



Appeal Decision

Site visit made on 29 November 2022

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 December 2022

Appeal Ref: APP/T3725/W/22/3301774

Westham Barn, Land south of Westham Lane, Barford CV35 8DP

- 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 Paul Collins against the decision of Warwick District Council.
 - The application Ref W/21/2180, dated 1 December 2021, was refused by notice dated 21 March 2022.
 - The development proposed is conversion of barn to dwellinghouse with construction of extensions to provide additional residential accommodation, laying of new access drive and creation of garden area (alternative scheme to that approved under application reference W/19/1768).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the appeal site is suitable for residential development;
 - The effect of the proposal on the character and appearance of the surrounding area; and,
 - Whether the proposal would result in suitable living conditions for future occupiers.

Reasons

Suitability of Site

3. Policy H1 of the Warwick District Local Plan (the DLP) sets out the Council's strategy for directing new housing. This includes circumstances where new houses within the open countryside are supported. One such circumstance is where the development would re-use a redundant or disused building in accordance with DLP Policy BE4. Policy BE4 requires proposals that relate to the conversion of rural buildings to retain and respect the special qualities and features of traditional building and that following the conversion the building protects, or enhances, the character and appearance of the countryside.
4. The appeal site contains a former barn that was granted prior approval¹ for conversion to a dwelling under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). At the time of my site visit works were underway and appeared to be a

¹ W/19/1768

significant way along. I have no reason, from either the submissions before me or my observations on site, to consider that the conversion would not have been completed by the above permission's deadline in December.

5. Therefore, and lacking any evidence to the contrary, at the time of writing I find there to be an existing dwelling at the appeal site. The proposal before me would not, therefore, result in an additional dwelling in this location. Although I note that the appeal proposal would be larger than the extant permission, the effect of a larger dwelling in this location would not be materially different. This would include any adverse effects from the reliance on private motor vehicles.
6. I therefore find that the proposal, by extending an existing permitted dwelling, would not conflict with the overarching aims of the spatial strategy as it would not result in a new dwelling in the open countryside. It would therefore comply with Policies H1 and BE4 of the DLP as outlined above.

Character and Appearance

7. The appeal site is a sizeable field accessed from the A429, a main thoroughfare. The field contains a single, brick building set towards the rear of the appeal site. As noted above the building is a former barn and was, at the time of my visit, being converted to a dwelling. External works appeared to have been finished and the works have largely eroded the agricultural appearance of the building. In my mind, the build is read primarily as a domestic building.
8. I have not been provided with details of the curtilage approved under the Class Q conversion. However, given the requirements set out within the GPDO, it is clear that the appeal proposal would result in a significant increase in the curtilage. Under the appeal scheme the curtilage would include a gravel driveway, with deep verges, and a sizeable garden area surrounding the dwelling. The significant increase in the curtilage would allow for the proliferation of residential paraphernalia across the site, eroding the agricultural character and appearance of the appeal site itself, which, has not been lost as a result of the Class Q conversion.
9. The proposal would retain much of the building as it currently stands with a small ground floor extension and the creation of a large subterranean area. The ground floor extension would attach on to an existing wall that projects away from the building. This wall would screen the extension in views from the A429 and the existing building would screen views from Westham Lane. Therefore, whilst the proposal would change the shape of the building, I find that it would not unacceptably change the appreciation of the building in public views.
10. Although significant in scale, the subterranean extension would largely not be visible above ground, especially in public views. The only exception to this would be the lightwells, link corridor and associated balustrade. However, these features would be relatively low in height and, given the use of glass for the balustrade, innocuous in views across the site. Moreover, as the agricultural character of the barn has already largely been lost, the modern and domestic appearance of these features would not unacceptably harm it further.
11. Although the proposed works to the dwelling would not be unacceptable, the increased scale of the garden would significantly erode the rural character of the site to the detriment of its relationship with the surrounding area. The

proposal would conflict with Policy BE4 of the DLP which requires, amongst other matters, that developments protect or enhance the appearance and setting of the countryside.

Living Conditions

12. The subterranean extension would be organised around a central lightwell divided by a fully glazed corridor. The accommodation on this floor includes three bedrooms and a living room, alongside bathrooms and utility space. The bedrooms and living rooms would be served by glazed walls facing on to the lightwell.
13. I am mindful that the glazed corridor would not significantly block natural light from reaching the basement rooms. However, the opening provided by the lightwell and corridor, as a whole, is relatively tight in comparison to the depth of the rooms it serves. I find it likely that only a low level of direct or reflected, natural light would reach large portions of the bedrooms and living rooms. This would be especially so for the living room and bedroom 2, which have north-facing windows. Although bedroom 1 would have a south-facing window, the room's layout would mean that a notable portion of the room would be a significant distance away from the lightwell.
14. The nature of the windows and their relationship to the lightwells would mean that the outlook from the bedrooms and living room would be limited primarily to views of the link corridor and the opposing rooms, with only oblique views of the sky. The outlook would therefore be restricted and the rooms, and floor in general, would feel enclosed. Given the poor level of natural light to, and outlook from, the proposed basement the accommodation would feel enclosed and dark, with future occupiers reliant on artificial illumination, to the detriment of their living conditions.
15. The appellant has referred to an appeal for a basement flat in London². Although I have the appeal decision and some plans before me, it does not appear that I have all of the information that was before the Inspector. I cannot therefore be certain of the relevant circumstances and context of this example. Moreover, it is clear that the layout of the flat and nature of the courtyard were substantially different to the proposal before me. Mindful of the above, and that all proposals must be considered on their own merits, this example does not preclude me from reaching a different conclusion.
16. The extant permission would provide a much smaller property and I note the appellant's concerns that it would not meet the minimum internal floor areas set out within the Technical Housing Standards – Nationally Described Space Standards as now required by the Town and Country Planning (General Permitted Development) (England) Order 2015. The proposal before me would improve this situation through a significant increase in the provision of floor space. However, as outlined above, it would result in its own harms to the living conditions of future occupiers. As the extant permission is only marginally below the floor space standards, I find that the appeal proposal would result in a greater harm and that the fallback position does not justify this proposal.

² APP/K5600/W/18/3202809

17. The proposal would provide a poor level of light to, and outlook from, the proposed subterranean floor leading to a poor provision of living conditions for future occupiers. The proposal would therefore conflict with Policy BE3 of the DLP which requires that developments provide acceptable standards of amenity for future occupiers of the development.

Conclusion

18. The proposal would harm the character and appearance of the surrounding area and would not provide a suitable standard of living conditions for future occupiers, conflicting with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Samuel Watson

INSPECTOR