



Appeal Decision

Site visit made on 7 March 2023

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2023

Appeal Ref: APP/Y0435/W/22/3305863

Barn, Mill Lane, Stony Stratford, Milton Keynes MK11 1BQ

- 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 Nic Fuller of Thomas Betts and Co Ltd against the decision of Milton Keynes Council.
 - The application Ref 21/03175/FUL, dated 14 October 2021, was refused by notice dated 15 August 2022.
 - The development proposed is described as the conversion of barn with extension to useable building currently dog grooming business.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed on my site visit that the appeal building has been converted and currently operates as a dog grooming enterprise. Nevertheless, the parking area shown on the submitted drawing has not yet been provided.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area, including the effect on the setting of Stony Stratford Conservation Area;
 - the effect of the development on amenity open space;
 - whether the building works would represent sustainable construction;
 - the effect of the development on highway safety; and,
 - the effect of the development on flooding.

Reasons

Character and appearance

4. The appeal site lies adjacent to Stony Stratford Conservation Area and partially within a locally designated Linear Park. From the evidence before me and my observations on site, the significance of the conservation area lies in its distinctive development pattern derived from the straight throughfare through the town around which linear rows of Georgian and Victorian buildings are structured. The relationship of the town to the large expanse of open countryside which lies between Stony Stratford and Old Stratford provides an

attractive, rural setting to the conservation area which contributes to the overall heritage significance.

5. The appeal building comprises a single storey former outbuilding which has a modest footprint and is predominantly constructed of stone under a slate roof. The building is bound on three sides by open countryside. Although separate from the main town, the building is set against the backdrop of the nearby red brick terraced housing and is physically linked by Mill Lane. Therefore, in my view, the building does not read as a standalone structure and simultaneously relates to both the built environment and surrounding countryside.
6. A single storey extension has been provided on the side elevation of the original building whilst two additional openings have been installed in the roof slope. The overall scale of the single storey extension is subservient and therefore does not dominate the existing building or appear overly prominent within the context of its surroundings. Whilst I acknowledge that the materials used in the construction of the extension do not entirely match the original building, it is noted that red brick is not uncharacteristic of the surrounding area. For these reasons, I consider that the external appearance of the development has retained the rural character and appearance of the building and is sympathetic to the local vernacular. Consequently, it does not read as an intrusive or incongruous form of development. In this regard, the proposal would not harm the character and appearance of the area, including the setting of the conservation area.
7. The submitted drawing indicates the provision of car parking to the rear of the building which would accommodate two vehicles. For the purpose of Policy DS5 of the Milton Keynes Council Plan:MK 2016-2031 (Local Plan), this aspect of the proposal would be located within the open countryside. In such locations, Policy DS5 indicates that the principle of limited extensions or ancillary structures to existing buildings is fundamentally acceptable provided that the scale and visual impact of the proposal would not have a detrimental impact on the open character of the countryside.
8. Notwithstanding the relatively modest site area, the proposed parking provision would nevertheless extend beyond the existing built form and would introduce an area of hardstanding onto ground which is otherwise grassed. The formal layout and engineered appearance, whilst largely open in nature, would erode the undeveloped, rural character of the surrounding countryside and Linear Park resulting in an undesirable urbanising effect. For these reasons, I find that the proposed parking area would harm the distinct and intrinsic character of the countryside and compromise the setting of the conservation area.
9. Consequently, the appeal proposal would have a negative effect on the significance of a designated heritage asset and would result in less than substantial harm in the terms of the National Planning Policy Framework (the Framework) given the small-scale nature of the proposal. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, the Framework indicates that this harm should be weighed against the public benefits of the proposal.
10. I recognise that the development would secure the re-use and long-term maintenance of a redundant building whilst the dog grooming facility would provide a key service and support a small business. Nevertheless, as great

weight and importance is attributed to the asset's conservation, these benefits would not be sufficient to outweigh the harm identified.

11. Accordingly, I find that the development would harm the character and appearance of the area including the setting of the conservation area. It would therefore conflict with Local Plan Policies HE1, D1, D2, DS5 and L1. Amongst other aspects, these policies seek to ensure that proposals respond appropriately to the site and surrounding context, sustaining and where possible enhancing the significance of heritage assets whilst also safeguarding the intrinsic character of the countryside.

Amenity open space

12. Policy L2 of the Local Plan distinguishes between recreational open space, amenity open space and leisure and recreational facilities. For the purpose of the said policy, the proposed car parking area would occupy land designated as amenity open space and would lie within a Linear Park. The reasoned justification to Policy L2 explains that amenity open space includes open land, woods, copses and ponds, where their recreational use is incidental to their primary function as attractive features in otherwise built-up areas, reservoirs of biodiversity, wildlife habitat, or a combination of all three. In considering proposals involving the loss of amenity open space, Policy L2 of the Local Plan is relevant in so far as criterion B confirms that in considering such proposals, Local Plan Policy L3 will be applicable.
13. Policy L3 thereafter sets out the criteria that must be complied with for planning permission for a change of use of amenity open space to be granted. There is no assessment which shows that the area of open space is surplus to requirements in accordance with criterion A.1. Whilst it has been put to me by the appellant that the land fulfils no useful purpose on the account that it is an inconsequential piece of land and is privately owned, my findings regarding the positive aspects of the land in relation to the countryside and setting of the conservation area leads me to the view that the land does fulfil a useful purpose in terms of its appearance. It is further noted that the reasoned justification to Policy L2 confirms that amenity open space includes privately owned areas to which there may be no public access. As such, it appears to me that ownership and public accessibility are not relevant to the assessment of its function.
14. There is no substantive evidence before me which confirms that the land does not host an element of semi-natural habitat nor can I be certain, based on the available evidence, that the loss of the amenity open space would not set a precedent for other similar proposals in the area. Moreover, based upon my own observations, I am not convinced that the maintenance of the land for amenity purposes would be impracticable or unduly onerous and I have not been provided with any details of an equivalent sized piece of land to replace the area lost.
15. Accordingly, I find that the development conflicts with Policies L2 and L3 of the Local Plan. Collectively, these policies seek to safeguard areas of open space thereby maintaining their recreational use, contribution to the landscape and wildlife value.

Sustainable construction?

16. Local Plan Policy SC1 states that development proposal will be required to demonstrate how they have implemented the principles and requirements set out in parts A-N.
17. I understand that original materials were re-used in the construction of the extension whilst additional materials were locally sourced. Furthermore, provision has been made for the storage of refuse and recycling and that the layout of the building has been designed to accommodate alternative future uses. I also appreciate that the recycling of water is not feasible in this instance.
18. Nevertheless, whilst I have had regard to the above factors and recognise that the proposal would re-purpose an otherwise redundant building, the submitted evidence fails to demonstrate compliance with all the relevant criteria, including opportunities to provide energy storage and demand management.
19. For these reasons, I am unable to conclude that the appeal development would fully accord with Local Plan Policy SC1, the key objective of which is to ensure that development proposals are designed to reduce carbon emissions and maximise energy efficiency.

Highway safety

20. The submitted drawing indicates the provision of two car parking spaces which would be located to the rear of the existing building. This area comprises an area of grassed land which is partly enclosed by a post and rail fence. I understand that the owner is the only member of staff and therefore only one appointment takes place at a time. It has also been put to me that customer movements are unlikely to coincide given that many customers combine their appointments with a visit to the town and consequently arrive on foot.
21. The section of Mill Lane leading to the site is narrow. However, it is relatively short and straight. Therefore, even if the arrival and departure of customers were to coincide, I am satisfied that the respective drivers would be able to anticipate each other's movements and wait as appropriate without detriment to highway safety.
22. Although the reason for refusal does not allege inadequate parking provision in terms of the number of spaces provided, in their statement of case, the Council state that the proposed provision would be insufficient. The Council's Parking Standards Supplementary Planning Document 2016 (SPD) confirms that the parking requirements for minor developments (non-residential), where the gross floor area is below 1000 square metres will be determined on a case-by-case basis.
23. Given the operating capacity of the dog grooming facility, it seems to me that the provision of two car parking spaces is adequate in this instance. In any event, any parking shortfall arising from the crossover of clients could be accommodated within nearby public car parks which are located within reasonable walking distance of the appeal site. Whilst I recognise that the details of the proposed parking area are limited, were I minded to allow the

appeal, I am satisfied that a suitable layout including permeable surfacing and means of enclosure could be achieved by condition.

24. Therefore, in concluding this matter, I find that the development would not adversely affect highway safety. As such, the proposal is in accordance with Local Plan Policy CT10, which amongst other aspects seeks to ensure that parking areas are well designed and allow for the safe movement of traffic, pedestrians and cyclists. The proposal is also consistent with the Council's Parking SPD which seeks to secure suitably designed parking layouts.

Flood risk

25. The appeal site is located within Flood Zone 3 as defined by the Environment Agency's Flood Map for Planning (Rivers and Seas). A Flood Risk Assessment (FRA) accompanied the planning application and confirmed that the appeal site is expected to flood during the present-day scenarios, up to and including the 1% AEP event. The Surface water map identified that there is very low risk of surface water flooding the site. Although the FCA does not reference the 2020 flood event referred to by consultees and interest third parties, there is no compelling evidence before me which would suggest that the findings of the FRA are fundamentally flawed.
26. The reason for refusal alleges insufficient information in respect of drainage with particular regard to the suitability of the soakaway provided and proposed surfacing of the parking area. However, it is noted that the Council has recommended a condition requiring the submission of a detailed drainage strategy, including details of a sustainable drainage system (SuDS). The evidence before me indicates that there is a reasonable basis to suppose that an adequate means of surface water drainage could be incorporated into the proposed development. Therefore, were I to allow the appeal, I consider that the imposition of a condition would be an acceptable approach to secure the additional details necessary, and for their implementation and retention.
27. Subject to an appropriate condition, I am satisfied that the development would be in accordance with Local Plan Policy FR2 which seeks to manage the flood risk through the integration of appropriate management measures and the implementation of sustainable drainage systems.

Other Matters

28. In reaching my decision, I am mindful that the Council, did not object to an earlier scheme (that was withdrawn) on heritage grounds. This, however, does not affect the harm I have identified in respect of that or the other main issues.

Conclusion

29. In concluding this appeal, having regard to the development plan as a whole and all other relevant material considerations, including the Framework, the appeal is dismissed.

H Wilkinson

INSPECTOR