



Appeal Decision

Site visit made on 1 March 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2021

Appeal Ref: APP/H0928/W/20/3263051

Rookby Scarth (adjacent to) Winton, Kirkby Stephen CA17 4HU

- 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 Bayliffe against the decision of Eden District Council.
 - The application Ref 20/0423, dated 25 June 2020, was refused by notice dated 16 October 2020.
 - The development proposed is change of use and conversion of existing agricultural barn to new dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Bayliffe against Eden District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether the proposal represents an appropriate re-use of a redundant building, having regard to the locational strategy for the distribution of new development within Eden.

Reasons

4. The proposal seeks to convert a large redundant steel framed barn which is finished externally with fibre cement sheets and rendered blockwork at Rookby Scarth, within a highly rural countryside setting to the north east of Kirkby Stephen. The site is within the North Pennines Area of Outstanding Natural Beauty (AONB). Although large, the building, and the others with which it is closely clustered with are not widely visible. This is because they sit within a fold in the landscape, surrounded by rising moorland to the south, with views from the north obstructed somewhat by dense tree planting beside the former railway line.
5. The building itself was clearly conceived as a function of agricultural requirement. It is of utilitarian appearance and has limited architectural quality. Its size, materials and rather hulking presence when approaching along the access track result in a building that is of unattractive appearance in its immediate setting.
6. Policy RUR3 of the Eden Local Plan 2014-2032 (ELP) is highly relevant to the proposal as it deals specifically with the re-use of redundant buildings in rural

areas for amongst other things, housing. It is a policy which seeks to support the re-use of redundant traditional rural buildings and structures under certain circumstances. It specifically excludes modern purpose-built agricultural buildings, including steel framed construction buildings from the definition of 'traditional' within its supporting text. Further, amongst other criteria, which all must be met, it states that such a proposal would only be supported if it can be demonstrated that the building is of sufficient architectural quality to make it worthy of retention.

7. Along with Policy LS1 of the ELP, which amongst other things limits development to the re-use of traditional buildings within rural areas, Policy RUR3 accepts that some development and therefore housing can be provided within rural areas of Eden. It therefore accepts that there will be some circumstances where occupiers would rely on private motor transport.
8. However, as the supporting text indicates, the Council has to strike a balance between restricting new development in rural areas and supporting village services and employment opportunities. With this in mind, there is nothing unreasonable in seeking to support the conversion of traditional buildings where appropriate. It follows that it is not an unreasonable approach to limit support for the conversion of modern purpose-built agricultural buildings, including steel framed construction buildings such as that before me. This inevitably constrains the number of residences that could be provided in rural areas through conversion as well as discouraging the retention of buildings of limited architectural quality.
9. Therefore, mindful of my findings above, the building which is the subject of the appeal is not a 'traditional building'. Policy RUR3 only offers support to the conversion of such a building and Policy LS1 indicates that the re-use of traditional buildings would be appropriate in other rural areas. It logically follows that the conversion of modern purpose-built agricultural buildings is not supported. The proposal would not therefore be an appropriate re-use of a redundant building having regard to the locational strategy for the distribution of new development within Eden, which is to focus residential, amongst other development within towns and then villages and hamlets and within other rural areas to the re-use of traditional buildings where a redundant building is to be re-used. The proposal would subsequently conflict with policies RUR3 and LS1 of the ELP.

Other Considerations

10. Whilst slightly pre-dating the current version of the Framework, I consider that the development plan policies above can reasonably be regarded as consistent with it. They are both distinctive local policies that promote sustainable development tailored to the unique needs of the area. There is nothing within the appeal to indicate that they are not supported by appropriate and robust evidence.
11. Nonetheless, the National Planning Policy Framework (the Framework) is a material consideration. This states that planning decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply.
12. The Council indicate that the development would improve the appearance of the structure such that it would enhance the visual amenity of the area. The

evidence indicates that the building itself is in need of some repairs and I observed some loose render and missing roof panels during my site visit.

13. However, the untidy appearance of the building would not be unexpected to the observer in relation to a building designed for agricultural purpose in such a setting. While I appreciate that repairs, renovations, and alterations to provide light and windows would tidy the appearance of the building, I do not consider that they would enhance the immediate setting of the building. The proposal would not therefore meet the requirements of paragraph 79c of the Framework.
14. To meet the requirements of Paragraph 79e of the Framework, a design must be of exceptional quality, being truly outstanding or innovative, reflecting the highest standards in architecture and helping to raise standards of design more generally in rural areas. It is also required to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. The proposal would not meet this high standard. There is nothing within the evidence to suggest that the proposal meets any of the other circumstances identified within paragraph 79 of the Framework.
15. There is no legal mechanism such as a planning obligation before me to ensure that the proposal would be secured as a self and custom build dwelling. I therefore afford this matter limited weight, and in any event the provision of 1 dwelling would only make a limited provision towards this type of housing provision.
16. The proposal would incorporate straw bale walls and a timber framed roof. The Framework does recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and also supports the re-use of existing buildings. The incorporation of more sustainable construction methods, using materials that could be obtained from local suppliers, does add some weight in favour of the development. However, the benefits of this construction method over more standard measures would likely be limited given the small scale of the scheme and I therefore overall afford this matter limited weight.
17. I have been provided with details of an approved application relating principally to the change of use and conversion of stone barns into four holiday lets, close to the appeal site. However, the description indicates that this is a much different proposal to that before me and I therefore afford this matter limited weight. Details of other developments both within the district and in other parts of the country have been referenced. However, only very limited details are supplied and I cannot be certain they closely replicate the circumstances before me. In any event, some will have been subject to different local policy consideration. I therefore afford these referenced schemes limited weight in my consideration of the appeal.
18. The appellant indicates that the building would not benefit from permitted development rights for conversion due to its location within the AONB and therefore there is no permitted development fallback position. There may clearly be other policies within the local plan with which the proposal would comply including Policy ENV3. This does not however justify the proposal which needs to be assessed against the development plan as a whole and the overall locational strategy for the distribution of development, which is fundamental.

Planning Balance

19. The Government's objective is to significantly boost the supply of housing and the proposal would make a positive contribution to housing supply. However, given the small scale of the proposal, the provision of an additional house would only attract modest weight. The project would provide some support for local services and therefore, communities. It would also incorporate more sustainable construction methods, using materials that could be obtained from local suppliers.
20. Conversely, the proposal would not be an appropriate re-use of a redundant building having regard to the locational strategy for the distribution of new development within Eden. It would undermine the Council's plan-led approach to the delivery of housing. These matters attract significant weight and outweigh the benefits associated with the proposed development.
21. The proposal would therefore conflict with the development plan taken as a whole and there are no other material considerations, including the Framework, that outweigh this conflict.

Conclusion

22. For the reasons outlined above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR