



Appeal Decision

Site visit made on 27 February 2023

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2023

Appeal Ref: APP/T3725/W/22/3293026

Finwood Hill Farm, Mill Lane, Rowington, Warwick B95 5HH

- 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 Williams against the decision of Warwick District Council.
 - The application Ref W/21/0835, dated 30 April 2021, was refused by notice dated 27 January 2022.
 - The development proposed is conversion of rural building into a residential dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of rural building into a residential dwelling at Finwood Hill Farm, Mill Lane, Rowington, Warwick B95 5HH in accordance with the terms of the application, Ref W/21/0835, dated 30 April 2021, subject to the conditions listed at the end of this decision.

Preliminary Matters

2. The site is located within the Green Belt. As it is common ground between the main parties that the proposal would not represent inappropriate development in the Green Belt, I shall deal with Green Belt considerations under Other Matters.
3. The Council granted listed building consent¹ for works comprising the conversion of the rural building in question into a residential dwelling on 27 January 2022. However, even though the description of works is the same as the description of development in this appeal, planning permission for the development has not been granted and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 still requires special regard be paid to the desirability of preserving a listed building and its setting or any features of special architectural or historic interest which it possesses. I shall formulate the Main Issues on this basis.

Main Issues

4. The main issues are:
 - Whether or not the site represents an appropriate location for new housing, having particular regard to the relevant provisions of the development plan;
 - Whether or not appropriate living conditions would be provided for future occupiers of the development, having particular regard to outlook; and

¹ Ref: W/21/0836/LB

- Whether or not the proposed development would preserve the Grade II listed building known as 'Finwood Hill Farmhouse' (the listed farmhouse), its setting, and any features of special architectural or historic interest that it possesses.

Reasons

Whether or not an appropriate location for new housing

5. The site sits outside of, and well distanced from, any defined settlement boundary and thus is in the open countryside as defined in local planning policy terms. The building that is the focus of this appeal (the building) comprises part of an L-shaped range that is of simple composition and agricultural appearance.
6. Policy H1 of the Warwick District Local Plan 2011-2029 (adopted September 2017) (the Local Plan) directs new housing within the District and sets out that housing development in the open countryside and entailing the re-use of redundant or disused buildings (in accordance with the terms of Policy BE4 of the Local Plan) shall be permitted where it would lead to an enhancement of the immediate setting. The Council does not allege conflict with Policy BE4, which sets out various detailed re-use/adaption criteria to be complied with, and I have no reason to disagree.
7. The building, being located on a working farm, would have originally been designed for the purposes of accommodating livestock and/or associated agricultural activities. Whilst remnants of the building's agricultural past were apparent upon internal inspection, I accept the appellant's position that its constrained size and limited headroom mean that the building does not readily lend itself to modern agricultural practices.
8. It has been alleged that the building is neither redundant nor disused, and the use of the alternative word 'underused' in original supporting documentation has been drawn to my attention. Upon inspection, I witnessed the building to be vacant in part. It otherwise performed a non-intensive storage function, with an eclectic range of differing paraphernalia and some domestic items being observable. In-part owing to the non-intensive manner in which I observed the building being used, and acknowledging its agricultural origins, I am satisfied that the building can be rightfully considered redundant or disused for the purposes of assessment against Policy H1.
9. It has also been suggested that the proposal would not lead to an enhancement of the building's immediate setting. However, whilst reference to the introduction of domestic paraphernalia is made, the Council's stance on this matter has not been robustly substantiated. Upon inspection, I observed some external-facing parts of the building to require active maintenance and the external area earmarked as private garden space to be of scrubby appearance and somewhat overgrown in places. Whilst the proposal would inevitably have a domesticating influence in an open countryside location, this influence would be confined in extent and degree. Moreover, a slight enhancement to the building's immediate setting could be realistically anticipated.
10. The site is not closely related to the various facilities and services that are contained within the closest settlements. It is indeed likely that future occupiers would be reliant upon private modes of transportation to serve their

day-to-day needs. However, Policy H1 reflects the Council's strategy for delivering new housing in the sense that it incorporates sufficient flexibility to support the provision of new homes where they will enhance or maintain the vitality of rural communities and meet identified needs. Indeed, the proposal would make a valid contribution in these senses and meets relevant Local Plan criteria to be considered acceptable.

11. For the above reasons, the site represents an appropriate location for new housing having particular regard to the relevant provisions of the development plan. The scheme accords with Policy H1 of the Local Plan in so far as this policy indicates that housing development will be permitted in the open countryside where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Living conditions

12. The kitchen/breakfast room of the proposed dwelling would, in terms of openings, be served only by rooflights. However, as is apparent from the submitted plans and the appellants' submissions, a low-height internal wall would act as the only divide between the kitchen and an adjacent living/dining room. This adjacent room is intended to be served by a set of large patio doors glazed to full height. To my mind, particularly in view of the sensitivities (in a heritage sense) attached to the introduction of additional apertures to the building's elevations and roofscape, this represents a satisfactory internal arrangement to ensure that adequate external views would be obtainable.
13. For the above reasons, having particular regard to outlook, appropriate living conditions would be created for future occupiers of the development. The scheme does not conflict with Policy BE3 of the Local Plan in so far as this policy sets out that development will not be permitted that does not provide acceptable standards of amenity for future users and occupiers of the development.

Listed building

14. The significance and special interest of the listed farmhouse is drawn, in part, from its historic integrity, its architectural form, and its relevance to the historic evolution and rural history of the area. This significance and special interest is further underpinned by the continued legibility of the farmhouse as the principal structure of a farmstead complex, and by the inherent ruralness of the asset's immediate and wider surroundings. The significance and special interest of the building itself is drawn, in-part, from the continued legibility of its historic functional relationship with the listed farmhouse and from its simple agricultural form and appearance.
15. The proposed conversion involves limited external alterations. Indeed, for the most part, existing apertures would be utilised for the purposes of providing window and door openings and limited existing fabric would be lost. Moreover, the building, as converted, would retain a simplistic and uncomplicated aesthetic, and would not weaken the listed farmhouse's legibility as the principal structure of an historic farmstead complex.
16. For the above reasons, the proposed development would preserve the listed farmhouse, its setting, and any features of special architectural or historic interest that it possesses. The scheme accords with Policies BE4 and HE1 of

the Local Plan and the historic environment conservation and enhancement policies contained within the National Planning Policy Framework (July 2021) (the Framework) in so far as these policies require re-use proposals to retain and respect the special qualities and features of listed and other traditional rural buildings.

Other Matters

17. The Framework lists forms of development that should be considered not inappropriate in the Green Belt provided that its openness would be preserved. One such form of development is the re-use of buildings provided that they are of permanent and substantial construction. In this instance, a Structural Inspection² provides assurances that the building is of substantial construction and suitable for conversion. It is also relevant that the proposed private garden area would be stepped back from Finwood Road and enclosed by an existing brick boundary wall. In this context, despite the likelihood of domestic paraphernalia being introduced to the site post-occupation, I am satisfied that the Green Belt's openness would be preserved. As such, inappropriate development in the Green Belt would be avoided.
18. The proposal accords with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conditions

19. The Council has suggested potential conditions that the appellants have had the opportunity to comment upon and which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have amended some of the suggested conditions for consistency and clarity purposes and have omitted one related to the withdrawal of permitted development rights.
20. In the interests of certainty, a condition specifying the approved plans is required. In the interests of protecting the character and appearance of the area and the heritage significance of the building, conditions are reasonable and necessary requiring full details of intended external facing materials and architectural details to be submitted for approval.
21. In the interests of water efficiency and sustainable construction, a scheme of water efficiency measures is reasonable and necessary to secure via condition. In the interests of safeguarding bats (a protected species), noting the identification of a nearby roost, it is reasonable and necessary to secure that development is undertaken in full accordance with recommendations and mitigation measures set out in a submitted bat survey.
22. The Framework sets out that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council has suggested the withdrawal of all rights falling under Parts 1 and 2 to Schedule 2 of the Order³. However, as the building is curtilage listed, listed building consent would be required prior to works being carried out to it. Furthermore, various rights are curtailed in the case of listed buildings and their curtilages (including with respect to the erection of outbuildings or means of enclosure). As such, I find it unnecessary to impose a condition restricting the future use of permitted development rights as suggested by the Council.

² dated 27 July 2020

³ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Conclusion

23. For the reasons, the appeal is allowed and planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out strictly in accordance with the following approved plans: 20-45-01; 20-45-11; 20-45-12 Rev A.
- 3) No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 4) No development shall be carried out above slab level unless and until full details of, at a scale of 1:5, the doors, windows (including a section showing window reveals, heads and cill details), eaves, verges and rainwater goods to be installed have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not be occupied unless and until a scheme detailing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) shall be achieved has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be first occupied until the works within the approved scheme have been completed in strict accordance with the approved details and thereafter the works shall be retained at all times in accordance with manufacturer specifications.
- 6) The development hereby permitted shall be implemented in strict accordance with the recommendations and mitigation measures set out at Section 5 of the submitted Phase 1 Bat Survey, dated 13 July 2020, undertaken by Ridgeway Ecology, and such measures, wherever possible to do so, shall be retained at all times thereafter.

-----END OF SCHEDULE-----