0 'Flood Risk Assessment including Surface Water Drainage for Planning' and elsewhere in the application documents shall be implemented. The measures shall be retained and maintained in like form throughout the lifespan of the development.

Application for costs

2. An application for costs was made by Mr Christopher Taylor against Stratford-on-Avon District Council. This application is the subject of a separate Decision.

Procedural Matters

3. During the course of the appeal, the appellant submitted amended plans to address the fact that the resultant building would exceed the external dimensions of the existing building. This was not a reason why the application was refused, and the Council has confirmed that it has no objection to the amended plans being accepted.
4. Furthermore, as the effect of the amended plan would be to ensure that the resultant building would be no bigger than it currently is, and as the overall outcome of the proposal is that there would be substantial demolition, I am satisfied that accepting the amended plans would not prejudice the interests of any party that may have an interest in the application.
5. I have removed the reference to the address from the description of the development in the banner header above, as this does not represent a form of development.

Main Issues

6. The main issues are:
 - (i) whether the development would include building operations other than partial demolition to the extent reasonably necessary to carry out any building operations allowed by paragraph Q.1(i)(i) of Schedule 2, Part 3, Class Q of the GPDO
 - (ii) if the proposal is permitted development under paragraph Q.1., whether the transport and highways impact of the development, the contamination risks on the site, the flooding risks on the site and the design and external appearance of the building would be acceptable

Reasons

Demolition

7. The parties disagree as to whether the barn denoted as barn 2 on the submitted plans and the areas of existing barn shown to be demolished are one single building or two independent buildings.
8. In support of their case, the appellant points to the fact that they were constructed at different times, with barn 2 being subject to a separate prior notification in 2008 which described the development as 'a proposed steel framed portal type building' and not an extension to the existing building.

9. The Council however considers that the common use and the fact they have an internal door linking the two parts is adequate to demonstrate that it is a single building. Both parties also draw attention to elements of the built form which they each consider lends weight to their respective positions.
10. Having considered the submissions before me and inspected the site, I am more persuaded by the Council's argument that the structure forms a single building.
11. In reaching this conclusion I note in particular that where the original and new structures interface with one another, there is a great degree of interconnection. For example, the roof structure of the older part of the building directly forms coverage for the pedestrian entrance to Barn 2 located on its east elevation.
12. Furthermore, there is an internal connection between the two parts and they appear to be used for the same purpose in connection with the same holding, and based on the evidence before me this was the intention for which they were built. Therefore, on the point of dispute between the parties, I concur with the Council that it is one single building.
13. This conclusion then leads directly on to the Council's finding that because of the amount of building that would be demolished, it would exceed the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
14. The building operations proposed include the constructing of new walls and windows on both the north and west elevations. To insert these for the purposes to which they are required, this being the provision of external wall enclosure and light and outlook, necessitates the removal of a large part of the building, to both the north and west elevations.
15. The Council's assessment relies primarily on the amount of demolition that would take place, whereas the legislation refers only to partial demolition. There is no definition in the legislation of 'partial' and as the proposal would still retain a substantial sized building capable of providing two dwellings, it stops well short of a level which could be considered to be a total or complete demolition. Furthermore, it would represent a conversion of the building as opposed to a rebuild of it.
16. Accordingly, even though a substantial amount of the existing building would be demolished, the proposal would constitute partial demolition to the extent reasonably necessary to carry out the building operations allowed by paragraph Q.1(i)(i) Schedule 2, Part 3, Class Q of the GPDO. I conclude therefore, that it would meet the requirements of this part of the GDPO.

Prior approval matters

17. The Council considers that prior approval is required with regard to the transport and highways impact of the development, the contamination risks on the site, the flooding risks on the site and the design and external appearance of the building.
18. Whilst the proposal may result in more trips to and from the site than at the current time, any intensification relating to two new dwellings would be limited. The Highway Authority has no objection to the proposal subject to the

imposition of conditions relating to the positioning of gates and the provision of visibility splays. Subject to these conditions, I am satisfied that the proposal would not cause harm to highway safety or to the surrounding highway network.

19. The Council's delegated report makes reference to a basic risk of contamination being present, but no explanation has been provided to substantiate this assessment and the Council has not provided a suggested condition relating to this matter. Therefore, based upon the information I have before me, it has not been demonstrated that there is a risk of contamination arising in relation to what is proposed.
20. The risk from surface water flooding can be adequately addressed by the flood mitigation measures that have been set out in the application and these can be secured by way of a planning condition.
21. The proposal would require additional cladding and the construction of new sections of external walls. A condition requiring that the external facing materials match those of the existing building would ensure that the proposed development had an appropriate design and visual appearance.

Other Matters

22. I have had regard to the other appeal decisions provided by the Council and, whilst I have not been provided with full details of the circumstances of those cases, the issues raised within them do not appear to be directly analogous with those of the current appeal.

Conditions

23. Paragraph Q.2(3) of the GPDO specifies that development must be completed within a period of 3 years starting with the prior approval date.
24. To provide certainty, a condition setting out the approved plans is required. In addition, it is necessary to impose conditions relating to highway matters, flood risk and design and external appearance matters for the reasons set out above.

Conclusion

25. For the reasons given above I conclude that the appeal, subject to conditions, should be allowed.

Graham Wraight

INSPECTOR