



Appeal Decision

Site visit made on 16 November 2023

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th November 2023

Appeal Ref: APP/K0235/W/23/3321084

Lower Goodwick Farm, Begwary Lane, Begwary, Bedford, MK44 2NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Messrs Alex, Edward, & Richard Bates against Bedford Borough Council.
 - The application Ref 22/02258/FUL, is dated 12 October 2022.
 - The development proposed is the conversion and change of use of agricultural barns to two dwellings, with associated garden areas and parking.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and change of use of agricultural barns to two dwellings, with associated garden areas and parking, at Lower Goodwick Farm, Begwary Lane, Bedford, MK44 2NX in accordance with the terms of the application, Ref 22/02258/FUL, dated 12 October 2022, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issues

2. Although the appeal is against non-determination the Council have set out in an officer report the reasons why it considers that planning permission should be refused. From these the main issues are:
 - The policy principles of development;
 - The effect on the character and appearance of the area;
 - The effect on the living conditions of the occupiers of the dwellings;
 - The effect on highway safety; and
 - The storage and disposal of waste.

Reasons

Background

3. The appeal site is a triangular area of land which is located in open countryside although it adjoins another barn which has been converted to residential use close by the farmhouse of a farmstead. The buildings now proposed for conversion are mostly single storey on three sides of a square 'U' shape but part of one wing has a slightly higher roof ridge. The buildings are constructed in brickwork of single brick width and a roof of corrugated sheeting on a rudimentary steel framework, while the internal elevations to the inner

courtyard are open on two sides. The barns front a private access road which also appears to be a public right of way.

Principles of conversion

4. In policy terms the site lies in the countryside away from any defined settlement. New housing here would conflict with the overall strategy set out in Policy 3S of the Bedford Borough Local Plan (BBLP) unless it accords with the specific Policy 7S on development in the countryside where the relevant Policy 65 relates to the re-use of rural buildings.

5. Regarding the 11 criteria set out in Policy 65, the Council says that parts (i), (v), (vii), (viii) and (ix) are not satisfied and these will be considered in more detail below. The other criteria are accepted as being met or are not relevant to this case. In particular at my site visit I saw that the barns appeared in reasonable structural condition and the proposal does not involve major reconstruction or extension to the buildings.

(i) Redundant or disused and (v) unsuitable for modern agricultural use

6. The Council says that the barns are not redundant and in support of this refers to the photographs taken for the Structural Report undertaken in May 2022 and the Ecology Report dated April 2022. In the main these show the storage of large bags of fertiliser. The appellants confirm that the building is now redundant following the relocation of the agricultural business to Lower Honeydon Farm which already has new buildings, and say that the conversion will not give rise to a need for a replacement building. The barns were vacant at the time of my visit and I have no reason to question the appellants' statement that they are no longer needed.

7. Further it appears to me that the form of the barns means that their use for modern agricultural practice is limited and would also need considerable repair and updating. Their open front means that the structures are not secure for the storage of equipment and machinery and the low eaves height at the openings means that they are not easily accessible by modern agricultural vehicles. On the evidence put to me and my own observations I conclude that the barns are disused and redundant and not suitable for modern use.

(vii) whether enhancement and (viii) visual impact

8. The Council says that the introduction of the doors and fenestration proposed to facilitate the residential use would domesticate the buildings and detract from their rural character. However I noticed at the site visit that the barns had previously had large openings in the west facing elevation which have been bricked up but the lintels are still present. Large scale openings are not unusual in an agricultural building of this type and the proposal maintains this form with the glazed 'cart doors' on the west elevation.

9. The proposal also puts forward an unusual design of window at first floor on this elevation where the rooflights run into high level windows on the brick elevation. Nevertheless, I noticed the same form of windows in the adjacent residential barn conversion and the form of these windows did not appear visually inappropriate. There would be a plethora of rooflights on the east elevation but these would face the internal courtyard and not open countryside.

10. Overall, I am satisfied that the details of the residential conversion proposed would not result in a cluttered form or harm the character and appearance of the existing barns and their contribution to the rural character of the area would be maintained. There is no conflict with criteria (vii) and (viii).

(ix) extent of curtilage

11. This criterion indicates that the curtilage of the building to be converted should not be excessive in size and relates well to the landscape. At the visit I noted that although the proposed curtilage is straight lined and angular, generally it follows the edge of an established field boundary although there is no fencing or hedging along this boundary at the moment. Moreover the depth of the curtilage at its maximum appears consistent with the space surrounding the adjoining barn conversion and farmhouse.

12. I find that the extent of curtilage proposed is not excessive although as it is open at the moment the conversion scheme should include boundary hedge planting to prevent incursions into the field and to reduce the visual prominence of residential paraphernalia in the open rural landscape. Such landscaping and boundary hedge planting can be secured by condition.

