



Appeal Decisions

Site visit made on 6 February 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal A Ref: APP/T3725/W/22/3307267

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/22/1067, dated 24 June 2022, was refused by notice dated 12 September 2022.
 - The development proposed is conversion of barn to dwellinghouse with construction of an extension 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).
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Appeal B Ref: APP/T3725/W/22/3307270

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/22/1076, dated 24 June 2022, was refused by notice dated 12 September 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).
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Decisions

1. Appeal A and appeal B are both dismissed.

Procedural Matters

2. There are two appeals on this site. The appeal A proposal includes a hall extension to the south side of the building as well as the construction of a basement. The appeal B development would not include a basement. Also, rather than the hall extension it would involve the construction of a larger addition to the east and south side of the building with rooms in the roof space. I have considered each proposal on its individual merits but to avoid duplication I have dealt with the two schemes together.
3. On my visit, I saw that the subject building has already been converted to a residence. I understand that the conversion has only recently been completed. The evidence indicates that the conversion works have been carried out under permitted development rights as set out at Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Class Q permission).

4. I have had regard to appeal decision reference APP/T3725/W/22/3301774 (hereafter referred to as the previous appeal). This relates to the same site and to a development similar to that proposed under appeal A. The previous appeal was dismissed.
5. The appellant has submitted amended plans through the appeal process. The Council has had an opportunity to comment on the first pair of these revised drawings¹. These show a reduced garden area to serve the proposed developments and do not fundamentally alter the proposals. As such, I am satisfied no injustice would be caused to any party by basing my assessments on these drawings.
6. A second pair of amended plans² were submitted by the appellant as part of the final comments on the appeals. The Council has not had the opportunity to respond to these revisions. Moreover, the Council or other interested parties may want to comment as the amendments change the layout of the parking and garden areas. To take into account the latest amended plans may cause prejudice or injustice and so I have had no regard to these in my assessment.

Main Issues

7. A main issue for appeal A is whether the proposed basement would provide satisfactory living conditions for occupiers in terms of outlook. Also, for both appeals, the effects on the character and appearance of the area is a main issue.
8. In respect of the appeal B proposal, the Council has included a refusal reason that refers to the location of the development and to policy H1 of the Warwick District Local Plan 2017 (the LP). In its appeal statement, the Council explains that a similar refusal reason was erroneously omitted from the decision notice in respect of the appeal A development. As such, there is an extra main issue for both appeals as to whether the proposals would be in a suitable location having regard to LP policies and the development already on the site.

Reasons

Living conditions for occupiers (appeal A only)

9. The proposed basement would contain rooms on 3 sides of a subterranean courtyard, which would be open to the sky. The 2 bedrooms in the basement would have windows that face out onto the courtyard from opposite sides. The yard would be modest in size and so the bedroom windows would be fairly close to each other. As such, the outlook from these windows would be restricted. The limited sight of the sky from these windows would make the bedrooms feel enclosed.
10. Moreover, other rooms in the basement including a study and laundry would have no windows. The lack of any outside views from these rooms would provide a poor living environment. This would be particularly unsuitable for the study, which is likely to be used for significant periods during the day.

¹ For appeal A revised drawing numbered 643-02 revision E, for appeal B revised drawing numbered 643-16 revision B.

² For appeal A revised drawing numbered 643-02 revision F, for appeal B revised drawing numbered 643-16 revision C.

11. The Inspector in the previous appeal decision raised similar concerns with the proposed basement accommodation. I understand that the scheme has since been revised so that the courtyard would be bigger. Even so, the courtyard as now proposed would still feel enclosed as it would be limited in size and below ground level.
12. For these reasons, I conclude that the basement accommodation proposed under appeal A would not provide satisfactory living conditions for occupants in terms of outlook. In these regards, the proposal under appeal A would not accord with LP policy BE3. Amongst other things, this policy looks for development to provide acceptable standards of amenity for future users.

Character and appearance (both appeals)

13. The site is a field with a hedgerow along its boundary with the A429. The subject building is set away from the road with a gravel drive leading from a gated access. A field lies to the west of the site and a farm complex beyond the field is accessed via Westham Lane to the north. The landscape is not formally recognised for its quality but the area has a strong rural feel with attractive and extensive views across open fields.
14. The appeal A and appeal B schemes include similar garden areas. Both would include space for parking and turning with garden to the east, south and west of the building. No plans have been provided to show the approved curtilage to the dwelling already on the site. However, under the relevant permitted development rights³, the extent of land to serve the dwelling is limited to an area that is no larger than the footprint of the converted building.
15. The Inspector for the previous appeal found the garden proposed under that scheme would be significantly larger than that allowed under the Class Q permission. No plans showing the previous appeal development have been provided but it would seem that the gardens now proposed are smaller. Nonetheless, they would be much larger than the footprint of the converted building and so they would be larger than the permitted curtilage to the existing residence.
16. It is likely domestic paraphernalia in the proposed gardens would be seen from the A429 through the access as well as from adjoining fields. Also, there would be sight of part of the gardens from Westham Lane. The domestic nature of the gardens would be at odds with the rural surroundings. In these respects, both of the appeal developments would undermine the area's attractive countryside character. The harm caused in these regards would be greater than the current situation as the proposed gardens would be larger than that permitted for the existing house.
17. In relation to the appeal B development, the proposed extension would be seen through the site access from the A429 and from adjoining land and Westham Lane. LP policy H14 is not mentioned in the Council's refusal reasons but it is referred to by the appellant. This policy allows extensions to dwellings in the countryside unless they result in disproportionate additions to the original dwelling. The justification to policy H14 states that, as a guide, additions that would increase the gross floor space of the original dwelling by more than 40%

³ Class Q and the definition of curtilage set out at Class X of Part 3 in Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- are likely to be considered disproportionate. The appellant accepts the proposed addition would increase the dwelling's floor space by more than 40%.
18. Also, the extension would be markedly taller than the existing residence and so it would significantly alter its scale. By reason of its height and overall size, the enlargement would increase the visual impression of the built development. In these regards, the extension would not accord with LP policy H14
 19. Photographic evidence indicates that a previous building on the site was of comparable size to the extension proposed under appeal B. However, all of this building except for part of one wall was demolished well before the completion and occupation of the existing dwelling. As such, it is appropriate to treat the residence as it now stands as the original dwelling, particularly as it has only recently been completed. On this basis, the previous building has no bearing on whether the proposed extension complies with LP policy H14.
 20. The appellant contends that the proposed extension under appeal B would restore the building to its original agricultural form and style. However, the extension would include windows and rooflights that would be untypical of an agricultural building. In any event, the conversion works already carried out have resulted in the loss of the agricultural character of the existing building. As such, I attach little weight to the restoration benefits of the scheme. Any advantage in these regards is outweighed by the harm caused by the conflict with LP policy H14.
 21. The above ground extension proposed under appeal A would be small and concealed by the wall to the side of the dwelling. Moreover, while the basement would significantly increase the floor area, it would be hidden from sight. The glass balustrade would allow views through it and so it would not be harmful to the visual qualities of the area. As such, the new build and enlargement elements of the appeal A scheme would not conflict with LP policy H14. However, acceptability in these respects does not address or override the visual harm that would be caused by paraphernalia in the proposed garden.
 22. For the above reasons, I conclude that the appeal A and appeal B developments would harm the character and appearance of the area. In these regards, they would not accord with LP policy BE4. Amongst other things, this looks to ensure the re-use and adaption of rural buildings protects or enhances the character and appearance of the countryside. In addition, the new build element of the appeal B scheme would not accord with LP policy H14.

Suitability of the location (both appeals)

23. LP policy H1 sets out circumstances when new housing in the countryside will be permitted. These include where development would re-use redundant or disused buildings in accordance with LP policy BE4. For the reasons set out above in respect of the second main issue, I have found that both appeal A and appeal B developments would not accord with LP policy BE4 and so they would not be permissible under the terms of LP policy H1.
24. Notwithstanding this policy conflict, there is already a dwelling on the site. The proposed developments would not increase the number of residential units. Both of the schemes would result in a larger dwelling but this would not cause harm when having regard to the LP's policy on the location of housing. In these regards, I agree with the Inspector for the previous appeal.

25. For these reasons, I conclude the appeal A and appeal B developments would both be in a suitable location. Both proposals would conflict with LP policy BE4 and so they would not accord with LP policy H1. However, the presence of the dwelling already on the site provides justification to find the location of the developments acceptable, despite the policy conflict. Acceptability in these respects is a neutral factor in my overall assessment.

Other Matters

26. The proposals would not result in harm to features of biodiversity interest. Also, no concerns are raised in respect of highway safety, air quality and drainage. Acceptability in these regards is a neutral factor.
27. The appellant suggests a condition could be attached to planning permissions to secure measures to limit water consumption. It is suggested that this would be a benefit as no such measures have been secured through the Class Q permission. However, the existing dwelling is small compared to the proposed units, which would both increase the number of bedrooms. As such, it is unlikely the proposals would reduce water consumption, even if the proposed measures are provided. This factor attracts little weight in my assessment.
28. The appellant claims that the appeal A and appeal B developments would provide self-build housing. As such, it is claimed they would help address a shortfall of such residences as identified through the Council's self-build housing register. However, allowing the appeals would not result in any extra self-build housing plots as there is a dwelling already on the site. Therefore, the schemes would bring no meaningful benefits in these regards.
29. The existing dwelling provides only 32m² of floorspace, which is below the minimum size for a one bedroom dwelling as set out in the nationally described space standards. The proposed developments would be a benefit in terms of increasing the internal space for occupants at the property, although the level of additional space proposed is well in excess of that required to ensure compliance with the national standards. The benefits of the schemes in these regards attracts moderate weight.
30. I have carefully considered the appellant's personal circumstance reasons for the proposed developments. However, I am unconvinced the proposals are the only options for addressing the accommodation requirements. In any event, the appellant's circumstances and needs are bound to change over time. As such, I attach only modest weight to the personal reasons for the proposals.
31. Overall, I find the appeal A and appeal B developments would bring moderate benefits. However, both schemes would be contrary to LP policies for the reasons given under the first 2 main issues. The other factors in favour of the schemes provide insufficient justification to grant planning permission contrary to the development plan.

Conclusion

32. For the reasons given, I conclude that appeal A and appeal B should be dismissed.

Jonathan Edwards

INSPECTOR