



Appeal Decision

Site visit made on 24 November 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2023

Appeal Ref: APP/P3040/W/22/3304704

Soho Bonington, 40 Melton Lane, Sutton Bonington LE12 5RQ

- 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 Raffaele Russo against the decision of Rushcliffe Borough Council.
 - The application Ref 21/02914/FUL, dated 3 November 2021, was refused by notice dated 11 February 2022.
 - The development proposed is 'change of use of former agricultural buildings to a single dwelling and swimming pool'.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of former agricultural buildings to a single dwelling and swimming pool, at Soho Bonington, 40 Melton Lane, Sutton Bonington LE12 5RQ, in accordance with the terms of the application, Ref 21/02914/FUL, dated 3 November 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1832-24 Rev A, 1832-22, 1832-23, N0962 (90)001 Rev A, N0962 (03) 001.
 - 2) All planting, seeding or turfing comprised in the approved landscaping plan (90) 001 Rev A, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 and species.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development of the types described in Classes A to E, of Part 1, Schedule 2 of the Order shall be carried out on the site.

Applications for costs

2. An application for costs was made by Mr Raffaele Russo against Rushcliffe Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The works comprising the proposed development as set out above, have commenced and are largely complete. Nevertheless, I have determined the

appeal based on the proposed plans. As the existing plans and elevations provided with the appeal include works already undertaken to facilitate the change of use to a dwelling, it has also been necessary for me to determine the relevant baseline against which to consider the appeal scheme. I will return to this matter later in my decision.

4. The appellant has added to the information they supplied with their application to the Council by way of additional landscaping details. This information formed part of the appellant's Statement of Case, therefore the Council and interested parties have had the opportunity to consider and comment upon it as part of the appeal process. I am satisfied that my consideration of this information would not be prejudicial.
5. Further information has also been provided by the appellant in response to the Council's Statement of Case. I appreciate that Procedural Guide: Planning appeals – England, Updated 21 December 2022, states that new material should not be introduced at this late stage. However, this submission provides factual information as to the extent of works undertaken to these buildings and so it is material to this appeal, in terms of reaching a robust and reasoned decision. The Council has been given the opportunity to comment on this further information, whilst all other interested parties support the appeal scheme, in any event. As such, my consideration of this information is appropriate and would not be prejudicial to any parties.

Main Issues

6. The main issues are (a) whether or not this proposal is an appropriate form of housing development at this location, and (b) the effect of the proposal upon the character and appearance of the area.

Reasons

Location

7. The proposed development relates to two agricultural barns, no longer in agricultural use. The barns sit to the rear of a farmhouse and a number of other former agricultural structures, set back from the road and accessed by a private lane. Surrounding land is in a mix of grazing and arable uses, with the village of Sutton Bonington located to the southwest.
8. Both parties agree that the appeal site lies within the open countryside. Policy 22 of the Rushcliffe Local Plan Part 2: Land and Planning Policies, Adopted October 2019 (LP), sets out the types of development that will be permitted within the countryside, subject to a number of criteria being met. One type of development specified is the re-use and adaptation of buildings for appropriate uses, including housing. No evidence is provided to demonstrate that the proposal could be considered against any of the other potentially permissible types of development. Therefore, it is necessary to establish whether the proposal constitutes the re-use and adaptation of the existing buildings, which is a matter of planning judgement. If they do not, then the appeal scheme would not benefit from the support of LP Policy 22.
9. I am provided with existing and proposed floor plans and elevations, with the proposed drawings showing the agricultural barns largely as they existed at the time of my site visit. These existing drawings appear to include much of the recent building works outlined on the submitted schedule of works, which

commenced in August 2019. I have also been provided with a photo comparison document, showing the agricultural barns before these works took place.

