
Appeal Decision

Site visit made on 12 January 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal Ref: APP/W0340/W/20/3260721

Foxhold Kennels, Crookham Common, Thatcham RG19 8EL

- 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 Mr & Mrs Bradshaw against the decision of West Berkshire Council.
 - The application 19/03188/FULD, dated 20 December 2019, was refused by notice dated 16 April 2020.
 - The development proposed is residential conversion to form a pair of semi-detached dwellings and detached annex, following demolition of managers office and attached store.
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Decision

1. The appeal is allowed and planning permission is granted for residential conversion to form a pair of semi-detached dwellings and detached annexe, following demolition of manager's office and attached store at Foxhold Kennels, Crookham Common, Thatcham RG19 8EL in accordance with the terms of the application 19/03188/FULD, dated 20 December 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - Whether the conversion of the buildings to residential use is acceptable within this location
 - The effect on the character and appearance of the area
 - Whether the proposed development would harm protected species.

Reasons

Conversion of buildings

3. Policy C4 of the West Berkshire Housing Site Allocations Development Plan Document 2006-2026 allows for the conversion of existing redundant buildings in the countryside to residential use subject to compliance with a number of criteria. The Council considers the scheme conflicts with 3 of those criteria, which require: (i) the building to be structurally sound and capable of conversion without substantial rebuilding, extension or alteration; (iii) that the environment is suitable for residential use and gives a satisfactory level of amenity for occupants; and (vi) that the conversion retains the character, fabric and historic interest of the building and uses matching materials where

those materials are an essential part of the character of the building and locality.

4. The appeal buildings are low, single storey structures with concrete block walls and concrete floors. Roof forms are either shallow pitched to a ridge, mono pitched, or flat roofed. One building is roofed in pantiles while the others have corrugated sheeting. A structural survey¹ submitted with the application notes that although there are a number of defects, the buildings are structurally sound and capable of being converted without requiring any significant remedial work.
5. The Council has not undertaken any structural survey itself although points out that the longest building on the site relies on internal walls for roof support and as these are to be removed argues that it would not be structurally sound without substantial rebuilding. Attention is also drawn to a covered yard between two of the buildings which would be reroofed and enclosed to form part of the finished scheme.
6. The appellant's structural report notes that the pitched roof to the longest building is in poor condition but advises that the span of the rafters could be reduced through installing purlins and props off new internal walls. Many of the buildings would have new roof coverings, and in some cases may need replacement or strengthening of existing roof structures. Nevertheless, the basic form and structure of each building would remain. I consider the strengthening of roof structures in this manner, the replacement of roof coverings, and the enclosure of the covered yard to be a reasonable part of the conversion and does not amount to substantial rebuilding, extension or alteration. I consider the building works necessary to convert the buildings to residential use therefore comply with criterion (i) of Policy C4.
7. The conversion would provide outdoor garden areas of approximately 90sqm to the south of each of the proposed dwellings. In addition, an area of approximately 200sqm would be provided to the west of the parking area for residential use, and open space to the north of the buildings around the detached annexe would add approximately a further 65sqm. While the immediate garden areas to the south of the dwellings would be less than the minimum of 100sqm per dwelling suggested in supplementary planning guidance², when taken together with these other outdoor areas, they would satisfy that requirement. I therefore consider that the scheme would achieve satisfactory outdoor garden space. Given its location, there is also ample opportunity for future occupants to access the countryside for informal recreation. I consider the buildings are capable of residential use and would give a satisfactory level of amenity to their occupants in compliance with criterion (iii) of Policy C4.
8. The conversion would replace the corrugated sheeting on the buildings with flat roofs with sedum green roofs. In my view this is preferable both from a visual and ecological viewpoint to replacing them with similar corrugated sheeting. The existing sheeting is not an essential part of the character of the buildings or locality, and its replacement with a more environmentally friendly roof covering is, if anything, an improvement to the existing structures. I consider

¹ Structural Report, Michael J Bundy, March 2020

² Quality Design – West Berkshire Supplementary Planning Document Part 2: Residential Development

that the conversion retains the essential form and appearance of the buildings and therefore complies with criterion (vi) of Policy C4.

9. I conclude that the buildings are structurally sound and capable of conversion without substantial rebuilding, extension or alteration; are capable of residential use and would give a satisfactory level of amenity to their occupants; and would retain the essential form and appearance of the buildings, notwithstanding the replacement of some corrugated sheeting with green roofs. The proposal would therefore comply with Policies ADPP1 and CS1 of the West Berkshire Core Strategy 2006-2026 and Policies C1 and C4 of the West Berkshire Housing Site Allocations Development Plan Document 2006-2026, which provide criteria for assessing the conversion of existing redundant buildings in the countryside to residential use.

Character and appearance

10. The site is accessed by a private drive and lies some way from the nearest public road. The existing buildings form a small group with Foxhold Farmhouse and the former kennel manager's dwelling, which are otherwise surrounded by grazing fields and woodland.
11. The Council argues that the buildings are of poor quality design and do not make a positive contribution to the character and appearance of the area. While I accept that they are of no visual or historic merit and are functional in appearance, the fact is they are existing and will continue to remain on the site. The buildings are redundant to their former use as dog kennels and it is therefore preferable to reuse them for another purpose than to allow them to deteriorate, which could have an adverse impact on the character and appearance of the countryside. The buildings are not particularly prominent being single storey in height and surrounded by hedges and trees. The proposed residential use would be contained within the existing curtilage of the buildings, so avoiding encroachment out into open countryside.
12. Having regard to these considerations, I conclude that the conversion of the existing redundant buildings in the manner proposed would not have a harmful effect on the rural character and appearance of the area, and would therefore comply with Policy C3 of the West Berkshire Housing Site Allocations Development Plan Document 2006-2026 and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, which require new development to have regard to its impact on the landscape character of the area and its sensitivity to change.

Protected species

13. An ecological report³ and subsequent bat survey⁴ identified that one of the buildings was being used as a roost by pipistrelle bats, a species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.
14. As the development would result in the disturbance or removal of the bat roost, a licence would need to be granted by Natural England to authorise such action. That would be a matter for Natural England to consider and is separate from the determination of this appeal. However, for the purposes of the appeal

³ AE Ecology, Extended Phase 1 Ecological Survey Report, October 2018

⁴ AE Ecology, Dusk and Dawn Bat Survey Report, July 2019

I need to be satisfied that there is no reason in principle why such a licence would not be granted.

15. From my reasoning on the other issues I have found that the development is acceptable on planning grounds. The bat survey report sets out how a mitigation strategy involving supervision of construction works by a qualified ecologist, provision of a temporary bat roost to allow relocation of any bats found during construction, and the installation of a permanent replacement bat roost as part of the development, could be used. A mitigation strategy of this form could be secured by condition. As a result, the report concludes that the development could be carried out without being detrimental to the maintenance of the population of pipistrelle bats in the locality.
16. The appellant states that a further report has been commissioned from their ecological consultant. This has not been submitted as part of the appeal documents, and neither I nor the Council have seen it. Nevertheless, I consider I have enough information to conclude on this issue and have proceeded accordingly.
17. I conclude that, subject to securing a detailed bat mitigation strategy, there is no reason in principle why a licence would not be granted by Natural England, and therefore the development could be carried out without causing harm to the population of a protected species. The proposal would as a result comply with Policy CS17 of the West Berkshire Core Strategy 2006-2026, which seeks to protect rare or endangered species.

Other Matters

18. The Council refers to a legal agreement limiting the use of the kennel manager's dwelling to someone engaged in managing the kennels. Compliance with that agreement is a matter for the Council to determine and is not relevant to my consideration of the appeal scheme.

Conditions

19. I have considered the conditions recommended by the Council against the tests set out in paragraph 55 of the Framework and have imposed those which I consider meet those tests subject to rewording where required for clarity and consistency.
20. In addition to the standard time limit, I have added a condition listing the approved plans in the interests of certainty. I have imposed a condition requiring approval and implementation of a bat mitigation strategy for the reasons set out above. This is a pre-commencement condition because its requirements need to be carried out prior to any development work. The appellants' views have been sought and having had no reply within the requisite period are deemed to have given consent⁵.
21. I have imposed a condition requiring approval of both hard and soft landscaping in the interests of the character and appearance of the area. This condition also covers the parking and turning area so there is no need to include a separate condition.

⁵ Town and Country Planning (Pre-Commencement Conditions) Regulations 2018, Regulation 2(1)(b).

22. Paragraph 53 of the National Planning Policy Framework advises that national permitted development rights should not be restricted unless there is clear justification to do so. Exceptionally in this case I consider there is justification to do so for domestic extensions and ancillary structures, because of the policy on the conversion of buildings in the countryside, which precludes extension.
23. I have imposed a condition requiring installation of electric vehicle points in the interests of sustainable transport and a condition restricting the use of the annex to ancillary use in accordance with the terms of the proposal and to prevent its separate use which could conflict with standards of accommodation required by the Council's policies.
24. I have not imposed conditions relating to hours of construction given the modest scale of the development and that surrounding land and dwellings are in the ownership of the appellants.
25. I also see no need to impose a condition relating to surface water drainage, as for a development of this size drainage is adequately controlled under the building regulations. Neither do I see a need for a condition controlling the disposal of spoil as the development is for conversion of existing buildings and therefore there is unlikely to be any significant changes in ground level.

Conclusion

26. I conclude that the appeal should be allowed.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of the decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, 18/002/01, 18/002/03A, 18/002/06A, 18/002/07A, 18/002/08A, 18/002/09A, cycle store outbuilding 18/002/09.
- 3) No development shall commence, including the removal of any part of the roofs of the existing buildings, until a bat mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the bat mitigation strategy and any permanent bat roost forming part of that strategy shall be installed prior to occupation of any dwelling hereby approved and thereafter retained.
- 4) No dwelling hereby permitted shall be occupied until the hard and soft landscaping of the site has been completed in accordance with a landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of any boundary treatments (e.g. walls, fences), hard surfaced areas (e.g. driveways, parking and turning areas, paths, patios, decking), planting schedules of new plants, and existing trees and shrubs to be retained.

- 5) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.
- 6) No dwelling hereby permitted shall be occupied until an electric vehicle charging point has been provided for each dwelling. The charging points shall thereafter be retained and kept available for the potential use of electric vehicles.
- 7) The annex (labelled B3 on the approved plans) hereby permitted shall not be occupied at any time other than for purposes ancillary and/or incidental to the residential use of the dwelling (labelled B2 on the approved plans) hereby approved.

***** End of Conditions*****