



Appeal Decision

Site visit made on 20 June 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2023

Appeal Ref: APP/P1940/W/22/3312969

The Mulberry Bush Farm, Dawes Lane, Sarratt WD3 6BQ

- 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 Tim Norris against the decision of Three Rivers District Council.
 - The application Ref 22/0117/RSP, dated 24 January 2022, was refused by notice dated 29 June 2022.
 - The development proposed is external alterations including the insertion of roof lights, windows and doors, alterations to openings, addition of external balustrade and re-cladding of the exterior walls.
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Decision

1. The appeal is allowed and planning permission is granted for external alterations including the insertion of roof lights, windows and doors, alterations to openings, addition of external balustrade and re-cladding of the exterior walls at The Mulberry Bush Farm, Dawes Lane, Sarratt, WD3 6BQ in accordance with the terms of the application, Ref 22/0117/RSP, dated 24 January 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan
 - 1246.SP.01: Site Plan
 - 1246.BI.03: Birches Barn – Proposed Floor Plans
 - 1246.BI.04: Birches Barn – Proposed Elevations
 - 1246.BL.03: Bluebell Barn – Proposed Floor Plans
 - 1246.BL.04: Bluebell Barn – Proposed Elevations
 - 1246.DE.03C: Dell Barn – Proposed Floor Plans
 - 1246.DE.04C: Dell Barn – Proposed Elevations
 - 2) Notwithstanding the details shown on the plans referred to in condition 1), unless within three (3) months of the date of this decision details of the external materials and finishes are submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within nine (9) months of the local planning authority's approval, the works detailed in this scheme shall cease and the materials and finishes shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within eighteen [18] months of the date of this decision, the works shall cease and the materials and finishes shall be removed until such time as a scheme approved by the local planning authority is fully implemented.

Upon implementation, the materials and finishes agreed by the local planning authority pursuant to this condition shall thereafter be maintained in accordance with the agreed details.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Background and Preliminary Matters

2. In the banner heading and my decision above, I have removed the text from the description which does not describe an act of development.
3. I note from the appeal documentation and my site visit that some of the external alterations to the former agricultural buildings have been completed. However, I also observed that the number of roof lights and an arched window opening in place on the barn known as Dell Barn differed from those shown on the plans submitted with the planning application. Therefore, I have based my assessment of the development as commenced but not completed and my decision based on the plans as detailed in the original application.
4. During the determination of the application, revised plans were submitted to the Council¹ which included the colour of the windows. However, as the revised plans are not listed in the Officer Report, I am unable to conclude with certainty that the contents therein were considered as part of the determination of the application. I have, therefore, determined the appeal based on the plans listed on the decision notice.
5. I note that, although the appeal site is located within the Green Belt, this was not referred to on the decision notice. The development comprises the alteration of buildings and does not result in disproportionate additions over and above the size of the original buildings. As such, it complies with paragraph 149c of the National Planning Policy Framework (the Framework) as one of the categories of exceptions which are regarded as not inappropriate in the Green Belt. Consequently, I do not need to consider this matter further.
6. Whilst my attention has been drawn to the Enforcement Notice² that has been issued in respect of the use of parts of the appeal site, this is a separate matter from the case before me and is not a consideration for this appeal.

Main Issue

7. The main issue is the effect of the development on the character and appearance of the area, and the natural beauty of the Chilterns Area of Outstanding Natural Beauty (AONB).

