



Appeal Decision

Site visit made on 9 August 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/W3005/W/22/3295695

Existing stable building at Forest Farm, Blidworth Road, Kirkby in Ashfield NG17 7QN

- 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 Miss Louise Beeley against the decision of Ashfield District Council.
 - The application Ref V/2021/0681, dated 4 September 2021, was refused by notice dated 7 January 2022.
 - The development proposed is the re-use and conversion of stone built stable building to a dwelling (2 Bedroom).
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Decision

1. The appeal is allowed and planning permission is granted for the re-use and conversion of stone built stable building to a dwelling (2 Bedroom) at existing stable building at Forest Farm, Blidworth Road, Kirkby in Ashfield NG17 7QN in accordance with the terms of the application, Ref V/2021/0681, dated 4 September 2021, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; and
 - the effect of the proposal on highway safety.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
4. The Framework directs that development within the Green Belt is inappropriate, with the exception of the types of developments set out in paragraphs 149 and 150. Paragraph 150 (d) states that the re-use of buildings which are of permanent and substantial construction are not inappropriate

- development in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.
5. The appeal site is located within the Nottinghamshire Green Belt. Policy ST1 of the Ashfield Local Plan Review (Adopted November 2002) (LP) states that development will be permitted where it does not conflict with other policies in the LP. Policy ST4 states that outside of the main urban areas and named settlements, permission will only be given for developments appropriate to the Green Belt or the countryside as set out in Policies EV1 and EV2. Policy EV1 of the LP relates to development within the Green Belt and sets out that development proposals will be assessed against criteria which largely mirrors that of the Framework. Criterion c) of Policy EV1 states that the re-use of buildings would comprise appropriate development, provided that it does not adversely affect the purposes of the Green Belt and its openness.
 6. Whilst the requirements of EV1 set out above are broadly consistent with the Framework, paragraph 3.22 of the accompanying notes states that in relation to criterion c of EV1 the re-use of buildings for residential purposes may be acceptable if it is not possible to find an alternative appropriate use. This is inconsistent with the Framework which places no such requirement in relation to the re-use of buildings for residential purposes. I have therefore attached very limited weight to this matter in reaching my decision.
 7. The appeal site forms part of Forest Farm and comprises two former stables of stone construction. The site is bound by an existing stone wall and is located adjacent to existing residential properties which are found to the north, south and south-west. These existing residential properties along with the appeal site are accessed via an access road which runs between Blidworth Road (B6020) to the south and Derby Road (A611) to the west. The appeal proposal seeks to convert the larger of the two stone buildings into a two-bedroom residential dwelling with the second building being converted into an associated garden store.
 8. It is not disputed that the stone buildings, which are of significant age and are clearly not intended or capable of being moved, are permanent buildings. However, the Council contend that the buildings would require significant alterations and re-build to ensure they are capable of habitation and therefore cannot be considered to be of substantial construction.
 9. I observed during my site visit that the stone buildings were substantially intact. The buildings retained all their external walls and, save for a small section at the northern end of the larger stone building which had failed, had also retained their roofs. The Structural Report¹ submitted with the application concluded that the building was suitable for conversion into a habitable dwelling with minimal structural improvements. The Report also outlined several improvements to the buildings which were necessary, which included the replacement of the failed section of roof, provision of additional timber purlins across the remainder of the roof, localised rebuilding of external walls and wall arch, replacement door and window lintels, and the localised repointing of external walls.
 10. The required improvements do not represent significant alterations or a re-build of the buildings, nor do they go beyond works which would be commonly

¹ Moran Structural Consultants Project Reference: P2021164 Dated 7 December 2021

associated with the conversion of barns of significant age to a dwelling. Accordingly, given that the buildings are substantially complete with limited alterations being required to them, I find that the buildings are of substantial construction.

