



Appeal Decision

Site visit made on 1 February 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday 25 February 2022

Appeal Ref: APP/W0340/W/21/3280645

Hazelhanger Farm North Heath, Chieveley, Newbury, RG20 8UB

- 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 and Mrs Abbott against the decision of West Berkshire District Council.
 - The application Ref 21/00412/FUL, dated 17 February 2021, was refused by notice dated 14 June 2021.
 - The development proposed is change of use of Hazelhanger Farm from a guesthouse (use class C1) to a dwellinghouse (use class C3).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of Hazelhanger Farm from a guesthouse (use class C1) to a dwellinghouse (use class C3) at Hazelhanger Farm North Heath, Newbury, RG20 8UB in accordance with the terms of the application, Ref 21/00412/FUL, dated 17 February 2021, subject to the following 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: Drawing Ref. HF-PL3 Site Location and Block Plan, Drawing Ref. HF-PL2 Proposed Change of Use Plans Elevations and Section and Car Parking and Bike Store 'as built'.
 - 3) The change of use shall not occur until an electric vehicle charging point has been provided at the dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging point shall be maintained, and kept available and operational for electric vehicles at all times.
 - 4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, AA, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Main Issue

2. The main issue is the effect of the proposed development on the local economy and the vitality and viability of the surrounding rural area.

Reasons

3. Hazelhanger Farm is situated within a small cluster of buildings accessed via Gidley Lane. It consists of a former agricultural building and currently benefits from a C1 use with a bike store, paved area and gravel parking area. The conversion of the building to form a guesthouse was carried out under a prior approval application under Class R of the General Permitted Development Order (GPDO). Planning permission was subsequently granted for the associated development required to convert the building. The conversion of the former barn is complete.
4. Policy CS10 of the West Berkshire Core Strategy (Core Strategy) (2006 -2026) (adopted July 2012) seeks to ensure proposals would not impact negatively upon the local economy and the vitality and viability of the surrounding rural area. However, it is not prescriptive in terms of the evidence to be provided. The premises have never operated as a guesthouse so it has never contributed to the local economy nor has it ever provided any local job opportunities. Therefore, its loss would not affect the vitality and viability of the surrounding rural area on the basis that it has never contributed to it.
5. Planning permission was not granted on the basis that it was expected to contribute to the local economy, as the proposal was approved under the provisions of Class R of the GPDO. The contribution to the local economy or the vitality and viability of the surrounding rural area did not form part of the assessment, nor did it form part of the justification for granting planning permission. Whilst its loss is unfortunate, in these circumstances, I do not consider that its loss would negatively impact upon the local economy, nor would it harm the vitality or viability of the surrounding rural area.
6. I acknowledge that the provision of holiday accommodation would provide potential benefits to the local economy. However, the use of the former agricultural barn as a permanent dwelling under a C3 use would also contribute to the rural area's economy and vitality. In this respect, I also acknowledge the appellants comments regarding a smallholding at the premises, evidence of which I saw on my site visit.
7. Therefore, based on the evidence before me, I do not consider that the appeal proposal would harm the local economy, nor would the proposal harm the vitality and viability of the surrounding rural area. Therefore, in view of the above, I consider that the proposals would be in accordance with Policy CS10 of the Core Strategy, the objective of which is to protect the rural economy. The proposals would also be in accordance with the guidance outlined in Chapter 6 of the National Planning Policy Framework (the Framework) (2021) which states that planning policies should be flexible enough to enable a rapid response to changes in economic circumstances.

Other Matters

8. I note the observations from the committee minutes, as well as comments from the Parish Council and a third party, that there is a need for a guesthouse in the area to support local tourism. However, no further evidence has been provided supporting this claim that there is an identified need for tourist accommodation in this particular location.

9. The third party also considers that the application is premature and that a business plan should have allowed for a period to get the business established. The prior approval process does not require the submission of such evidence. The issue of prematurity is also not applicable in these circumstances as Policy CS10 does not set out a minimum timeframe in relation to any marketing or viability information.
10. Comments have also been made that it would be an unsustainable location for a new dwelling. However, it is considered that it would form a small group with the other residential properties in the immediate vicinity. Therefore, the proposals would not result in a new isolated home in the countryside, something which paragraph 80 of the Framework seeks to avoid.

Conditions

11. The statutory time limit condition has been attached. I have also included a plans conditions in the interests of certainty. A condition to ensure that the dwelling is not brought in to use until an electric vehicle charging point is installed would be necessary in order to encourage the use of more sustainable modes of transport. Finally, a condition preventing future extensions and outbuildings is considered necessary and reasonable in order retain the character and appearance of the former agricultural barn and its wider setting within the North Wessex Downs Area of Outstanding Natural Beauty.

Conclusion

12. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Laura Cuthbert

INSPECTOR