10. The appellant's submission documents are somewhat contradictory. The appellant's Statement of Case contains correspondence sent to the Council, asserting that the 'current status' of these buildings (as of September 2020) should be the baseline position for decision making, whereas within their Final Comments, the appellant states that this is a retrospective full application for all of the works which have been undertaken. Reference is made to some works having been required for health and safety reasons, some not constituting development, and some being permitted development. However, there is no lawful development certificate before me confirming that any of the works undertaken to date, do not in themselves require planning permission. On this basis, I have taken the baseline position to be as shown on the photo comparison document.
11. The appeal site comprises of two steel portal framed buildings. The photo comparison indicates that originally the larger building was constructed with cement sheet roofing, part blockwork walls to the gable ends and the raised southern section, with part open and part closed timber boarding to the longer side panels. The smaller building had similar roofing, with blockwork walls, openings and glazing to the longer walls, metal and cement sheeting to the northern gable end, and a combination of blockwork, metal and cement sheeting to the southern elevation.
12. I am provided with a letter from a chartered engineer (dated 10 May 2021), confirming visual inspection of the main building in December 2018, which would have been prior to any work being undertaken. It states that the original construction was typical of an agricultural building, with limited roof and wall bracing. It found that the steel frame was in good condition and in one location, where foundations were exposed, they were adequate. It goes on to state that solar PV panels to generate electricity for habitation, would require additional structural support. The report concludes that the building was of permanent and substantial construction, sufficient for its intended purpose, which was agricultural, and possibly for conversion to a dwelling. No detailed structural calculations or drawings accompany this letter.
13. Appendix C to the appellants' Statement of Case sets out what has been undertaken since 2019, including: new roof coverings, additional steelwork to the main barn and raised eaves to its taller section, replacement cladding, internal insulation and panelling, internal insulated floor, windows installed to openings, and a new flue pipe. Other information explains the addition of solar panels and a lean-to on the eastern elevation. These works appear to be as shown on the existing plans and elevations. I noted at my site visit that works to the smaller barn as shown on the proposed plans are largely complete now also. Further clarification is provided as to the extent of new steel work undertaken to the larger barn (4 steel columns and concrete pads, new steel diagonal roof bracing, new steel vertical wall bracing, a new steel ridge beam and rafter stays between the new ridge beam and existing steel portal frames) to the larger barn.
14. In summary, for the larger building, the original steel frame and floor slab have been retained, along with some sections of blockwork to the gable ends. Works

to the original structural frame and slab have involved strengthening to accommodate the solar panels and new glazing, and the extension of the building by increasing the eaves height to create first floor sleeping accommodation. New fabric has been added to the longer elevations (east and west) and the roof, comprising much of the external building envelope.

15. Whilst these works to the larger barn are extensive, altering or replacing a large part of the original fabric of the building, they are nevertheless, works of adaptation to facilitate residential use, utilising in large part the original steel structure and foundations. LP Policy 22 does not include any explicit quantitative test for determining the extent of works permissible for re-use and adaptation, nor does it specify any restriction or limitation as to the nature of those works.
16. Whilst works to the larger barn have also involved extension, again, LP Policy 22 does not expressly state that this would fall outside the scope of re-use and adaptation. The extension is relatively small scale in the context of the building overall. Further, I have been referred to examples of other similar developments involving re-use of buildings, where the Council is said to have approved extensions. Reference is made to footprint extensions, as well as increased ridge and eaves heights within these examples. Whilst I have not been provided with the full details of these schemes for comparison purposes, the Council has not disputed this information. One such example is at Greenhedge Farmhouse (ref. 19/01325/FUL), where the Officer's Report is quoted as stating that extensions to existing buildings, whether residential or agricultural are also permitted under policy 22, subject to design and the appearance considerations. Again, I have not been provided with this report, but the information is not contested by the Council and so it supports my view that adaptation can involve extension.
17. Taking all of this information into account, the evidence before me suggests that the works to the larger barn would amount to re-use and adaptation of the building.
18. The works to the smaller barn are less extensive, no additional structural work has been indicated and whilst a new roof has been added, a large proportion of the original walls appear to have been retained. The evidence suggests that works to the smaller building would also amount to a re-use and adaptation.
19. To conclude on this first main issue, the works to both barns would constitute re-use and adaptation of the existing buildings and so this would be an appropriate form of housing development at this location, complying with LP Policy 22, insofar as it seeks to limit the type of new development in the countryside to that meeting certain criteria. Additionally, both parties refer to paragraph 80 of the National Planning Policy Framework (the NPPF), and whilst I am not convinced that the site is isolated having regard to its proximity to other development, even if it were, the development would constitute the re-use of redundant or disused buildings. However, LP Policy 22 also requires that such development conserves and enhances the natural landscape and the NPPF require that the re-use of a building must enhance its setting, I turn to this matter below.

Character and appearance

20. The appeal site sits within a gently rolling landscape of rural character, consisting of fields of arable and pastureland defined by hedgerow, interspersed with pockets of woodland. Urban influences include dispersed farmsteads, individual houses and hamlets, as well as some large-scale development such as the University of Nottingham Sutton Bonington campus and the Ratcliffe on Soar Power Station in the distance.
21. The proposal relates to an established cluster of former agricultural buildings that form part of the existing landscape character. The proposal introduces physical changes to these former barns, most notable from the wider area being the increase in eaves height to the southern section of the larger barn. It also introduces changes to materials and fenestration. Future use for domestic purposes would no doubt bring with it some domestic paraphernalia.
22. However, having considered the proposal from public vantage points within the surrounding area, including those identified within the submitted Landscape and Visual Statement (LVS), I am satisfied that there would not be any harm to the rural character and appearance of this open countryside location for several reasons. Firstly, the proposal would largely retain the overall form and massing of these former agricultural buildings. At the occasional viewpoint from the north, such as Viewpoint 3 of the LVS, the original form of the agricultural barns would remain the notable feature and whilst the increased eaves to the southern section was visible at my site visit, it does not alter the overall form and massing of these former modern barns. The step up from the main building and the backdrop of woodland serves to soften any visual impact of the increased eaves height. From this vantage point the buildings sit low in the landscape and the farmstead character is not adversely affected.
23. Public views are also possible from the south along Landcroft Lane. Here, I observed that the increased eaves height of the southern section has made the appearance of the larger barn more prominent, particularly in relation to the remaining form of the barn and other buildings/structures at the site, which sit lower in the landscape. Nevertheless, these buildings are set back some distance from the road and mature vegetation exists along Landcroft Lane and to the southern boundary of the appeal site, which serves to soften the additional massing of this gable end to an acceptable level. In these views, the original agricultural form of the barns is retained, and whilst somewhat larger overall, the impact on landscape character and visual amenity is not significant.
24. Secondly, whilst the overall appearance of these buildings has changed from agricultural to domestic, and following the commencement of the use, it is likely that domestic paraphernalia would increase, these impacts of the proposal would only be evident at close quarters. These aspects of the proposal will be largely screened from public view by a combination of landform, vegetation and distance.
25. Implementation of the submitted landscaping scheme would provide some enhancement of external areas and this can be secured by the imposition of a condition.
26. To conclude on this second main issue, the proposal would not be harmful to the character and appearance of the area. The proposal would therefore comply with LP Policy 22 insofar as it seeks to ensure that where new

development is acceptable in the open countryside, the appearance and character of the landscape and local distinctiveness is conserved and enhanced. This would be consistent with the requirements of paragraph 80 of the NPPF, as set out above, as well as paragraph 174, which requires that decisions contribute to and enhance the natural and local environment, including by recognising the intrinsic character and beauty of the countryside.

Conditions

27. In addition to the landscaping condition referenced above, a drawings condition is listed for certainty.
28. The approved dwelling would attract the relevant permitted development rights conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). To avoid harm to the agrarian form of the buildings and the rural character of the area, by uncontrolled domestic alterations, there is clear justification for imposing a condition removing rights for extensions, other alterations and outbuildings.
29. I have considered the conditions put forward by the Highways Authority regarding the construction standard of the access, but I do not consider their imposition to be necessary. The proposal is not likely to result in any significant increase in traffic movements over and above the former use and the existing access is of a standard sufficient to serve the existing and proposed dwellings.

Conclusion

30. For the reasons outlined above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

S Brook

INSPECTOR