¹ Email from Studiofortysix to the Council on 4 April 2022

² Council ref 22/0090/COMP

Reasons

8. Prior approval³ has been issued for the change of use of three barns, known as Bell Barn, Birches Barn and Dell Barn, on the appeal site from agricultural to a flexible commercial Class C1 hotel/ holiday accommodation use, subject to a Section 106 agreement. The evidence before me indicates that this development has been implemented.
9. The appeal site is located in the AONB. Therefore, in considering the development I have had regard to Chapter 15 of the Framework which requires that great weight should be given to conserving and enhancing the natural beauty of the area. Further, the AONB has the highest status of protection concerning these issues, reflecting the statutory purpose of the AONB. This is reiterated by Policy CP9 of the Three Rivers Local Development Core Strategy (the Core Strategy) and Policy DM7 of the Three Rivers Local Plan Development Management Policies Local Development Document (the Local Plan). These policies seek the protection of the AONB as a key asset and support development in the AONB unless it would detract from its setting or fail to conserve its special landscape character and distinctiveness. Furthermore, policies CP1 and CP12 of the Core Strategy emphasise the need to protect and enhance the natural environment and promote buildings of a high enduring design quality that respects local distinctiveness.
10. Policy DM7 of the Local Plan is amplified by the Chilterns Buildings Design Guide (the Design Guide) which, in respect of the conversion of farm buildings includes a checklist of recommendations. With particular regard to the Council's concerns about the appeal scheme, the following advice is relevant: retain existing openings and limit the number of new openings; where possible ensure materials replicate those of the existing building; and do not radically alter the appearance of a building.
11. The development comprises openings broadly aligning with the location of those in the original barn elevations, albeit with a consistent approach to the style and treatment of the openings and the closing up of some. Additionally, the overall number of openings in each barn has been reduced and based on the evidence before me, except for Dell Barn, comprise a lower total area of openings than on the original buildings. As a result, the development retains the original openings and limits the number of new ones.
12. The application form refers to the use of uPVC windows in white and grey, and timber, aluminium and uPVC doors. During my site visit, however, I observed that the majority of the doors and windows installed on the barns were black, with one of the doors on the north elevation of Birches Barn of a brown appearance. Notwithstanding this, the Council has confirmed that it would expect to see consistency across all the converted barns. Furthermore, whilst timber framed windows (in a dark colour) are considered appropriate in the context of the AONB, my attention has been drawn to the use of wood effect film on a barn conversion at Crestyl Watercress Beds⁴. On this basis, despite the assertions in the Design Guide that uPVC windows will never be sympathetic, this recently approved scheme demonstrates that it is possible to use them in a manner acceptable to the Council. Moreover, to make the appeal

³ Council ref 21/1417/PDF

⁴ Council ref: 14/1311/DIS relating to the discharge of conditions imposed on planning application ref: 13/2273/FUL

scheme acceptable in planning terms, a condition can be imposed on the grant of planning permission⁵ requiring the details of the external materials used to be agreed with the Council.

13. External balconies and balustrades have been constructed on the raised decked terraces on each of the barns, accessed from the upper floor and orientated towards the downward slopes of the appeal site. Although elevated and therefore visible in the rolling topography of the AONB, the use of matching materials ensures these features are not discordant additions to the barns in the wider landscape setting. Moreover, due to the spacing of the barns across the site, their relative orientation and existing landscape features, the alterations are not readily visible within the appeal site. Whilst the additions have a domestic appearance, in the context of supporting the approved change of use, they are reasonable alterations and, in my view, overall, do not radically alter the appearance of the barns.
14. Consequently, I conclude that the development does not cause harm to the character and appearance of the area or the natural beauty of the AONB. It accords with policies CP1, CP9 and CP12 of the Core Strategy and Policy DM7 of the Local Plan in respect of the protection of the natural environment, including the AONB and the use of locally distinctive design quality.

Other Matters

15. I acknowledge the strong representations made by interested parties regarding the appeal scheme. My decision relates to external changes to buildings which benefit from a prior approval in respect of their use as a flexible commercial Class C1 hotel/ holiday accommodation use. Therefore, representations referring to the breach of conditions or obligations attached to any of the approved planning applications on the site, including the use of the dwellings, installation of external lighting and the running of festivals on the site are not determinative in this case. Concerns about the approved change of use, including relating to the amount of development on the appeal site, noise and traffic generation, highway safety and the living conditions of neighbouring occupiers fall outside the remit of this decision.
16. Whilst references have been made to listed buildings and a National Park, I have no substantive evidence before me indicating the appeal site is located within or close to such assets.
17. My attention has been drawn to the age of the Landscape and Visual Impact Assessment (LVIA) submitted as part of the application. Whilst the LVIA relates to a previous application for a permanent dwelling on the appeal site and is therefore not directly applicable to the appeal scheme, it has been used by the appellant in support of broader development on the site. Notwithstanding this, I have determined the appeal based on the relevant evidence before me and my observations during my site visit.
18. The timing and processing of the planning application and whether the interested parties were notified are matters beyond the scope of the appeal. The address of interested parties is a neutral factor in my decision.

⁵ In accordance with paragraph 55 of the Framework

Conditions

19. As the development has commenced but is not yet complete, I have not imposed the standard time limit condition. However, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and the interests of protecting the character and appearance of the AONB.
20. Notwithstanding the materials indicated on the plans, to protect the character and appearance of the area and the natural beauty of the AONB, I have imposed a condition requiring details of the external materials and finishes to be submitted to and approved by the Council. This condition is imposed to ensure that external materials and finishes are submitted, approved and implemented to make the development acceptable in planning terms. There is a strict timetable for compliance and implementation because the development has commenced, and it is not possible to use a negatively worded condition to secure the approval and materials to be used before the development takes place. The condition will also ensure that the development can be enforced against if the requirements are not met.

Conclusion

21. For the reasons given above and, taking into account all other relevant matters raised, I conclude that the appeal should be allowed.

Juliet Rogers

INSPECTOR