



Appeal Decision

Site visit made on 26 September 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th October 2023

Appeal Ref: APP/D1265/W/23/3318092

Pond Grove Barn, Back Lane, Chetnole, Dorset DT9 6PL

- 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 Martin Grant Peterkin against the decision of Dorset Council.
 - The application Ref P/FUL/2022/00893, dated 4 February 2022, was refused by notice dated 19 December 2022.
 - The development proposed is the conversion of existing derelict barn to single residential accommodation (C3) including internal and external alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development is appropriate having regard to local planning policies on the re-use of buildings outside defined development boundaries.

Reasons

3. The appeal site comprises land and an unused barn which is part of the landholding associated with Mill Farm. The appeal site is located outside a defined development boundary therefore, Policy SUS3 of the West Dorset, Weymouth and Portland Local Plan (the Local Plan) applies. For the adaptation and re-use of rural buildings to be permitted, Policy SUS3 requires several provisions to be met relating to the building, the proposed form and its intended use.
4. Based on the evidence before me and my observations during my site visit, the existing barn is of permanent construction and its external stone and blockwork walls, and corrugated sheet roof are intact. Although isolated from the other buildings associated with Mill Farm, the barn has an understated rural appearance which contributes positively to its tranquil setting in the countryside. The proposed development includes the replacement of the blockwork walls and roof, and the replacement of existing doorways and openings with domestic standard doors and windows. Additional openings and roof lights are also proposed, however, no extensions or additions to the size of the barn are included in the appeal scheme. The modifications proposed would not, therefore, require the barn to be substantially rebuilt or extended, meeting the first provision within Policy SUS3.
5. Turning to the proposed adaptation, the appeal scheme would provide additional and enlarged openings to both side elevations of the barn, including full-height glazing. These would introduce features with a vertical emphasis

that extend into the roofline. Combined with a large area of solar panels proposed on the roof, the substantial proportion of glazing proposed would create a highly domesticated form, overwhelming the rural vernacular of the barn. Whilst recognising that design is subjective, nevertheless, the proposed modifications to the barn would be detrimental to the otherwise natural, landscape character of the surrounding area.

6. A long driveway is proposed, providing access from Back Lane and leading to a proposed area of parking with a turning space. Whilst the appeal site was partially fenced off with stock fencing at the time of my site visit, the proposed driveway would not follow an existing natural field boundary for its entire length, despite the use of an established gateway off Back Lane. Even if the driveway and boundary fencing materials were controlled by a condition attached to the grant of planning permission, it would be overly structured given the use of fencing to both sides of the driveway and a contrived parking and turning head layout. Furthermore, the presence of the long driveway, cars and parking area, as well as other domestic paraphernalia associated with the proposed development would be, in themselves, intrusive features that jar with the countryside setting. Other measures, such as additional planting and the replacement of the felled tree, would not diminish this harmful effect in the short term given the amount of time these features would take to establish.
7. With respect to open market housing, Policy SUS3 also requires the adapted building to either: be located within or adjoining an established settlement of more than 200 population; or adjoin an existing serviced residential building and to be tied to the wider holding/main property.
8. Chetnole is the nearest settlement to the appeal site which Policy SUS3 identifies as having a population of more than 200 people. The built form and facilities associated with Chetnole are predominately located on the other side of the Wriggle River corridor from the appeal site and beyond existing paddocks. Dense wooded areas of substantial mature trees are located within the river corridor, limiting views across the river. This physical and visual separation, with the open countryside to the other sides of the barn, means the barn is not located within the settlement of Chetnole. The presence of a public right of way within the river corridor does not alter this conclusion.
9. Although the appellant asserts that the appeal site shares a boundary with the property of Grove Barn, the closest built form to the appeal site, I have no substantive evidence confirming this to be the case. On the ground, the overgrown area of land located between the site and the more manicured garden space associated with Grove Barn results in the barn being isolated from the existing dwelling. Furthermore, because of their differing forms, orientations, heights and use of materials, the two buildings are distinct from each other and do not form a cluster of built form, even if they can be viewed in tandem from Back Lane. Consequently, I am unable to conclude with certainty that the two properties adjoin each other and therefore, given the absence of a definition of the term in Policy SUS3, that the appeal site adjoins the settlement. Notwithstanding this, there is no substantive evidence before me to conclude that the appeal scheme would be tied to the wider holding/main property of Grove Farm required by the provisions of Policy SUS3.
10. I have found that the proposed development would meet part of the criterion of Policy SUS3, insofar as the barn is of permanent construction and would not