Overall

13. Taking the provisions of Policy 65 as a whole I find that the proposal meets the detailed requirements of the policy and is therefore a permitted exception under Policy 7S for development in the countryside. There is no conflict with related Policy 30 on design impacts.

Effect on living conditions

14. The Council refers to its Design code which has a guideline that windows in adjacent houses should be at least 18m apart to avoid direct overlooking whereas the windows facing each other across the courtyard would only be some 11m apart. This guidance predates the National Planning Policy Framework (the Framework) which limits the weight that can be afforded to it. Moreover, to my mind there is a difference between wholly new build residential development, which appears to be the focus of the guidance, and a conversion where the scheme can only make use of the physical structure available. In this case the occupiers of each plot will be new rather than result from a development imposing on an existing occupier and the first occupiers can each take steps to minimise potential overlooking or lack of privacy. The lack of adherence with the design code in this appeal should therefore not be a barrier to the conversion if all other aspects of the proposal are acceptable.

15. In addition to the above points on the principle of development the Council says that the layout proposed would be harmful to the living conditions of the occupiers of Plot 1 as the parking for plot 2 would occupy the inner courtyard and be close to the outlook from main windows. I agree that proposing the layout in this manner does not result in a quality design solution but there is adequate space available for the main parking area for this plot to be located to the side of the barn yet not interfere with the position and spread of the mature tree on the edge of this area. This can be achieved by condition.

16. I conclude on this issue that the proposed conversion would not materially harm the living conditions of either occupiers and the issue over the location of the parking area for plot 2 can be overcome by amended plans pursuant to a

condition. As such there is no conflict with Policy 32 regarding impact and disturbance.

Effect on highway safety

17. The Council, on the advice of the highway authority, objects to the scheme on the grounds of the total number of properties serviced off a private road and the lack of turning space for vehicles serving plot 2 including a Fire Engine.
18. I noted at my visit that the public highway finishes at the corner within Begwary Lane and the road leading to the appeal site is a private farm road which appeared to me to be very lightly trafficked. Even if the number of residential properties served off this private road would exceed the highway authority standard, in this case this would not have an effect on highway safety. Moreover, I note that the private road is also a public right of way but given the potential vehicle movements that have taken place by agricultural vehicles in the past I do not consider that turning and manoeuvring associated with the normal use of the dwelling would be materially different. There would be sufficient space for a fire engine to turn around in emergency circumstances.
19. I have said in paragraph 15 above that the parking scheme for plot 2 needs to be relocated by condition and with this change I am satisfied that the conversion of the barns into two dwellings would not have a harmful effect on highway or pedestrian safety and would make reasonable provision for emergency and service vehicles. There would be no conflict with Policy 31 as there would be no significant adverse effect on the highway or on users of the public right of way.

Waste

20. The Council takes issue with the lack of facilities within the proposed scheme for the storage, collection and disposal of waste. However, there is sufficient area within the application site for a such provision to be made and to accord with the 'drag distance' to the farm road for collection provided the refuse vehicle serves off this private road. If not, bins would have to be taken to the corner with Begwary Lane. This issue can be addressed though the submission of an amended plan showing an appropriate and screened area for bin storage which would overcome any conflict with the requirements of Policies 29(viii) and 32(v).

Planning balance

21. On the main issues I have found that the proposal accords with the criteria set out in Policy 65 in terms of the nature of the buildings to be converted and the design quality of the scheme and would not harm the rural landscape character of the areas. The proposed scheme would have minor issues over the location of the parking area for plot 2 and the landscape enclosure of some of the boundaries of the curtilage of the two dwellings and the bin storage areas but these can be addressed though the submission of amended plans to make minor changes.
22. Overall I find that the appeal scheme meets the relevant provisions of the development plan when this is read as a whole and there are no other considerations which outweigh this. The appeal should therefore be allowed.

Conditions

23. The Council recommends that 14 conditions be imposed which I will consider under the same numbering. Some of these conditions are 'Pre-Commencement' ones and the appellants have had the opportunity to comment on them. Conditions No.1 and 2 are necessary to define the permission and it should be implemented in accordance with the approved plans as modified by specific conditions. I will also impose a modified condition No. 3 as new landscaping and hedge planting is essential to the development proposed to maintain the character of the countryside.
24. As the buildings and land may be contaminated from the previous agricultural use and the storage of chemicals it is necessary in the interest of maintaining health to have the contamination assessed and dealt with (No.4.)
25. As mentioned in paragraphs 15 and 19 above regarding the parking layout I will impose condition No.5 but modify this so that the amendments relate to plot 2 only. In order to maintain the rural appearance of the buildings I will impose condition No.6. Likewise additional details are needed for the storage of bins for waste, as per condition No.9 but amended in line with my assessment.
26. Condition No.8 is necessary for further details on boundary enclosure to maintain the rural setting of the site. In order to promote biodiversity and ecology conditions 7 and 11 are reasonable and necessary. Further, in order to support a sustainable housing environment conditions 10, 12 and 13 are reasonable and necessary.
27. Finally as the proposal involves the conversion of existing barns as an exceptional case it is reasonable and necessary that 'permitted development rights' to add further additions are removed along with rights over the erection of additional structures and outbuildings in the curtilages in order to maintain the open rural aspects of the buildings. I will therefore impose condition No.14.

Conclusion

28. For the reasons given I conclude that the appeal should succeed.

David Murray

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this consent.
2. The development hereby approved shall be carried out in accordance with the plans and documents listed on this decision notice, unless required by a separate planning condition of this permission.
3. No development shall take place until a scheme of landscape works has been submitted to and approved in writing by the Local Planning Authority, which shall include details of the following:
 - a) Details of any trees and hedges to be retained or removed
 - b) New planting proposals for the boundaries of the site giving location, species, number, density and planting size.
 - c) Areas of grass turfing or seeding and other surface materials.
 - d) Depth of topsoil to be provided where necessary and the measures to be taken to maintain the new planting for the required period.

All planting, seeding or turfing comprised in the approved details of landscape works shall be carried out in the first planting and seeding seasons following the completion of the development. Any trees or plants, which within a period of 5 years from the completion of the tree planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. For the purpose of this condition a planting season shall mean the period from November to February inclusive.

4. No development shall take place until a phase II contaminated land assessment and, if necessary, associated remedial strategy, together with a timetable of works, has been submitted to the Local Planning Authority for approval. The assessment shall comprise the following:
 - (a) The site investigation shall include relevant soil, soil gas, surface and groundwater sampling, in accordance with the quality assured sampling and analysis methodology of the Contaminated Land Reports as well as other appropriate guidance where necessary. This shall include risk assessment based on the Contaminated Land Exposure Assessment Model or where appropriate other guidance providing adequate justification can be provided for such use.
 - (b) The site investigation report shall detail all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remedial strategy. The Local planning Authority shall approve this remedial strategy as proposed prior to any remediation commencing on site. The work shall be of such a nature so as to render harmless the identified contamination, given the proposed end use of the site and surrounding environment including any controlled waters. Any laboratories used for sampling shall be compliant with United Kingdom Accreditation Service or an equivalent approved accredited quality control scheme.
 - (c) The remediation work as outlined in the approved strategy shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best

practice guidance. If during any works, contamination is encountered which has not previously been identified, including new hotspots uncovered by demolition; then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for approval. All works will be made available for witnessing by an appropriate Council Officer. Upon completion of works, this Condition shall not be discharged until a validation report has been submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the proposed remediation works and the quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post remediation sampling to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. No part of the development shall be occupied until such works have been completed.

5. No development shall take place until a scheme for car parking, cycle parking and turning for plot 2 (with access thereto) has been submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and the car parking, cycle parking and any turning areas shall not thereafter be used for any other purpose.
6. No development shall take place until full particulars of the external materials to be used (to include walls, roof, doors, windows and external gutters and pipework) have been provided for inspection (on site where possible) and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details or particulars.
7. No development shall take place until a Biodiversity Enhancement Scheme (to include details of protection and management of habitats and species and incorporating opportunities for the enhancement of existing and the creation of new habitats on site) has been submitted to and approved in writing by the Local Planning Authority.
8. No development shall take place until written details of all boundary treatments, screen walls and fences including a timetable for carrying out the works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and timetable.
9. The new dwellings shall not be occupied until full details of the bin storage and collection areas (with access thereto) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and made available for use before the development is occupied and shall not thereafter be used for any other purpose.
10. The dwellings shall not be occupied until a scheme of electric car charging points has been submitted to and approved in writing by the

Local Planning Authority. The development shall thereafter be carried out and operated in accordance with the approved scheme.

11. The development shall be carried out in accordance with the recommendations set out in the submitted Preliminary Ecological Appraisal and Preliminary Roost Assessment Ecological Report for Crew Yard Barn, Begwary, Bedford, Bedfordshire prepared by Bernwood Ecology dated 14th April 2022.
12. The new dwellings shall achieve and maintain the higher water efficiency standard in the Building Regulations as set out in Approved Document G: Sanitation, hot water safety and water efficiency, 2015 edition, DCLG October 2015 (or similar replacement standard).
13. The new dwellings shall be served with an appropriate open access fibre optic infrastructure to enable high speed and reliable broadband connection unless evidence is submitted which demonstrates that providing the required infrastructure is not feasible or economically viable.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking, re-enacting or modifying that Order), no extensions or additions to the roof or outbuildings (Classes A, B and E of Part 1, Schedule 2 of the GPDO) shall be erected within the curtilage of the dwellinghouse without the specific grant of planning permission by the Local Planning Authority.

-End-