11. The proposed conversion of the stone stable buildings does not include the erection of any extensions or result in an increase in their footprint or height. No additional outbuildings or other structures are proposed within the site's curtilage, which would be enclosed by the existing stone boundary wall. In addition, given that the topography of the site is generally flat the stone boundary walls along with the surrounding buildings would largely screen any paraphernalia associated with the proposed residential use from view. Openness however has a spatial aspect as well as a visual one, and the absence of visual intrusion does not in itself mean that there would be no impact upon openness.
12. The existing use of the site as stables would itself result in a degree of paraphernalia on the site associated with the keeping of horses. The use of the stables would also involve vehicles being present on the site, with the appellant's Highways Statement indicating that the keeping of 5 horses on the site could generate up to 20 vehicle movements per day. By contrast a modest residential conversion which would include an existing building providing storage for domestic items, a small garden area, and much of the remainder of the site being needed for vehicle parking and turning would result in the site remaining largely uncluttered.
13. Taking account of the building works and the activities within the building and its garden, the re-use of the buildings would not be inappropriate development in the Green Belt, as they would preserve its openness.
14. The purposes of including land within the Green Belt are set out in paragraph 138 of the Framework. One such purpose is to 'assist in safeguarding the countryside from encroachment'. As detailed above, the proposal would re-use existing buildings and would not involve the erection of any additional extensions or structures. The development would also be contained within an existing curtilage bound by stone boundary walls. The proposed development would therefore assist in safeguarding the countryside from encroachment and there would be no conflict with the purposes of including land within the Green Belt.
15. I have found that the proposal would involve the re-use of a building of permanent and substantial construction, would preserve the openness of the Green Belt, and there would be no conflict with the purposes of including land within it. I therefore conclude that the proposed development would not be inappropriate development in the Green Belt, with it being within the exception stated in paragraph 150 (d) of the Framework and complying overall with Policies ST1, ST4 and EV1 of the LP.

Highway Safety

16. The appeal site will utilise an existing gated access which leads onto the access road which runs between Blidworth Road and Derby Road. This access road is already used by a small group of existing dwellings and is a single lane carriageway of rural character. Although single width, there are places for two vehicles to pass which are predominately located near the appeal site and the

adjacent dwellings. Both Blidworth Road and Derby Road are long straight stretches of highway with speed limits of 60mph and 50mph respectively.

17. The Local Highway Authority (LHA) considers that the visibility splays at the access points onto both Blidworth Road and Derby Road are sub-standard. The LHA is of the view that the proposed development will lead to an intensified use of the site and as a result requested that the existing access points to both roads were improved.
18. A Highways Statement submitted by Bancroft Consulting on behalf of the appellant states that the proposed single dwelling would typically generate between 6 and 10 daily vehicle movements. By contrast, should the buildings be returned to their existing use as stables for up to 5 horses it is considered that they could generate up to 20 vehicle movements per day. The Council dispute the figures in relation to the number of movements which would be generated by their use as stables. However, even in the event that this figure was slightly inflated it would still be at a level above that of a single two-bedroom dwelling. Therefore, from the information available to me I do not find that the proposed development would lead to an intensification of use and a significant increase in vehicle movements. As such, I consider that the vehicle movements created by the proposal would be indiscernible on the surrounding highway network.
19. The Council also contend that a dwelling would be more likely to generate trips by persons who are unfamiliar with the access points. Whilst that may be the case, I consider that the level and frequency of such visits would be low and not dissimilar to the typical daily trips which would already be made to existing residential dwellings along the lane. Additionally, the use of the site as stables would also likely give rise to visits by persons who may be unfamiliar with the local highway network as well as using larger vehicles such as horse boxes and trailers.
20. I acknowledge that three previous traffic accidents have been reported in close proximity to both access points, with two accidents in 2016 near to the access point on Derby Road and one accident near to the access point on Blidworth Road in 2019. Whilst all accidents are regrettable, I have not been provided with the circumstances of them and what the causes were. There is no evidence which suggests that these accidents were directly linked to the access points or their standard, with the 2019 accident occurring some 100 metres away from the access point on Blidworth Road. Accordingly, I do not find that they demonstrate that the proposal would result in any undue risk to highway safety.
21. Concerns have also been raised in respect of the proposal failing to demonstrate that a second vehicle could be accommodated within the site. The Council's Residential Car Parking Standard Supplementary Planning Document (Adopted November 2014) (SPD) outlines a requirement for a two-bedroom dwelling to provide two car parking spaces within the site. From both my own observations on site and from the submitted plans, I am satisfied that two vehicles could comfortably be parked within the site. Although the parking of two vehicles at the same time may restrict manoeuvrability within the site itself, vehicles would first exit onto the private drive to Forest Farm and not onto the highway. As such, I do not consider that the parking provisions at the site would give rise to any highway safety concerns.

22. I have carefully considered the comments raised by the LHA in respect of the visibility splays being sub-standard and the intensified use of the site. However, from my own observations on site I am of the view that visibility at access points onto both Blidworth Road and Derby Road are sufficient, taking into account my findings on the intensification of the use of the accesses for the appeal scheme.
23. For these reasons given above, the proposed development would not adversely affect highway safety and would accord with Policies ST1 (a, b and c) and HG5 (e) of the LP, and the SPD. These policies seek, among other things, to ensure that new developments will not adversely affect highway safety and access for vehicle is safe. Furthermore, it would accord with paragraphs 110 and 111 of the Framework which states that safe and suitable access to the site should be achieved for all users, and that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

24. The Council considers that the appeal building could have been utilised for an alternative appropriate use, which could prevent the need for the erection of new stables or other buildings in the Green Belt. Given the proximity of the building to existing residential dwellings it is unclear what other alternative appropriate uses may realistically exist. In any event, the erection of new stables or buildings in adjacent fields would likely require planning permission and therefore capable of being controlled by the Council. Similarly, the Council also has the ability to consider the expediency of taking enforcement action against any buildings or structures that are erected without the necessary planning permission.

Conditions

25. I have had regard to the conditions suggested by the Council and have assessed them against the tests set out in paragraph 56 of the Framework. Where necessary and in the interests of precision and enforceability I have altered the wording of the suggested conditions.
26. In addition to the standard time limit condition, I have imposed a condition concerning the approved plans for the purposes of clarity. To ensure that the development is of satisfactory appearance and that it respects the host property, I have imposed a condition requiring samples of any materials and finishes to be used for the external elevations and roof to be agreed and used.
27. To safeguard the appearance of the area and the wider natural environment, a scheme of hard and soft landscaping is required to be submitted and agreed. The agreed scheme shall then be carried out in accordance with the approved details. Furthermore, for similar reasons, full details of the proposed treatment of the site's boundaries shall be agreed and then implemented in accordance with the approved details.
28. To reduce the impact of the proposed development on protected species I have imposed a condition requiring details of the number, type and location of bird boxes or bricks which are to be installed at the property to be agreed and installed prior to the occupation of the dwelling. In the interests of the living conditions of neighbouring occupiers, I have imposed a condition requiring all

windows in the rear (north-west) elevation to be obscurely glazed and non-opening. Finally, a condition requiring plans for the disposal of surface water and foul sewage to be submitted and agreed is necessary to ensure adequate drainage for the site and to reduce the risk of flooding and pollution.

29. A condition has also been imposed removing permitted development rights under Classes A-E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Classes A-E afford a variety of rights which permit alterations and additions to be carried out to the dwelling itself, as well as the erection of structures within the curtilage. The carrying out of these developments would have the potential to adversely affect the character and appearance of the host building as a converted stable building as well as resulting in a loss of openness which is one of the essential characteristics of the Green Belt as defined by the Framework.
30. A further condition was also suggested by the Council which required the submission of details for the provision of passing bays on both access roads. However, as I have found that the proposed development would not adversely affect highway safety, I do not consider that a condition requiring details of passing bays would be reasonable or necessary.

Conclusion

31. For the reasons given above, having considered the development plan as a whole along with all other material considerations including the Framework, I conclude that the appeal should be allowed.

David Jones

INSPECTOR

SCHEDULE OF 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: Site Location Plan, Site Location Plan - Proposed, Block Plan, Drawing No: FF.BR.KIA/2021/PE2.
- 3) No development shall take place until samples of the materials and finishes to be used for the external elevations and roof of the proposal have been agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are

removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size or species.

- 5) No development shall take place until full details of the proposed treatment of the site's boundaries have been submitted to and approved in writing by the Local Planning Authority. Any garden fence or other non-permeable structure should be provided with a small hole (gaps 130 mm x 130 mm, and/or railings and/or hedgerows) to allow a continuous pathway in which hedgehogs and other small mammals can move through the developed residential site. The boundary treatments as approved shall be implemented prior to the occupation of the dwelling.
- 6) Prior to the occupation of the dwelling hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority in relation to the type, number and location of bird boxes/bricks which are to be installed within/on the new dwelling or wider site. The boxes/bricks shall be installed in accordance with the approved details prior to the occupation of the dwelling and maintained in perpetuity.
- 7) Prior to the occupation of the dwelling hereby approved all windows in the rear (north west) elevation shall be obscurely glazed and non-opening. Such measures shall be implemented prior to the occupation of the dwelling hereby approved and shall be retained for the life of the development.
- 8) No development shall take place until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
- 9) 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 relating to Classes A-E of Part 1 of Schedule 2 shall be undertaken without the prior written approval of the Local Planning Authority.