need to be substantially rebuilt. Nevertheless, I have found that the form, bulk and design of the proposed development would not make a positive contribution to its location. Furthermore, the proposed use of the barn would not be acceptable given I have concluded that the appeal site is not within or adjoining a settlement, nor adjoining an existing residential dwelling.

11. Consequently, I conclude that the proposed development is not appropriate, having regard to local planning policies on the re-use of buildings outside defined development boundaries. It would be contrary to policies SUS3 and ENV12 of the Local Plan concerning the re-use of an existing barn and its contribution to local character.

Other Matters

12. The proposed development would provide social, economic and environmental benefits from the occupation of the barn, the building work proposed and the use of solar panels. While I commend the appellant's desire to be more environmentally and ecologically friendly, given the scale of the appeal scheme, the public benefits derived from it would be limited.
13. The appeal site is located within the catchment of the Somerset Levels and Moors Special Protection Area (the SPA), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). If the circumstances leading to the grant of planning permission had been present, it would have been incumbent on me as the competent authority to consider whether the proposed development would be likely to have a significant effect on the integrity of the SPA. This would have been necessary despite the emerging Levelling-up and Regeneration Bill and the fact that the EIA Regulations¹ screening direction² concluded that the development is not EIA development. As the EIA Regulations and the Habitats Regulations have differing requirements, different conclusions can be drawn about the impacts on certain features of designated sites. However, as I have found that the appeal scheme is unacceptable for other reasons, it is not necessary for me to further consider the implications of the SPA.
14. My attention has been drawn to the potential conversion of the barn under permitted development rights as set out in Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, limited evidence has been provided demonstrating how the proposed development would meet the conditions set out in Class Q, particularly concerning the external operations associated with the access track, parking and landscaping. Consequently, as there is a limited theoretical possibility that the barn could be converted using permitted development rights, it does not attract weight in my decision as a fallback scenario.
15. I have also been referred to the nearby approved conversion at Grove Barn³. Notwithstanding the limited details before me regarding this conversion or the planning regime in place at the time the applications were determined, Grove Barn is more closely related to the built form at Chetnole with a more direct

¹ Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)

² Letter dated 2 August 2023

³ Council refs: WD/D/15/000752 and WD/D/16/001260

connection to Neal's Lane. Regardless, the presence of Grove Barn does not mean otherwise unacceptable development should be permitted.

16. I acknowledge the support for the proposed development from Chetnole and Stockwood Parish Council. However, such support provides no substantive evidence to lead me to conclude otherwise in accordance with the development plan.
17. Although the appellant refers to the presumption in favour of sustainable development, the evidence before me indicates that the Council can demonstrate a five-year supply of housing. Additionally, I have not been presented with other evidence which would indicate that relevant development plan policies are out-of-date for other reasons. Consequently, there is no reason to conclude that paragraph 11d of the Framework is engaged and that the presumption in favour of sustainable development should be applied in this decision. Based on the evidence before me, the appeal site was last used for agriculture and, as such, is excluded from the definition of previously developed land.
18. I note the appellant's reference to the Council's appeal statement being more expansive than the Officer Report. However, as it responds to points raised within the appellant's statement of case and does not introduce new evidence, I have no substantive reason to conclude taking it into account in my decision would prejudice any appeal party. Moreover, the appellant was provided with the opportunity to submit final comments in reply, and did so, as per the appeal process. The inclusion of suggested conditions within the Council's appeal statement is a standard requirement and not an agreement from the Council that the appeal should be upheld.
19. Comments regarding the behaviour of the Council during the determination of the planning application, including the site visit procedure, fall outside the remit of my decision.

Conclusion

20. The proposed development conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that outweigh this conflict.
21. For the reasons identified above, the appeal is dismissed.

Juliet Rogers

INSPECTOR