



Appeal Decision

Site visit made on 15 March 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2022

Appeal Ref: APP/P2935/W/21/3289137

Stublic Hill, Langley-On-Tyne, Hexham, Northumberland NE47 5LG

- 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 Burnell (Galbraith) against the decision of Northumberland County Council.
 - The application Ref 21/01882/FUL, dated 5 May 2021, was refused by notice dated 1 November 2021.
 - The development proposed is change of use of agricultural buildings to residential use and incorporation into existing dwelling and creation of one new dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr M Burnell (Galbraith) against Northumberland County Council. That application is the subject of a separate Decision.

Procedural Matters

3. I am advised that the emerging Northumberland Local Plan (NLP) has undergone examination and, subject to recommended main modifications, has been found to be sound. However, the NLP has not yet been adopted and I have not been provided with copies of any relevant policies. Nor do I have any information on the extent to which any relevant policies referred to in the submissions might have been subject to modification. Accordingly, I have considered the appeal against the development plan currently in force.

Main Issues

4. The main issues are:
 - The effect of the development on the landscape and scenic beauty of the North Pennines Area of Outstanding Natural Beauty (AONB);
 - Whether the hay barn is suitable for residential conversion having regard to relevant local and national planning policies; and
 - Whether the development should make a contribution towards the provision of sports, recreational and children's play space.

Reasons

North Pennines AONB

5. The appeal site is within the North Pennines AONB and as such forms part of a landscape recognised for its scenic beauty. Great weight is to be given to conserving and enhancing the landscape and scenic beauty of the AONB, which has the highest status of protection in relation to these issues.
6. Within the site is a traditional stone farmhouse. It is a good example of a farmhouse of its period, which appears relatively unaltered since it was built. As a result, its original form and character remain apparent, and it contributes positively to the AONB. In front of and lying parallel to the farmhouse is a more rudimentary corrugated steel-clad agricultural building with a curved roof (the hay barn). There are clear views of the site along the B6034 where the buildings are experienced prominently and in isolation against a distinctly rural backdrop of moorland ridges and a broad skyline.
7. The works to the hay barn would introduce a series of windows and doors into the elevations of this building where currently the number and size of openings are limited. Even though these openings have been kept to a minimum in number and width, they would markedly change the appearance of the building and lead to its domestication. This would change its character from a functional agricultural building serving the farmhouse to an independent dwelling of an entirely different character joined to the farmhouse creating an awkward juxtaposition of the two dwellings.
8. The proposed link would disrupt the most prominent north facing elevation of the farmhouse and detract from its simple long form. The siting, width and design of this structure would not sit comfortably with the traditional character of the farmhouse, particularly in respect of its modern curved roofs and the manner in which it would straddle over both the two-storey and single-storey parts of the building. Whilst I do not share the Council's concerns over the appropriateness of the new timber cladding and zinc roof to the hay barn, the zinc roof of the link extension, combined with its form, would make effective integration with the other traditional building difficult to achieve. In addition, the form and height of the two-storey element accommodating the staircase would increase the visual prominence of the link and sit awkwardly in relation to the eaves and roof of the hay barn. Thus, despite representing a relatively modest increase in overall floorspace terms, the link extension would be a jarring and entirely unsatisfactory addition to these buildings. The location of the link between the buildings would not prevent these adverse effects being appreciable, particularly from the west.
9. I therefore conclude that the development would fail to conserve or enhance the landscape and scenic beauty of the North Pennines AONB. Thus, the proposal conflicts with the AONB protection objectives of Policy NE1 of the Tynedale Local Development Framework Core Strategy 2007 (the CS) and saved Policy NE15 of the Tynedale District Local Plan 2000 (the TLP). There is also conflict with CS Policy BE1 and saved TLP Policy GD2, which seek to protect the countryside generally, as well as the achievement of high quality design that is appropriate to the character of the site and its surroundings. Despite their age, these policies have a high degree of conformity to paragraphs 130, 174 and 176 of the National Planning Policy Framework (the Framework), against which I find further conflict.

Whether the hay barn is suitable for residential conversion

10. The appeal site is within the open countryside where Policy H6 of the CS sets out a series of criteria which must be met in order for changes of use of existing buildings to residential use to be acceptable. Most relevant to the appeal are that the building is of permanent construction and has visual or historic merit which contributes to the distinctive character of the area and justifies its retention; and the change of use does not involve any extension, significant rebuilding or harm to its character.
11. Although the CS predates the Framework, the above criteria are broadly consistent with paragraph 80 of the Framework, which states that the development of isolated homes in the countryside should be avoided unless, amongst other things, the development would represent the optimal viable use of a heritage asset, or would re-use redundant or disused buildings and enhance its immediate setting.
12. The hay barn is a permanent building. However, the proposal does include a not inconsequential extension, and I have already concluded that the design is unacceptable. Furthermore, the proposal seeks to make the hay barn habitable through a number of interventions, including a new concrete floor, the replacement of all of the existing metal cladding with timber cladding, and provision of a new roof. Windows and doors would be added on all four elevations, and internal partition walls would need to be built. In addition, two of the main supporting steel columns are severely decayed at the base, such that they would most likely require replacement, along with other repairs and replacement to trusses and supports. The totality of these works would, in my judgement, go beyond the re-use of an existing minimal building, and instead, would amount to significant rebuilding contrary to both local and national planning policy in this regard.
13. By the appellant's estimation, the hay barn dates from the early 1900s. Historic maps seem to confirm the presence of a building in a similar location from 1919. Nonetheless, the age of the building is not sufficient for it to be deemed a non-designated heritage asset, and I note that it has not been identified as such by the local planning authority. Nor am I aware of any local list of non-designated heritage assets on which the building appears, or that it features on the local historic environment record. Whilst this building might say something about farming practice at the time it was built, that would be true of any agricultural building. I have not been provided with any compelling evidence that this ubiquitous building contributes to the distinctive character of the AONB and that it possesses a degree of heritage significance meriting its consideration as a non-designated heritage asset.
14. In any case, even if I were to agree that the building has some historic merit, the proposal would require such extensive works to the building that it would result in much of the existing fabric being lost. Furthermore, given the harm I have already identified, the proposal would not lead to an enhancement of the immediate setting.
15. The proposal does include partial subdivision of the existing farmhouse, but the majority of the new dwelling would be created through the change of use of the hay barn and new extension. Consequently, the proposal does not draw support from paragraph 80 of the Framework in this regard.

16. My attention has been drawn to various schemes that have been permitted by the Council and at appeal. Although some involve the conversion and extension of rural buildings, none are identical to the proposal before me in terms of location and design, so they do not provide a justification for the appeal proposals. Moreover, just as each of those cases turned on their own merits having regard to the circumstances presented and an overall balancing exercise specific to those schemes, I have considered this appeal on its own merits and I have found that the proposal would be harmful for its own specific reasons.
17. I therefore conclude that the hay barn is not suitable for residential conversion. The proposal conflicts with the relevant criteria within CS Policy H6, as well as paragraph 80 of the Framework in respect of restricting such development in the countryside.

Open space contributions

18. The Council has identified a need for a financial contribution towards sports, recreational and children's play facilities in line with its adopted policies and guidance. However, the specific guidance¹ on which this requirement has been based and calculated is of such an age that it cannot be considered to be up-to-date, as required by paragraph 98 of the Framework. I do not have any robust and up-to-date evidence in relation to the extent of local deficiencies in sports, recreational or children's play space, or the effect that the appeal proposal might have on them. Consequently, there is insufficient information before me to demonstrate that the contribution being sought is necessary to make the development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development.
19. Although the Council has referred to a recent local appeal decision which appears to take a different view on this issue, the full decision and application details are not before me. I cannot therefore be certain that the circumstances are the same, or of what evidence was placed before the Inspector. Consequently, that appeal decision has a limited bearing on this appeal.
20. For these reasons, I conclude that a contribution towards sports, recreational and children's play facilities does not meet the statutory tests pursuant to the Community Infrastructure Levy Regulations 2010, and it is difficult to identify what harm would arise from the failure to provide it. However, this is a neutral matter in my assessment.

Other Considerations

21. Notwithstanding the Council's apparent healthy 5 year housing land supply position, the provision of a new home would be a social and economic benefit, particularly as there is evidence of a shortfall in the local area. These are factors in the scheme's favour which amount to limited public benefits.
22. There are some policies in the development plan with which the appeal scheme complies. However, the most important policies to the determination of this appeal are those referred to above with which I have found conflict.

¹ The Council's 'New Housing: Planning Obligations for Sports and Play Facilities Supplementary Planning Document 2006'

Conclusion

23. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
24. For the reasons given, the proposal gives rise to significant conflicts with the contents of the development plan relating to protection of the AONB and the re-use of existing buildings in the countryside. Although it would bring with it some limited public benefits in the form of providing a new home in an area where there is a local need, I consider that these are far outweighed by its negative aspects.
25. I therefore conclude that the proposal conflicts with the development plan when taken as a whole and there are no considerations, including the Framework, to outweigh this conflict. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR