



Appeal Decision

Site Visit made on 7 June 2021

by Mr Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/J3720/W/21/3270611

Laughs Buildings, Walton Road, Wellesbourne CV35 9JB

- 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 The Walton Estate against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/03308/FUL, dated 19 November 2020, was refused by notice dated 16 February 2021.
 - The development proposed was originally described as "Full application for the conversion of the agricultural buildings into 4 residential dwellings and associated landscaping (resubmission of withdrawn application ref: 20/01232/FUL)".
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the agricultural buildings into four residential dwellings with associated landscaping, at Laughs Buildings, Walton Road, Wellesbourne CV35 9JB in accordance with the terms of the application, Ref 20/03308/FUL, dated 8 December 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Application for costs

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

Preliminary Matters

3. I have adjusted the description of development as the section in brackets does not describe development.
4. Planning permission was granted by the Council in 2015 to convert the majority of the connected agricultural buildings into two dwellings. The residential element did not include the disused workshop or open fronted element of barn two. Consequently, around 27% of the building was proposed to be retained for employment use. This approval was confirmed as having been implemented through the issuing of a Lawful Development Certificate in 2020.

Main Issue

5. The main issue is the contribution made by the existing employment use of the building to the local area in consideration of local and national policies.

Reasons

6. The development plan for the district includes the Stratford-on-Avon Core Strategy 2011 to 2031 (CS)(2016). Policy CS.22 of the CS seeks to support

business and commercial activity. It seeks to resist the loss of an existing employment site unless it is proven to be no longer viable or appropriate for business use. The companion text to the policy explains that rural employment sites play an important role in supporting the rural economy. Key considerations are whether active marketing has taken place, the size and quality of the space and the practicalities for employment use in consideration of its context.

7. The appeal site consists of a range of connected barns and buildings, within the open countryside, some distance outside of Wellesbourne. Around a third of the building is weatherproof and secure. This area is currently used to store materials, largely timber, in connection with an existing joinery business. The central barns have wide openings to the rear without doors, resulting in them being partially open to the elements. The end section has a large canopy with a rear wall creating a largely exposed covered area. The latter two sections of the building currently provide limited capability to be used for employment use.
8. Policy CS.22 identifies that consideration of the retention of employment sites would be practical taking into account the site's characteristics and location. It also identifies greater support for another use if displaced business occupiers would be relocated to suitable alternative accommodation. The evidence illustrates that the current occupier of the site would be accommodated elsewhere in the Walton Estate within significantly improved premises.
9. Consequently, whilst marketing evidence is absent, it is clear to me that much of the building would require substantial investment and modification to be of practical use for employment purposes. Furthermore, the extant approval represents a substantial fall-back position, retaining only around a quarter of the building for employment use. There is no evidence before me to suggest that the previous approval would not be completed if the proposal was refused. The extant scheme, if completed, would also limit the capability of a suitable employment use being accommodated within the retained part of the building.
10. The National Planning Policy Framework (The Framework) supports a prosperous rural economy and recognises that businesses in rural areas might be beyond settlement boundaries and not well served by public transport. Nevertheless, due to its current condition, and the proximity of adjacent existing and approved dwellings, the site offers a constrained and limited opportunity to accommodate employment activity. Consequently, the retained workshop would offer no realistic or reasonable prospect of being occupied by a compatible business and would therefore offer only extremely limited employment opportunities.
11. As a result, the site would make no realistic contribution towards the employment provision within this rural context and would no longer be appropriate for business use. Accordingly, the proposed conversion of the building to dwellings would comply with policy CS.22 of the CS. Furthermore, the proposal would satisfy policy WW14 of the Wellesbourne and Walton Neighbourhood Plan 2016-2031. This supports the alternative use of business premises if there is no reasonable prospect of a building being used for employment purposes in the long term.

Other Matters

12. The submitted drainage strategy includes a storm water soakaway area to the rear and a treatment plant within the frontage. The drainage strategy would be adequate for the scale of development without causing detriment to the wider area.

Conditions

13. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity. I have removed the Council's suggested requirement for bin provision as this is not necessary for the proposal to be acceptable in planning terms.
14. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty [conditions 1 and 2]. Conditions are necessary with respect to the provision of planting, materials and car parking in the interests of the character and appearance of the area [3, 4 and 5]. A condition is also necessary to provide and maintain a visibility splay at the access in the interests of highway safety and as required by the Highway Authority [6]. Furthermore, conditions are necessary to satisfy the ecological interest of the site and to meet the bio-diversity requirements of policy CS.6 of the CS [7, 8 and 9]. It is also necessary for the provision of water butts and electric car charging points to address the requirements of policies CS.3 and CS.4 of the CS [10 and 11].
15. The Framework advises that conditions should not be used to restrict permitted development (PD) rights unless there is clear justification to do so. However, extensions, roof alterations, porches and means of enclosure undertaken in the exercise of PD rights could erode the interest and rural character of the building. These rights have therefore been removed in the interests of the character and appearance of the building and wider area [12].

Conclusion

16. The proposal would accord with the development plan. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal is allowed, and planning permission is granted subject to the attached conditions.

Mr Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20-25-S1 (Location Plan), 20-25-11 Revision B (Site Plan), 20-25-12 Revision A (Proposed Plans), 20-25-13 Revision C (Proposed Elevations) and 20-25-14 Revision C (Drainage Plan).
- 3) The materials to be used externally on the development hereby permitted shall comply in colour, form and texture with details set out in a schedule of materials and finishes which shall first have been submitted to and approved in writing by the Local Planning Authority, prior to any part of the development progressing above slab level.
- 4) The development hereby approved shall be built in accordance with hard and soft landscaping detailed in drawing no. 20-25-11 Revision B. The works shall be completed prior to the first occupation of the dwellings hereby approved unless otherwise agreed by the Local Planning Authority.
- 5) The development shall not be occupied until space has been provided and marked out within the site for the parking and manoeuvring of cars and a bin collection point has been provided within the site in the vicinity of the vehicular access to the site in accordance with drawing number 20-25-11, Revision A.
- 6) The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 90 metres to the north and 215 metres to the south, measured 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 metres above the level of the public highway carriageway.
- 7) The development hereby approved shall be carried out strictly in accordance with the recommendations, mitigation and enhancement measures for bats and nesting birds contained in section 5 of the Phase 1 and 2 Bat Survey produced by Ridgeway Ecology amended 11 January 2021.
- 8) The Owl Box shown on drawing no. 20-25-13 Revision C and detailed in Appendix III shall be erected prior to the first occupation of the dwellings hereby approved. Development shall be completed in strict accordance with the approved details and the Owl Box shall thereafter be retained and maintained as such, unless the Local Planning Authority gives prior written approval to any subsequent variations.
- 9) Details of the swallow access point shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the

dwellings hereby approved. The details should include the size of the access point and details of nesting provision to be provided internally. Development shall be completed in strict accordance with the approved details and the swallow access point shall thereafter be retained and maintained as such.

- 10) No dwelling, that has a downpipe within the development hereby permitted, shall be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
- 11) No dwelling hereby permitted shall be occupied until electric vehicle charging points (EVCPs) have been provided at its associated parking spaces for each home with up to and including 3 bedrooms, at least one dedicated parking space with an EVCP rated at a minimum of 16 amps. The provision shall be in accordance with details previously submitted to and approved in writing by the Local Planning Authority. Such details shall include siting, numbers, design, rating and appearance of the EVCP's.
- 12) Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no development covered by Part 1, Classes A, B, D and E and Part 2, Class A of Schedule 2 shall be erected, constructed or carried out without the express grant of planning permission.

End of conditions