



Appeal Decision

Site Visit made on 16 November 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/J0540/W/21/3278473

Plum Tree Farm, North Bank, Thorney PE6 0RP

- 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 Diane Brent of Plum Tree Farm - RPCM Ltd against the decision of Peterborough City Council.
 - The application Ref 0/01458/HHFUL, dated 3 November 2020, was refused by notice dated 21 May 2021.
 - The development proposed is described in the application form as: 'extension to barn to form annexe residential accommodation'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the existing building and the surrounding area and the effect of the proposed development on protected species.

Reasons

Character and Appearance

3. The appeal site comprises of a single storey timber clad outbuilding, used as a garage, and set alongside the access serving Plum Tree Farm. The building is set behind a grassed area extending to the side of the building whilst there is an enclosed grassed paddock area extending to the rear and opposing side. This dwelling is set away from the outbuilding, enclosed by trees and hedging around its garden to the opposite side of the access road. The site is separated from the road (North Bank) by a watercourse and a steep bank. Views of the site from the road are consequently limited by the bank as well as by trees growing at the edges of the site. The surrounding area has a rural agricultural character, being predominately comprised of open arable farmland.
4. On the site visit I saw that the route of the Nene Way public footpath closely follows North Bank in the vicinity of the appeal site. Those using this route are likely to walk along the top of the bank (due to the proximity of the road and watercourse) from which the appeal site including the outbuilding is visible.
5. The outbuilding consists of two timber stable blocks located either side of a central taller and more substantial central building. This has a dual pitched corrugated sheet roof with timber cladding to the exterior walls. A large opening is present in the gable which faces the access road. Viewed from the public footpath, due to the combination of low roof heights and weathered

timber cladding, as well as its surrounding grassed areas, my impression was of a simple and unassuming structure, distinct from the dwelling at Plum Tree Farm that did not impose on, and to an extent was reflective of, its rural setting.

6. It is proposed to extend the central part of the building upwards, forming a two storey structure. The first floor would become a one bedroom annexe, leaving the ground floor garage and the stable blocks in situ. The annexe would be accessed via a spiral staircase to the north side of the building which would access a first floor porch extending above the eaves in a manner akin to a dormer window. A row of three windows with intervening feature render panels would be installed on the (east) elevation facing the access. Double doors on the opposing west elevation would access a wide balcony. A row of four rooflights would be installed in the south facing roofslope.
7. I accept that the garage is relatively contemporary, and it is common ground between the parties that the building is not of any particular heritage significance. Nonetheless, the addition of a first floor extension would significantly increase its prominence within this rural setting. Furthermore, the increase in height in combination with domestic features such as the external spiral staircase, first floor dormer window style porch, large balcony and bank of rooflights would give the building a much more imposing appearance, inconsistent with the character of the existing building and at odds with its rural setting.
8. Given its level of detachment from the existing dwelling, the building would be viewed alongside the surrounding farmland and grassed paddock by those walking along the Nene Way. From here it would appear as a prominent and overtly domestic addition to the rural surroundings that would be harmful to the character and appearance of the surrounding area.
9. I therefore conclude that for the above reasons, the proposal would result in harm to the character and appearance of the existing building and of the surrounding area. There would therefore be conflict with Policies LP16 and LP34 of the Peterborough Local Plan (2019) (the PLP) which, in summary, expects development proposals to positively contribute to the character and local distinctiveness of the area. The Council has also referred to Policy LP34 which relates to residential annexes but has limited relevance to matters of character and appearance, described above.

Protected Species

10. Bats and wild birds are protected by law¹ and their presence is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. There is a statutory duty on me to have regard to the conservation of biodiversity².
11. ODPM Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

¹ Conservation of Habitats and Species Regulations (2017) & Wildlife and Countryside Act (1981).

² Section 40 of the Natural Environment and Rural Communities Act 2000, as amended.

12. Based on photographs of the building and information provided with the application, the Council's Conservation Officer has advised that a protected species survey is required to check for bats and nesting birds. Activity surveys are not requested at this stage.
13. Whilst the appellant states data is on site and could be provided, I have not been provided with any distribution records of bats in the locality. However, the building is located close to a watercourse surrounded by farmland with trees and hedges nearby that could provide habitat for bats or nesting birds. There could be small crevices between the timber boards on the external walls of the building that may be suitable for roosting bats.
14. In the absence of any surveys, and on the basis of the information before me, I cannot be certain as to the extent to which protected species may be affected. Furthermore, if protected species were affected, I cannot be certain as to what mitigation, if appropriate, may be required. There is no evidence before me, including from the Council's ecologist or the appellant, that would lead me to take a different view.
15. In this regard, paragraph 180 of the Framework states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
16. I therefore cannot conclude that the proposal would not adversely affect protected species, specifically bats and nesting birds. The proposal would therefore conflict with Policy LP28 of the PLP which states, in summary and amongst other things, that development proposals should avoid negative impacts on biodiversity and, where there is the potential for the presence of protected species and/or habitats, a relevant ecological survey must be undertaken by a suitably qualified ecologist. It would also be contrary to paragraph 174 (d) of the Framework which amongst other things, seeks to minimise impacts on and provide net gains for biodiversity.

Other Matters

17. The appellant has referred to concerns with regard to the handling of the application by the Council, however my role is to assess the proposal before me. As a consequence, no other material considerations are sufficient to outweigh my overall assessment, reasoned above, regarding the unacceptability of the development proposed.

Conclusion

18. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR