



Appeal Decision

Site visit made on 15 August 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2023

Appeal Ref: APP/Q3305/W/23/3318782

Barn at Limekiln Lane, Midway, Stoke St Michael, Somerset BA3 5JG

- 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 Ben Ralls against the decision of Mendip District Council.
 - The application Ref 2022/1641/FUL, dated 11 August 2022, was refused by notice dated 26 January 2023.
 - The development proposed is convert field barn to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form as neither party has provided written confirmation that a revised description has been agreed.
3. The site falls within a consultation zone for the Mells Valley Special Area of Conservation (SAC) designated as a site of international significance for bats. I will return to this matter below.

Main Issue

4. The main issue is whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy and effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site comprises a single storey barn occupying a position set back from, and raised above, the road frontage. The site contains a recently constructed access serving the barn that is itself built from random rubble stone walling under metal sheet roofing. The application site is isolated from other buildings and places, outside of the main built form comprising Stoke St Michael.
6. Core Policies 1 and 2 of the Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies (December 2014) (LP) seek to focus development in the identified towns and villages and restrict housing in the countryside. The site lies outside of any identified town or village and is in the countryside for planning policy purposes. Core Policy CP4 of the LP sets out some exceptions where development within the wider rural area outside of rural settlements may be acceptable. However, as the proposal is for a new market home, it does not fall within any of these exceptions.

7. Policy DP22 of the LP states that favourable consideration will be given to the reuse and conversion of redundant or disused buildings in the countryside for residential use where it would lead to an enhancement to the immediate setting and where the other stated criteria to the policy apply. These criteria include the design of the building and associated development respecting its surroundings and not harming the wider landscape character of the area and the building being of a permanent and substantially sound construction that would not require major or complete reconstruction.
8. The existing building sits comfortably within the landscape due to its small scale and agricultural appearance, form and use. By reason of a combination of the steeper roof pitch, provision of an extension and domestication of the wider site through the extension, provision of windows and doors, extended access, large outdoor space and associated paraphernalia, the building and site would become more prominent and at odds with its agricultural/rural setting. As a result, it would fail to respect this rural landscape and its surroundings and would not enhance its immediate setting.
9. I acknowledge that the proposed extension would be small and subservient to the existing building, and partly screened by trees that could be protected during construction via a suitably worded condition should I be minded to allow the appeal. I also acknowledge that the ridge would only be raised by approximately 1 metre. Nonetheless, and despite the use of appropriate materials, these alterations to the building would make it more prominent and domestic in appearance in this rural landscape.
10. Despite the changes to the roof, as the proposal would retain the walls to the existing building, and is structurally sound, it would not require major or complete reconstruction and would comprise the conversion of the existing building.
11. It follows from the above that I conclude that the site is not an appropriate location for housing having regard to the local development strategy harmful to the character and appearance of the area. As such, it would conflict with Core Policies 1, 2, and 4 and Policy DP22 of the LP and the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that development enables the most sustainable pattern of growth for Mendip district; delivers housing from infill, conversions and redevelopments within development limits; make allowance for occupational dwellings in rural locations where there is a proven and essential need; supports the re-use and conversion of redundant or disused rural buildings where they lead to an enhancement to the immediate setting and does not harm the wider landscape character; and, is accessible to transport modes other than private cars.

Other Considerations and planning balance

12. This appeal must be weighed against the fact that prior approval¹ has been granted for change of use of the agricultural building to a one-bed dwelling. The principle established by the grant of prior approval represents a genuine 'fallback' position and there is every prospect that the building would be converted to a dwelling should this appeal fail and a clear intent to develop the site has been demonstrated.

¹ 2022/0639/PAA

13. One of the main purposes of restricting housing development in the countryside is to reduce the need to travel by private car in order to reduce carbon emissions. The site is a considerable distance from the nearest services and facilities via narrow unlit roads without pavements. Such journeys would thus generate additional car trips. However, any harm in this regard would be offset by the fact that the existing building could be used as a dwelling under the prior approval consent. The number of trips generated to and from the site would therefore be comparable with the access suitable to serve the proposed development.
14. Whilst the fallback position could allow the conversion of the agricultural building to a dwelling, those works do not involve an increase to the height of the roof, nor does it propose an extension or such a significant increase in outdoor space. Whilst the fallback consent would also result in some paraphernalia being visible within the outdoor space, it would be within a much smaller area and would therefore be less prominent overall, particularly from the access. I have also considered that the proposal would provide hedge planting to the site boundaries and a post and rail fence that could be secured by condition. However, there is already a post and rail fence to parts of the site and the provision of a natural hedge would to my mind further highlight the extended garden and large residential curtilage.
15. The larger dwelling and outdoor space could result in an increased quality of life for future occupiers, but I see no reason why the consented dwelling and its associated space would not provide a suitable quality of life or be usable, durable or an adaptable place to live in accordance with LP Policy DP7.
16. The consented conversion works would result in a simpler design and appearance reflective of the agricultural location of the site and agricultural appearance of the existing building. Consequently, the proposal would not result in betterment over the fallback position, as it would have a greater impact on the character and appearance of the area.
17. My attention has been drawn to two other planning permissions for conversions where extensions were proposed². However, I do not find these comparable to the appeal proposal given that they respectively replace consented buildings precluded from further development and relate to the setting of a listed building. As a result, these do not alter my findings above.
18. The development would be contrary to the local development strategy. The relevant policies are largely consistent with the Framework where it states that planning decisions should guide development towards sustainable solutions whilst reflecting the character of an area and safeguarding the environment. Therefore, the proposed development would be contrary to the development plan as a whole and I give significant weight to the conflict with these policies.
19. The Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, because of the provisions of footnote 7, paragraph 11 d) ii. the Framework should be applied. The appeal proposal would provide a number of benefits, including providing a house of a small scale on a small site which would contribute towards the supply and mix of housing in the area.

² 2021/0042/FUL and 2021/0530/FUL

20. However, given the fallback consent, scale and nature of the development, the benefits would be limited and there would be no overall change in housing numbers. In contrast, I have found that the appeal proposal would result in significant harm to the local development strategy and character and appearance of the area. Accordingly, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
21. The site falls within the Band B consultation zone for horseshoe bats associated with the Mells Valley SAC. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

22. In light of the above, I conclude that the proposal would conflict with the development plan when taken as a whole. Material considerations, including the Framework and the fallback scheme do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, the appeal is dismissed.

C Rose

INSPECTOR