

Appeal Decision

Site visit made on 27 April 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal Ref: APP/D1265/W/20/3264563

Bridge Farm, Cards Mill Lane, Whitchurch Canonorum DT6 6RW

- 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 M Wood against the decision of Dorset Council.
 - The application Ref WD/D/20/000189, dated 22 January 2020, was refused by notice dated 23 September 2020.
 - The development proposed is conversion of redundant milking parlour to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of redundant milking parlour to dwelling at Bridge Farm, Cards Mill Lane, Whitchurch Canonorum, DT6 6RW, in accordance with the terms of the application, Ref WD/D/20/000189, dated 22 January 2020, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether satisfactory living conditions would be created for future occupiers with regard to odours and disturbance from the adjacent agricultural building.

Reasons

Character and appearance

3. The existing building is a former milking parlour adjoining the rural road forming part of Bridge Farm. It is surrounded by land owned by the appellant both to the north and south, including a large agricultural building, caravan site, small 'glamping' facility and residential dwelling. The building itself is single storey, elevated above the level of the road and in two main sections; the barn, and milking parlour. Its aged condition, segmental form and combination of construction materials, including concrete block, metal and asbestos sheeting and timber panelling, results in it being a poor quality feature in the streetscene.
4. The wider area is characterised by its rurality, with limited scattered residential dwellings and farmsteads set within a largely agricultural landscape. It forms a part of the Dorset Area of Outstanding Natural Beauty (AONB).

5. The proposal seeks to retain the building and convert it into a single dwelling containing three bedrooms. The curtilage would include an area either side of the building. The building would retain its existing single storey form with part-pitched and part-asymmetric roof form, but the range of external materials would be upgraded to include rendered block, timber and profiled metal sheeting. Window and door openings would largely be reused except for in the east elevation where a number of new openings would be inserted.
6. Policy SUS3 of the West Dorset, Weymouth & Portland Local Plan (2015) (Local Plan) sets out that the adaptation and re-use of rural buildings will be permitted where the existing building is of permanent and substantial construction, makes a positive contribution to the local character, and would not need to be substantially rebuilt or extended. It also sets out that the use of the building should be for uses such as affordable housing and rural worker's dwellings. Whilst the appellant indicates that the proposal would be for the appellant's son, there is little evidence to suggest that a rural worker's dwelling is required in connection with the businesses, and thus, I have treated the proposal on an open market basis, in conflict with Policy SUS3.
7. The Council acknowledges that Policy SUS3 is more prescriptive and thus, partly inconsistent with the National Planning Policy Framework (the Framework), paragraph 79. Paragraph 79 states that the development of isolated homes in the countryside should be avoided unless where exemptions apply, including where the development would re-use redundant or disused buildings and enhance its immediate setting.
8. The building comprises a large proportion of blockwork and is claimed as being typical of buildings dating back to the 1950s or 1960s. In my opinion, it is an aged building which is substantial enough to have lasted a number of decades and, even if it is not typically the type of building intended to be preserved under the Policy, its structural condition did not appear compromised. Due to its run-down appearance, the building does not currently contribute positively to local character. Without encouraging deliberate decay, it seems likely that without a purposeful alternative use, the building's condition would be likely to deteriorate further over time. In this sense, whilst the building may not be a prime candidate for conversion to a dwelling, the proposal to convert it could be achieved without substantial rebuilding or alteration and would at least modestly improve its character and appearance and the wider streetscene.
9. The agricultural origins of the building would still be apparent following the conversion to maintain the connection with its rural setting and would still contribute to an appreciation of the former farmyard arrangement. However, the character of the farmyard has, and will continue to change due to the more recent use of the wider site as a tourist facility. There is a slight uncertainty about how the proposal will interact with the streetscene given the absence of a detailed site plan showing the parking and garden layout, and any landscaping in relation thereto. However, these aspects could be controlled by condition to secure further enhancements to the streetscene. Overall, whilst the wider AONB impacts would be limited, there would be at least minor improvements to the streetscene and thus, to the immediate setting of the building.
10. For the above reasons, whilst the proposal would not fully accord with Policy SUS3 of the Local Plan which attracts reduced weight, it would accord with the

Framework, and in particular paragraph 79. For similar reasons, there would not be any conflict with Local Plan Policies ENV1, ENV10 or ENV12, which together, seek to ensure development is in harmony with surrounding buildings and enhances local landscape character.

Living conditions

11. The appeal site is a discreet part of a wider farm which has, in recent time, largely become a tourist facility. Whilst a large former livestock building still exists, immediately to the rear of the site, it did not appear to be in use for purposes related to the keeping of livestock at the time of my visit. It appeared to be in use for low level storage purposes, with an add-on section to the east in use as a shower facility for the glamping pod which extended from the north-east around the rear, linking up with the caravan park to the west. In practical terms, the building is stranded amongst tourism uses that are not compatible with the continued use for accommodating or managing livestock.
12. I have not been made aware of any permission or application for a 'change of use' of the building. Whilst I noted that there were sheep elsewhere on the farm, the milking parlour is clearly a redundant building. Given the existence of the sizeable tourist facility which wraps around the building, I agree with the appellant's suggestion that the livestock use of the building would not be reinstated in the future.
13. In any event, as the building is within the control of the appellant and that the dwelling is intended for his son, it would be possible to condition the cessation of any uses related to the housing or management of livestock within the building. Such a condition would ensure that the potential for odours and disturbance were minimised for the benefit of any future occupiers of the dwelling.
14. In view of this main issue, a planning condition could make the otherwise unacceptable development acceptable in planning terms. This would ensure compliance with Policy ENV16 of the Local Plan, which, amongst other things, seeks to ensure that the effects of activity or noise are minimised to protect the amenities of future occupiers.

Other Matters

15. Whilst I note the concerns of a neighbouring occupier in relation to the potential for overlooking, given the intervening distances, the proposed orientation and number of windows, in addition to existing boundary features, I do not consider that there would be any material loss of privacy.

Conditions

16. In addition to the statutory time limit, a condition is necessary specifying the approved plans in the interests of certainty.
17. Given the absence of details relating to such, a condition is required seeking details of landscaping provision and boundary treatments, to ensure the acceptability of the development in the streetscene and to enhance the area's character and appearance. For similar reasons, it is necessary to secure details of the external materials by way of condition.

18. In order to secure a satisfactory development, details relating to surface water drainage are required by condition. Similarly, a condition requiring the provision of adequate vehicle parking for future occupiers is required.
19. Lastly, given the close proximity of the large agricultural building, a condition preventing its use for accommodating or managing livestock is necessary.

Planning balance and conclusion

20. I have found a degree of conflict with Local Plan Policy SUS3 in relation to the nature of the building's construction, lack of current contribution to local character and the intended open market tenure of the dwelling. However, the Council accept that Policy SUS3 attracts reduced weight given its inconsistency with the Framework, which I find the proposal to accord with.
21. Additionally, the Council indicates that it cannot currently demonstrate a five year supply of housing land (5YHLS) as required by the Framework. The stated housing land supply is considered to be in the region of 4.88 years' worth against the required five years. This is a modest deficit, although I have not seen any evidence to suggest how the Council intends to address the shortfall.
22. In such circumstances where there is a 5YHLS deficit, policies relevant to the supply of housing are considered to be out-of-date and Framework paragraph 11, the 'tilted balance', is engaged.
23. Footnote 6 of the Framework can prevent the engagement of the tilted balance where policies affording protection to areas or assets of particular importance provide a clear reason for refusing the development. Whilst the site falls within an AONB, which is an area of particular importance, the proposal would generate a modest enhancement to the immediate setting of the building. In the absence of a finding of harm, there is no clear AONB-related reason for refusing the proposal.
24. The proposal would allow for the reuse of a redundant building with a limited enhancement to its immediate setting and would also contribute a single dwelling to the 5YHLS housing shortfall. There would not be any significant or demonstrable adverse impacts that would outweigh these benefits. As such, these factors indicate that a decision should be made other than in strict accordance with the development plan, and thus, permission should be granted.
25. For the above reasons, the appeal is allowed.

Hollie Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location and Block Plan, ref 18/160/01 A, dated Nov '19
 - Proposed Floor Plan, ref 18/160/04 A, dated Dec '19
 - Proposed Elevations, ref 18/160/05 A, dated Dec '19
- 3) Prior to their use in the development hereby permitted, details of all external materials shall have been submitted to and approved in writing by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) The dwelling hereby permitted shall not be occupied until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) means of enclosure and retaining structures;
 - ii) boundary treatments;
 - iii) hard surfacing materials; and
 - iv) planting plans;

The landscaping works shall be carried out in accordance with the approved details before the dwelling is first occupied.
- 5) The dwelling hereby permitted shall not be occupied until the sustainable drainage system for the site has been completed in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved details.
- 6) The dwelling hereby permitted shall not be occupied until a scheme for the turning and parking of vehicles has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be carried out in accordance with the approved details before the dwelling is first occupied and shall thereafter be maintained, kept free from obstruction and available for the purposes specified.
- 7) Upon commencement of the development, the agricultural building immediately to the north of the appeal site shall not be used for accommodating livestock or purposes related to the management or keeping thereof.