



Appeal Decision

Site visit made on 19 April 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2022

Appeal Ref: APP/Q3305/W/21/3288367

Beechbarrow Farm, Haydon Drove, Wells BA5 3EH.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Peter McCann against Mendip District Council.
 - The application Ref 2021/1855/FUL, is dated 12 August 2021.
 - The development proposed is the conversion of an agricultural barn into a Live-Work Unit and the change of use from Agriculture to Mixed Use of Business and Residential.
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Decision

1. The appeal is dismissed and planning permission is refused for the conversion of an agricultural barn into a Live-Work Unit and the change of use from Agriculture to Mixed Use of Business and Residential.

Preliminary Matters

2. The appeal is against the failure of the Council to determine the planning application. The Council, within its statement provides a putative reason for refusal, which is based on the location of the development in the countryside, concerns over the effect on the character and appearance of the area and matters of accessibility. The statement indicates that this putative reason, and the concerns within, stem from the Council considering that the proposal should be considered as a new build development, rather than a conversion. This in turn follows from the Council's contention that at the time of its construction, the building was not reasonably necessary for the purposes of agriculture and therefore is unauthorised. It is also contended that since its construction the building has not been used for agricultural purposes.
3. Whether or not the building, as constructed, is lawful, is not a matter for me to consider as part of this appeal, but a matter for the Council in the first instance. I have not been made aware that the Council has issued any enforcement notice alleging the unauthorised erection of a building. Without prejudice to the Council's position, at my site visit I was able to see that agricultural machinery was stored within the building, this is further confirmed by the appellant in his submissions. Thus, I have approached the appeal on the basis that it was submitted i.e., the conversion of an existing building.

Main Issue

4. The main issue is whether or not the proposal would be appropriately located having regard to local policies and accessibility.

Reasons

5. The proposed development would see the conversion of the existing building on site to a live/work unit, with 60% (270m²) of the floor space dedicated to the workspace and 40% (180m²) to the living accommodation element. The scheme therefore includes both non-residential and residential elements.
6. Policy DP22 of the Mendip Local Plan Part 1: Strategy and Policies (adopted 2014) outlines the situations where the re-use and conversion of rural buildings is permitted. Given the mix of uses proposed within the appeal scheme, the development is required to accord with all criteria of the policy.
7. Part 1 of the policy deals with non-residential uses and the Council contends that there is conflict with criteria a) and b), but no concern in respect of the remaining criteria of this part. In respect of criterion a), there is no compelling evidence that the proposal would prejudice the agricultural use of the adjacent land. In particular, the potential sale of surrounding land is referenced however there is no control that could be imposed within the scope of this appeal to prevent this; indeed, it could be sold at any time. Furthermore, while the presence of the building may facilitate agricultural operations, and have been considered reasonably necessary by the appellant, there is nothing that convinces me that it is essential. As such, I find no conflict with criterion a).
8. Criterion b) of part 1 of the policy requires that there be no harm in terms of the wider landscape character of the area. While the site is near to the Mendip Hills Area of Outstanding Natural Beauty (the AONB), it does not lie within it. Given that the building already exists, there would be no greater impact through the introduction of additional built form at the site. The setting out of a curtilage around the building is shown to be limited and as such there would be no harmful effect on the character of the area, or the special qualities of the AONB.
9. Part 2 of the policy deals specifically with the conversion of buildings to residential use in the countryside i.e., outside of defined development limits. This permits the re-use of redundant or disused rural buildings and identifies that, changes in agriculture have resulted in a stock of redundant buildings within the countryside. Rather than allow these buildings to remain disused, the policy sets out that redundant buildings are a resource that can help deliver diversification to the rural economy and increase employment. Clearly, buildings that are in use already contribute in this regard.
10. As I set out above, at the time of my visit there were items of agricultural machinery being stored within the building. Furthermore, the appellant clearly states within the submissions that the building has been in use and “fulfilling its intended purpose since its completion”. As a result of this, the building cannot be considered to be redundant or disused and thus the scheme fails to benefit from, and would conflict with, this part of the policy.
11. In terms of matters of accessibility, I am conscious of the comments made by the Inspector when determining a previous appeal¹ on the site, that occupants would likely rely on the private car as principal means of travel. While this may be the case, this would almost inevitably result from the conversion of rural

¹ APP/Q3305/W/20/3261591

buildings given their locations predominantly distant from settlements. As such, this matter does not weigh against the proposal.

12. Accordingly, I find that the proposal would not be appropriately located having regard to local policies and therefore conflicts with Policy DP22, insofar as it seeks to permit the appropriate re-use of buildings in the countryside.

Other Matters

13. I acknowledge that previously an Inspector allowed an appeal in respect of a similar development at an adjacent building. However, within that decision the Inspector clearly identifies that the Council considered that proposal to accord with Policy DP22. This is not the situation in the case before me where the Council has raised the matter of the appeal building not being dis-used or redundant, the cases are therefore different. As such, I have had regard to the information and cases put before me and made my decision accordingly.
14. The appellant refers to the Council's policies being out of date i.e., there is not a five-years supply of deliverable housing sites. The Council has not commented on this. Even if it were the case that the presumption in favour of sustainable development was engaged through the lack of a five-year housing land supply, the benefits of a single residential unit, that would serve a limited audience given its relationship to a business unit, would not outweigh the harm that would result through the conflict with policy I identify.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR