



Appeal Decision

Site Visit made on 12 October 2021

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/B3438/W/21/3277534

Lower Overton Farm, Overton Road, Congleton CW12 3QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs D Manning against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0019, dated 7 January 2021, was refused by notice dated 8 March 2021.
 - The application sought planning permission for change of use to convert existing barn to single dwelling with garage and new vehicular access without complying with a condition attached to planning permission Ref SMD/2017/0628, dated 12 October 2018.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans and details: Location Plan 6808 07 A, Proposed Barn Plans 6808 04 C, Proposed Garage Plans 6808 15, Proposed Site Plan 6808 09 D, Longitudinal Section 6808 10 B, Window and Door Details Sheets 1-4 (6808 11, 6808 12, 6808 13, 6808 14), window illustration, flue illustration and rainwater goods details.*
 - The reason given for the condition is: *for the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appellant is seeking the variation of condition No 2 to allow the alteration of the approved plans. It is proposed that the ground and first floor windows on the end of the building facing Overton Road be replaced by a two-storey window.
3. The main issue is therefore the effect varying the condition would have on the character and appearance of the host building and its surroundings.

Reasons

4. The appeal site is set back from Overton Road and on higher ground. The area generally is characterised by open countryside and agricultural fields, interspersed with sporadic development and small wooded areas. Immediately surrounding the appeal site are a number of various buildings including the former farmhouse and barns associated with the appeal building.
5. The appeal building is a linear stone barn built into the side of a bank. From my observations on site it appears to have been altered and extended over time but retains an overall simple and modest appearance. On the end of the barn

facing Overton Road quoins depict an opening with a shallow arch which has been blocked up. The original permission included reopening this archway to create a glazed doorway serving the ground floor. The proposed alterations to the plans would instead result in a two-storey arched opening serving both floors.

6. Whilst the barn is in a somewhat prominent position, raised above the road and forward of the main farmhouse and other former barns, it is clearly read as a subservient building given its size and simple appearance. This is further maintained by the plain gable end facing Overton Road, especially from a distance where the blocked archway would not be obvious.
7. The proposed large window would be a significant feature which would add a sense of grandeur to the building that is out of keeping with its limited scale and more retiring appearance. This would be exacerbated by its siting and the topography of the site which allows both close and more distant views. The proposed opening would result in the loss of the original arch and erode the legibility of the layout and former use of the building for agricultural purposes. Cumulatively this would harm the agricultural character and appearance of the building.
8. Moreover, although existing nearby windows would illuminate the surrounding area at night, and likely be visible from a distance, the large two-storey window would be significantly larger than the existing windows. As such, and given its siting, it would be a much more prominent and visually intrusive feature when illuminated than either the previously approved or surrounding windows. Therefore, although the area may not be particularly dark at night, the window would nonetheless affect the character of the area by increasing the perception of development in the area.
9. Whilst the proposed internal changes may not fall within the scope of development or affect the character and appearance of the building, this does not outweigh harm identified above as a result of the enlarged opening.
10. In light of the above, the proposed alterations to the approved plans to provide a larger window serving the living room and study would harm the simple agricultural character and appearance of the host dwelling as well as its surroundings. As such it would conflict with Policies DC1 and DC3 of the Staffordshire Moorlands Local Plan which require that development is of a high quality design that reinforces and respects the site and its surroundings. It would also conflict with the guidance on conversions set out within the Staffordshire Moorlands Design Guide Supplementary Planning Document and the Design Principles for Development in the Staffordshire Moorlands: Conversions Supplementary Planning Guidance, as well as the overarching aims on character and appearance set out in the National Planning Policy Framework.
11. In reaching the above decision I have been mindful of the concerns raised by the appellant that the appeal building has been treated like a Listed Building by the Council. I understand from the submitted evidence that the building is not a Listed Building, the site is not in a conservation area, and the building is not identified as a non-designated heritage asset. However, the building is clearly of some age and, to assist with the Council's assessment of the proposal, comments were requested from its Conservation Officer. Given the circumstances, I do not find the approach unusual or unnecessary. Moreover, it

is clear from the Council's case and the policies used, that the building was not treated as a heritage asset.

Other Matters

12. The appellant has raised that under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 it would have been possible to make physical alterations to the building as part of the conversion. However, a Class Q conversion is not before me and I cannot be certain that the building could benefit from the provisions of Class Q. Moreover, I noted on site that the works appear to have already started and therefore it would not be possible to seek prior-approval under Class Q. I therefore find that there is no more than a theoretical possibility of such a fallback position, and this matter has not been determinative in my consideration of the appeal.
13. The appellant has also brought a number of examples of similar development to my attention. It is clear from their photographs that some of the openings are only single-storey, it appears that not all of the buildings are converted barns and some buildings appear to be modern. As such, and given that they are all some distance away from the appeal site they, are not particularly relevant to the appeal before me.
14. Whilst the proposed enlarged opening may improve the light and ventilation to the study, the resultant benefit to the living conditions of future occupiers would not outweigh the harm identified above.

Conclusion

15. The proposal would harm the character and appearance of the building and its surroundings, and would conflict with the development plan taken as a whole. The improved living conditions for future occupiers would not outweigh this identified harm and, as such, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Samuel Watson

INSPECTOR