



Appeal Decision

Site Visit made on 26 January 2021

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021

Appeal Ref: APP/T3725/W/20/3261524

Great Pinley Barns, Nunhold Road, Shrewley, CV35 8NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr James King against the decision of Warwick District Council.
- The application Ref W/20/1167, dated 26 July 2020, was refused on 18 September 2020.
- The development proposed is the removal of condition 15 (permitted development rights) for application W/90/0322 (Conversion of barns into 5 dwellings and construction of a new vehicular access onto Pinley Road.) by the re-instatement of permitted development rights.
- The condition in dispute is No.15 which states that: "Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, no development shall be carried out which comes within Part 1, Classes A to H or Part 2 Class A of Schedule 2 of this Order (i.e. development within the curtilage and the erection of any means of enclosure).
- The reason given for the condition is: To retain control over future development of the premises in the interests of amenity.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the condition in question serves a proper planning purpose and meets the general tests of a condition set out in national guidance.

Reasons

Background

3. The appeal needs to be considered in the context of national guidance where paragraph 55 of the National Planning Policy Framework (the Framework) stipulates various tests of a planning condition including that it must be necessary and relevant to the development permitted and otherwise be reasonable. Moreover, paragraph 017 of the national Planning Practice Guidance says that conditions restricting the future use of 'permitted development rights' may not pass the tests of reasonableness or necessity, especially area-wide or blanket removal of freedoms to carry out small scale domestic alterations.

Policy context

4. The site lies in an area of countryside away from any settlement and is part of a group of farm buildings and houses. The appeal site itself comprises former agricultural buildings which form three sides of a quadrangle and surrounding garden land (the fourth side not being part of the appeal site). Within the 'square' there is a mixture of single storey and two storey buildings with brick elevations and roofs clad in small plain tiles. The buildings are now converted into 5 units of residential accommodation following the grant of planning permission in 1990.
5. In terms of the present development plan, Policy BE4 of the Local Plan generally permits the re-use of existing rural buildings provided various criteria are met including (e) where the appearance and setting of the building following conversion would protect, and where possible enhance, the character and appearance of the countryside. This reflects the guidance in paragraph 79 (c) of the Framework on types of housing development which may be considered as an exception in an isolated location in the countryside and where the reuse of a redundant building would enhance the immediate setting of the site.
6. Local Plan Policy H14 deals with extensions to dwellings in the open countryside and sets down criteria for an acceptable form of extension. Although the policy does not expressly refer to 'barn conversions', paragraph 4.96 of the explanatory text says in the case of barn conversions in open countryside it is unlikely the Council would grant permission for any extensions which would harm the integrity of the original building.
7. In this overall policy context, it appears to me that there is a general presumption against subsequent changes to the original form of a rural building after residential conversion where such changes would harm a building or the setting of a site.

Whether serving a proper planning purpose

8. In relation to the appeal site it is clear that this lies in open countryside away from a settlement and the existing five residential properties exist because of the nature of the buildings being suitable for conversion and an enhancement of the area. The buildings remain largely in their original form, each with a simple linear design sited around the three sides of the quadrangle. The roof lines are mainly unbroken, with an interesting juxtaposition of building heights, and there is a uniformity in their design when viewed from the internal space of the quadrangle and externally. Overall, the buildings are attractive and make a positive contribution to the rural character of the area.
9. It appears to me that the buildings retain this form particularly because of the restriction imposed by condition 15 and the removal of permitted development rights, where otherwise a wide array of ad-hoc alterations and extensions could have been added to the original buildings which could fundamentally harm their appearance and distinctiveness.
10. I find that the imposition of condition 15 is justified in this case and that it serves a proper planning purpose. The restriction on the freedom to carry out 'permitted development' is necessary in the public interest having regard to the

provisions of the development plan and national guidance. Overall, I am satisfied that the requirements of the condition are *reasonable* and *necessary* and that the specified tests of a condition are met in this case. The condition should therefore not be deleted.

11. I have taken account of the other appeal decisions submitted on behalf of the appellant, but these do not appear to relate to sites of similar circumstances involving the conversion of attractive rural buildings, and I have considered the appeal case on its individual merits.

Conclusion

12. For the reasons set out above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR