



Appeal Decision

Site visit made on 3 May 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/R2330/W/22/3313954

Baird Moore Stud Farm, Plantation Road, Accrington BB5 2DQ

- 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 Katie Smith and David Baird against the decision of Hyndburn Borough Council.
 - The application Ref 11/22/0245, dated 8 June 2022, was refused by notice dated 5 December 2022.
 - The development proposed is the change of use and conversion of a stable building to 1 house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the site is a suitable location for housing, with particular regard to the spatial strategy in the development plan and whether the building is suitable for conversion to a dwelling;
 - whether the site would be a suitable location for the proposed development in relation to the accessibility of local services and facilities, including by sustainable modes of transport; and
 - the effect of the proposal on the character and appearance of the site and the surrounding area

Reasons

Suitable Location for Housing

3. The site is located in the open countryside, approximately 700 metres from the defined 'Urban Boundary' of Accrington. Policy BD1 of the Hyndburn Core Strategy 2012 (CS) provides the overall spatial strategy for development in the Borough, targeting the majority of new development towards Accrington and its townships. Policy BD1(c) states that development in the rural area will be limited to supporting farm diversification and promoting leisure and recreational facilities whilst retaining landscape character.
4. Paragraph 80 of the National Planning Policy Framework (the Framework) advises that decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply. Paragraph 80 (c) supports the conversion of redundant or disused buildings where this would lead to an

enhancement of the immediate setting. 'Isolated' is not defined in the Framework but in the Braintree judgement¹ the objective meaning attributed to it is 'far away from other places, buildings or people; remote'.

5. The appeal site is located approximately 700 metres from the settlement edge, and due to the absence of any significant intervening built development, it exhibits a clear sense of physical separation from the settlement. There is also a stark change in character when leaving Accrington on Plantation Road, with sporadic buildings located in between large areas of trees and woodlands. Whilst the site contains two small stable buildings, it is not adjacent to any other residential properties, nor does it form a cluster of development. In this context, the site is therefore considered to be isolated for the purposes of Paragraph 80 of the Framework.
6. Policy DM34 of the Development Management Development Plan Document 2018 (DPD) supports the conversion of existing traditional buildings in the countryside provided that they are of permanent and substantial construction, as demonstrated by a structural survey. The supporting text to the policy states that modern agricultural buildings such as portal frame structures or those which detract from the quality of the environment will not be considered suitable for conversion, unless permitted development rights apply under the Town and Country Planning (General Permitted Development) (England) Order 2015² (as amended) (the GPDO).
7. The appellants state that Policy DM34 contains a more restrictive set of requirements than the Framework and contends that the proposed development accords with the Framework. However, whilst Policy DM34 was adopted in 2018 and therefore pre-dates the most recent version of the Framework, the policy is broadly consistent with Paragraph 80 of the Framework in that it seeks to avoid isolated new homes in the countryside, unless a certain criterion applies. Policy DM34 recognises the greater degree of flexibility afforded by permitted development rights, but also seeks to ensure that only buildings which are capable of conversion will be supported. Policy DM34 is up-to-date and I afford it full weight in reaching my decision.
8. The appeal site relates to a modern, purpose-built building constructed of corrugated metal sheeting to its walls and roof. It is a simple, functional building. The plans indicate that alterations would be limited to new openings and internal walls and that there would be no change to the external dimensions of the building. However, the application was not supported by a structural survey as required by Policy DM34. In the absence of a structural survey, I have not been presented with any compelling evidence that the building is capable of accommodating the conversion without substantial works, for example whether the existing floor is capable of accommodating the loading of internal walls. As such, the proposal would be contrary to Policy DM34 of the DPD.
9. My attention has been drawn to a recent permission in principle application³, which was granted approval in 2021. This application relates to an adjacent stable building. It assessed the principle of development in terms of location, use and amount (Stage 1). All other details would be considered at the

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

² SI 2015 No.596

³ Application Ref: 11/20/0470

technical details consent stage (Stage 2) and therefore did not form part of the consideration of the application. I have not been provided with any details of an approval of these technical details. However, this proposal relates to a building which was found to be of traditional construction, structurally sound and therefore considered suitable for conversion. In the case of this appeal site, I have found that the building is not of traditional construction and nor has any structural survey been submitted.

10. Whilst I acknowledge that some of the considerations are similar, the appeal scheme is seeking full planning permission for a development in which all aspects are considered including, design and access. It is also the case that the scheme must be considered against all relevant policies within the development plan and not just those which relate to the principle and use of the site. Overall, for the reasons outlined, the permission in principle case is not comparable with the case before me.
11. My attention has also been drawn to an appeal decision⁴ (Fir Trees, Sough Lane) within the borough, which relates to a scheme for the conversion of a building to a dwelling. Paragraphs 9 to 11 of this decision provide an assessment of the proposal in relation to Policy DM34 and in particular, consideration of what constitutes a “traditional building” for the purposes of this policy. That appeal relates to a building of brick construction, with a tiled roof. The Inspector found that the use of traditional materials and its form meant that the building was a building suitable for conversion in accordance with Policy DM34. It is not, therefore, directly comparable to the appeal proposal.
12. The appellants have also made reference to two schemes involving the conversion of portal frame buildings, both of which were granted prior approval under the provisions of Schedule 2, Part 3, Class Q of the GPDO. Accordingly, in approving these schemes, the Council had regard to the provisions of this legislation and not to the development plan. Furthermore, development granted planning permission by virtue of the GPDO does not set a precedent for consideration of proposals which require an express grant of planning permission.
13. Consequently, I conclude that the site is not a suitable location for housing as it would be contrary to the spatial strategy and the proposal does not comply with the criteria in Policy DM34 of the DPD. The development would be contrary to Policy BD1 of the CS which seeks to direct the majority of new development towards Accrington and its townships and supports development in the countryside only where it relates to farm diversification or leisure uses. There would also be conflict with Policy DM34 of the DPD which permits the conversion of buildings to residential use where they are traditional in character and of permanent and substantial construction as demonstrated by a structural survey.

Access to Services, Facilities and Sustainable Transport Options

14. Policy ENV4 of the CS seeks to ensure that new development is in sustainable locations, is accessible to goods and services, can be accessed on foot and by bicycle, and improves links with public transport networks. Chapter 9 of the Framework is also concerned with promoting sustainable transport, including

⁴ APP/R2330/W/19/3234557

- promoting walking, cycling and public transport as the means of access to new development.
15. The closest bus stop is approximately 950 metres away, opposite St Paul's Church, with Accrington Town Centre approximately 1.3km away. The access to the site would be via Plantation Road, which is an unadopted single width lane. Plantation Road is also a public right of way, but has no dedicated footpath or lighting, reflecting its rural setting.
 16. The access lane, being unadopted, has a rough and uneven surface. This makes access to the site more difficult. The provision of passing places along the route is also limited. I acknowledge that there has been no objection from the Highway Authority. However, they do recognise that the site is remote, meaning future occupants would be likely to rely upon private car travel.
 17. The appellants have raised concerns about the consistency in decision making between this application and the permission in principle application on the adjacent building, which also considered whether or not it was a suitable location for the development proposed. In the case of the adjacent building, the Council found that it was a suitable location, having regard to the policies of the development plan. The Council has not provided any compelling evidence to demonstrate that there are any differences, in terms of location, between these two sites.
 18. The Framework recognises that opportunities to maximise sustainable transport will vary from urban to rural areas and this should be taken into account in decision making. Overall, whilst the appeal site is not in the optimum location to enable services and facilities to be accessed by sustainable modes of transport, there would be options to walk or cycle to and from Accrington.
 19. Consequently, I conclude that development would not significantly undermine the aim of Policy ENV4 of the CS, in so far as it seeks to ensure that new development is in sustainable locations, is accessible to goods and services, can be accessed on foot and by bicycle and improves links with public transport networks.

Character and Appearance

20. The site contains a modest, single storey building of a form and character that is typical of a rural location. The surrounding countryside is interspersed with occasional dwellings and agricultural buildings, which provide a pleasant rural character contributing positively to the area. In terms of its general scale, design and materials, the existing building is not dissimilar to agricultural buildings typically found in the countryside. For this reason, the existing building does not detract from its rural setting and has a neutral impact on its character. I observed that the building is largely screened from public views.
21. Policy ENV6 of the CS requires new development to conserve and enhance the character and quality of the rural environment, delivering high-quality design. Policy DM26 of the DPD also requires new development to respond to and reinforce landscape character.
22. The existing building is a simple and functional building. The proposal would involve its conversion to provide a 2-bedroom, single storey dwelling. On the south elevation, the large roller shutter door would be infilled with a window and door opening, with two additional large, glazed openings also proposed.

Although the proposed alterations would maintain much of the external fabric of the building, a number of windows would be inserted into the west elevation, with a single opening to the east elevation. These alterations would introduce a higher ratio of glazing to solid wall, similar to that which would typically be found in more domestic settings. This would be harmful to the rural character of the building and would fail to respect the functional and simple appearance of the existing building.

23. The application plans indicate a small curtilage with parking area. I have not been provided with any details for any boundary treatments or other external works. However, by virtue of the introduction of a residential use and its domestic paraphernalia, there would be a change in the overall character and function of the site which would be harmful to the rural character of the area. Accordingly, the proposed use would not lead to an enhancement of the immediate setting.
24. The proposal would be contrary to Paragraph 80 of the Framework. Paragraph 80(c) would only support the conversion and re-use of a redundant or disused building, where the development would enhance the immediate setting.
25. Therefore, I conclude that the proposal would result in harm to the character and appearance of the site and the surrounding area. In this respect it would be in conflict with Policies ENV3 and ENV6 of the CS and DM26 of the DPD, which together seek amongst other things, to deliver high-quality design that protects the character of the landscape.

Other Matters

26. There is no dispute between the parties that the Council is able to demonstrate a five-year supply of housing sites, with the current figure provided by the Council being 17.9 years. The appellants argue that this should not be seen as a limit on development. However, I have not been provided with any evidence to suggest that this is the approach that the Council has taken. The Council assessed the acceptability of the proposal against the adopted development plan. I have also reached my conclusions based on an assessment of the development plan and the existence of a healthy supply of housing sites has not been material to my consideration of the main issues.
27. The appellants claim that a precedent for this type of development has already been established. However, whilst I have been made aware of some similarities relating to schemes for the conversion of rural buildings, Policy 34 of the DPD provides clear criteria to assess the suitability of each building for conversion, based on the circumstances of the site. I am therefore satisfied that no precedent has been set and that each application should be considered on their own merits.
28. It is put to me that the building is no longer required for the appellants' equestrian purposes and an alternative use for the site needs to be found to prevent the deterioration of the building. However, I have little substantive evidence in this regard and, it has not been shown to me that conversion for residential occupation is the only option for the building's future.

Conclusion

29. I have found that the proposed development would not significantly undermine the aims of Policy ENV4 of the CS in relation to the accessibility of local

services and facilities, including by sustainable modes of transport. However, for the reasons given above, the proposed development would not be a suitable location for housing, with particular regard to the spatial strategy in the development plan and whether the building is suitable for conversion to a dwelling. It would also result in harm to the character and appearance of the site and the surrounding area. Therefore, it would conflict with Policies BD1, ENV3, and ENV6 of the CS and Policies DM26 and DM34 of the DPD, which leads me to conclude that there would be conflict with the development plan taken as a whole. There would also be conflict with Paragraph 80 of the Framework. There are no material considerations of sufficient weight which would outweigh that conflict. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR