



Appeal Decision

Site visit made on 18 January 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 14 February 2022

Appeal Ref: APP/V3120/W/21/3281108

Broadleaze Farm, Longcot Road, Shrivenham, Swindon, SN6 8HG

- 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 Highworth Homes Ltd against the decision of Vale of White Horse District Council.
 - The application Ref P21/V0696/FUL, dated 4 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is rebuilding of demolished traditional agricultural barn for use as a single dwelling (C3) together with associated works (Retrospective Resubmission).
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. In December 2018, planning permission was granted at the appeal site for the conversion of an agricultural barn to form a dwelling. The appellant states that it became apparent that the former barn was structurally unsafe when the roof was removed at the start of the conversion works. They were therefore advised by an independent Building Control Inspector to take urgent remedial works, as necessary, to make the building safe. The barn was demolished, and a planning application was subsequently submitted to replace the former barn with a larger footprint than the original building. This was refused by the Council. A second application followed that seeks to re-build the barn as a residential dwelling to a similar scale to the original barn demolished. This is the scheme before me.
3. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities and the character and appearance of the area.

Reasons

4. Broadleaze Farm is a small group of buildings incorporating a farmhouse and a handful of former agricultural buildings situated between the settlements of Shrivenham, Watchfield and Longcot. Shrivenham and Watchfield are both identified as 'larger villages' by Core Policy 3 of the Vale of White Horse Local Plan 2031 Part 1 'Strategic Sites and Policies' (LPP1) (adopted December 2016), whilst Longcot is a 'smaller village'. Broadleaze Farm is situated outside the settlement limits of all three of these villages, so the appeal site is classified as 'open countryside'. Therefore, the proposal would represent a new dwelling in the countryside.

5. The proposals would not fall within any of the exceptions set out by the development plan to enable new development in the open countryside and it would not be supported by any other policies. I recognise that other former agricultural barns have been converted on the Broadleaze Farm site. The appellant states that this has created the 'Broadleaze Farm Community Complex' and that it now constitutes its own 'settlement'. However, the other new dwellings have been conversion schemes, which have been considered by the Council to be in accordance with the development plan. As the proposals no longer involve the conversion of the former agricultural building, the scheme would no longer be in accordance with the development plan. Under the terms of the adopted development plan, the site remains as open countryside and thus it would be an unsuitable location for new housing.
6. I acknowledge the location of the site in relation to Shrivenham, Watchfield and Longcot. However, there is no footpath between the site to any of the surrounding villages. Part of the reasoning behind the settlement hierarchy set out by Core Policy 3 of the LPP1 is based on the facilities, services and employment opportunities available. Future occupants of the development would be largely reliant on the private motor car to access services and facilities. This lack of accessibility to enable future occupants to carry out day to day activities demonstrates that the site would be an unsuitable location for new housing.
7. Turning to the effect of development on the character and appearance of the area, the domestic curtilage associated with the proposals is shown to extend into the adjacent open field. The site plan shows this as 'rough grass (non garden curtilage)'. The appellants have suggested a condition limiting the use of this area so that it can't be used for domestic purposes and have also suggested changing the existing French doors from the lounge area to a window so that it can't be accessed directly from the barn. However, despite these suggested conditions, it is considered that due to its proximity to the barn, the 'rough grass' area would inevitably be used for domestic purposes. I note that the front garden area would only be enclosed with a post and rail fence so the area to the rear is likely to be the only 'private' amenity space that the barn would have. The area would be overlooked directly by 3 floor to ceiling windows and it appears likely that a boundary treatment to define this 'non garden curtilage' would be expected as the occupants would want a barrier from the open field, similar to the barn next door. This would introduce a degree of domestication to the rural area and I consider it would be unreasonable to condition the use of such land to be maintained purely as 'rough grass'. It is therefore considered that the use of the adjacent field as 'non garden curtilage' would be harmful to the rural character and appearance of the area.
8. The design of the dwelling, whilst sensitive to the character and appearance of the former agricultural barn, would not be of exceptional quality. Whilst the use of the reclaimed building materials and renewable energy sources, the high standard of energy efficiency, and the introduction of ecological enhancements are all welcomed, these features are not considered outstanding enough either in their own right or cumulatively to outweigh the conflict with the development plan.

9. In consideration of the High Court judgement¹ regarding paragraph 80 (formally paragraph 79) of the National Planning Policy Framework (the Framework), as the proposed development would be adjacent to the other buildings on Broadleaze Farm, the physical location of the proposals would not result in a new isolated home in the countryside that the Framework seeks to avoid. Thus, there would be no conflict with paragraph 80 of the Framework. Nevertheless, there would still be negative environmental and social effects arising from the unsuitable location in terms of the lack of accessibility to local services and facilities and the harm to the character and appearance of the area.
10. In conclusion, the proposed development would not provide a suitable location for housing, having regard to the accessibility of services and facilities and the character and appearance of the area. There are no exceptions worthy of setting aside the spatial strategy in these circumstances. The proposal would be contrary to Core Policies 3 and 4 of the LPP1 which sets out the settlement hierarchy for the district and restricts development in the open countryside. It would also conflict with Policy H1 of the Shrivenham Neighbourhood Plan (NP) (2021) which further supports the spatial strategy set out in Core Policies 3 and 4 of the LPP1. The development would also conflict with Core Policies 37 and 44 of the LPP1 and Policies H1 and LC3a of the Shrivenham NP which all seek to preserve local distinctiveness and rural character and ensure that the new development responds positively to the site and its surroundings. It would also conflict with guidance within Chapter 15 of the Framework in regards to the conservation and enhancement of the natural environment.

Other Matters

11. I am sensitive and sympathise with the health and safety reasoning behind the demolition of the former barn. However, based solely on the evidence before me, I am unconvinced that the complete demolition of the barn was the only course of action available at the time. While noting the evidence submitted by the appellant's building control inspector, it appears that the advice to "undertake urgent remedial works, as necessary" was provided on the afternoon of 16 January 2020, a Thursday. It appears that no attempt was sought to contact either the planning or building control department at the Council before, during or immediately after the demolition works, despite the appellant's inspector noting that contact details are available during office hours Monday to Friday. This is despite the significant implications the demolition work would have on the implementation of the extant planning permission to convert the building.
12. The windfall contribution is acknowledged, and I have taken in to account the lack of objection from both the Parish Council and the Highways Liaison Officer. However, I can only afford these matters limited weight and they do not outweigh the balance of considerations against the appeal proposals.

Conclusion

13. The proposal conflicts with the development plan. Material considerations that I have identified are of insufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743 (Admin)

Laura Cuthbert

INSPECTOR