



Appeal Decision

Site visit made on 13 June 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2022

Appeal Ref: APP/C1625/W/22/3291163

The Old Granary, Halmore Lane, Hainses, Wanswell, Gloucestershire GL13 9SP

- 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 & Mrs Michael & Stephanie Warren against the decision of Stroud District Council.
 - The application Ref S.21/1713/FUL, dated 9 July 2021, was refused by notice dated 14 October 2021.
 - The development proposed is for a residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a residential dwelling at The Old Granary, Berkeley, GL13 9SP in accordance with the terms of the application, Ref S.21/1713/FUL, dated 9 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be in accordance with the following approved plans:

Site Plan: Ref - 021-120-085A submitted 09/07/2021; Block Plan: Ref - 021-120-088 A submitted 09/07/2021; As built floor plans: Ref - 021-120-01 B submitted 09/07/2021; As built elevation plan: Ref - 021-120-089 A submitted 09/07/2021.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development described within Classes A-H of Part 1 and Class A of Part 2 of Schedule 2 (includes alterations and extensions), shall take place, other than that expressly authorised by this permission.
 - 3) Within 3 months of any approval for this scheme, a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provision of bird boxes, shall be submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for implementation. The development shall be carried out in accordance with the approved specification and programme of implementation and be retained thereafter.

Procedural Matters

2. For the reasons explained in this decision, I have considered the proposal as a new dwelling, albeit already built, and not as a proposal to alter/extend an existing dwelling. I have, though, taken the planning history of the site into

consideration. I have altered the description of development to reflect this, with no need for this to reference previous consents.

Main Issues

3. The main issues are (1) whether the development is in a suitable location for a residential development, given development plan policy; and (2) the effect of the development on the character and appearance of the area.

Background

4. There is a planning history to the development. This includes prior approval (ref: S.19/1198/P3Q) for the conversion of an agricultural building to a dwelling granted on 10 September 2019, under Schedule 2 Part 3 Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO"). However, the dwelling that exists on site does not reflect the plans submitted to the Council and subsequently approved (as required by paragraph W(12) of the GPDO), with the dwelling on site being larger and with a different layout of fenestration from that approved. Paragraph W(12) of the GPDO states:

The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;

(b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.

5. The development was not developed in accordance with the details approved by the local planning authority. There is no clear evidence to suggest that the development was built in accordance with the approved plans under reference S.19/1198/P3Q initially and then subsequently developed and enlarged further. As such, the development was not implemented in accordance with the prior approval procedure and there is no mechanism within the GPDO to retrospectively correct this. Therefore, no part of the development that exists benefits from permitted development as what was built does not accord with the approved plans, as required by the GPDO regulations.
6. For the above reasons, I would consider that the proposal is not simply a case of external alterations to a residential dwelling. I agree with the Council that this development is essentially a new dwelling on site and does not benefit from permitted development. It is on this basis that I have considered the proposals.

Reasons

Location

7. Core Policy 3 (CP3) of the Stroud District Local Plan (November 2015) states that "Very small settlements not mentioned in the settlement hierarchy will be treated as open countryside, where development will be restricted to that which contributes to diverse and sustainable farming enterprises, recreation, tourism and essential community facilities, in accordance with Policy CP15."

8. Policy CP15 specifically relates to development in the countryside. The policy states that proposals outside identified settlement development limits will not be permitted except where certain principles apply. The site is not within a settlement boundary and is so in the countryside. It also does not accord with any of the exception development principles set out in policy CP15.
9. It is understood that elements of the barn were used as part of the development, but from the evidence I am not satisfied that this was to a degree that the dwelling could be considered a conversion of the former agricultural building. Even if it was a conversion then I have insufficient evidence that the original barn would have been worthy of conversion for example, as required by policy CP15.
10. As such, a new development in this location is contrary to policies CP1, CP2, CP3 and CP15 of the adopted Stroud District Local Plan, as this is a new dwelling in a countryside location with no sufficient policy compliant justification for this.

Character and Appearance

11. The dwelling as exists was built using elements of the former barn building. The Council state that as a barn conversion the placement of windows/fenestration leads to a confused design. However, from my observations on site the fenestration does not appear too extensive or sporadic. There are sizable areas of glazing but set within this large dwelling they do not appear excessive and nor does it detract from the character and appearance of the area.
12. There are some more domestic aspects of the development, but these are modest features and do not have a significant impact to the character of the dwelling, which has an overall appearance that fits well with the rural character of its surroundings.
13. On this basis, the proposal is in accordance with policy CP14 (including criterion 5) of the Stroud District Local Plan 2015, which requires that development which has an appropriate design and appearance, and which is respectful of the surroundings, amongst other things.

Other Matters

14. The dwelling as built is close to other dwellings. However, there is a separation distance which would be sufficient to ensure that there would be no significant overshadowing or overbearing impacts. Furthermore, having considered the relationship of the house on site and the neighbouring dwellings, by reason of the separation distances, boundary walls/fences, and angles of views, there are no significant impacts relating to loss of privacy. The development has no unacceptable impacts to the living conditions of any neighbours near the site.

Planning Balance

15. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

16. In this case the principle of a dwelling in this countryside location is not supported by policy. Furthermore, the dwelling as built does not benefit from the previous prior approval consent for the reasons given above.
17. It would not be reasonable to completely disregard the planning history of the site. There was a conversion consented to form a dwelling on the site via the GPDO. The inclusion of Class Q within the GPDO clearly indicates that the Government supports the principle of the conversion of agricultural buildings to dwellings, even in countryside locations such as that of the site area. The dwelling as built differs from that consented under Class Q, but would have been similar. The impacts in terms of forming a dwelling in this countryside location, which forms the basis of the Council reason for refusal relating to the principle of development, would be much the same between the dwelling as built and that consented. In these particular circumstances, I give this matter significant weight.
18. Furthermore, the dwelling as built is set adjacent to several other dwellings in a small residential enclave. The site is also set a short distance from the village of Wanswell, which has some services including bus stops.
19. Overall, considering all matters raised, including the conflict with some of the Development Plan policies, there are in this case material considerations that indicate that this development should be allowed. As such, on balance, the conflict with policy in this case and the limited levels of harm associated with this are outweighed by these other significant considerations. It is therefore appropriate in this appeal, to take a decision other than in accordance with the development plan.

Conditions

20. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework.
21. There is no requirement for the standard time limit condition as the dwelling has been built, though I have included the plans condition as this provides certainty.
22. Considering that the planning history of the site with the former agricultural buildings, and that this is a particularly rural site where any further enlargement/alteration could result in visual impacts with the landscape, then a condition requiring the restrictions on permitted development rights is appropriate in this context. Such a condition is therefore imposed, although not as restrictive as that recommended by the Council which I did not consider as sufficiently justified.
23. In the interests of biodiversity and related enhancements a condition has been imposed to require details of such a scheme.

Conclusion

24. For the reasons given I conclude that the appeal should succeed, subject to conditions.

Mr S Rennie

INSPECTOR