



Appeal Decision

Site visit made on 9 January 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/Y3425/W/23/3320502

Brancote Farm, Tixall Road, Tixall, Stafford, Staffordshire, ST18 0XX

- 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 under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Steve Witton against Stafford Borough Council.
 - The application Ref 22/36909/FUL is dated 15 December 2022.
 - The application sought planning permission for the conversion of redundant cowshed to provide a single dwelling with minimal landscaping, external works and fencing to delineate plot boundaries without complying with a condition attached to planning permission Ref 20/32528/FUL, dated 11 September 2020.
 - The condition in dispute is No 2 which states that:
This permission relates to the originally submitted details and specification and to the following drawings, except where indicated otherwise by a condition attached to this consent, in which case the condition shall take precedence:-
 - 19057_000 C
 - 19057_001 A
 - 19057_002 B.
 - The reason given for the condition is: *To define the permission.*
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of redundant cowshed to provide a single dwelling with minimal landscaping, external works and fencing to delineate plot boundaries at Brancote Farm, Tixall Road, Tixall, Stafford, Staffordshire ST18 0XX without complying with Condition 2 of permission 20/32528/FUL granted on 11 September 2020 by Stafford Borough Council, but otherwise subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Condition 2 lists the approved plans and an application to substitute them for alternative plans was submitted to the Council. The application was not determined by the Council within the statutory period and hence an appeal has been submitted.
3. The most notable differences between the approved plans and those subject to this appeal relate to fenestration details and the addition of a post and rail fence along the converted building's front boundary. Work has already taken place which mostly accords with the proposed plans. However, the Council has set out two reasons why it finds the proposed substitution plans unacceptable. The first finds that UPVC windows and doors are inappropriate to the traditional

construction of the building. The second relates to fencing and the sub-division of the former farmyard which the Council consider would result in an over domestication of the farmstead. I have considered this appeal on this basis.

4. The Appellant states that Drawing No 19057_002 Rev C is incorrectly marked as Revision C when it should be Revision D. However, the plan presented to me is marked as Revision C and I have not seen a Revision D. Therefore, I have based my decision on the plans submitted and referenced and so shall refer to them as such.
5. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration to this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. I have consulted with the parties and their views are consistent with mine.

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the host building and its surroundings.

Reasons

7. The appeal site comprises a single storey residential property, land around it and a long access from Tixall Road. The building has been converted from a former cowshed to a residential property with UPVC windows and doors. A timber post and rail fence has been erected which delineates the dwelling's frontage.
8. The appeal building is set within a well-spaced grouping of farm buildings including brick buildings as well as modern metal clad ones, a farmhouse and a large farmyard. I note that work was underway on other buildings and the appellant's uncontested evidence is that a combination of UPVC and aluminium has or is being used on them. No evidence has been submitted regarding the details of these other conversions so I do not know whether the use of UPVC has been approved on them. Nevertheless, it is apparent that the farm complex comprises a number of buildings which have or are being converted to residential use while it appears that the farm still functions as a working farm.
9. The windows are dark UPVC and have been installed in place of the hardwood timber windows and doors shown on the approved plans. There are also changes to the configuration of some fenestration details and there are minor differences between those installed and the details shown on the submitted plans. Nonetheless I have determined the appeal on the basis of the proposed drawings as outlined at paragraph 4 above.
10. I consider that the use of timber would be a traditional material that would suit the character and style of the building, and I am aware that it is often accepted that timber is a preferred option for the conversion of agricultural buildings. However, I do not find the use of UPVC to be especially harmful given the scale and height of the building up to eaves level and its large expanse of decorative roof tiling. Furthermore, within the context of the farm grouping, the windows on this single storey building do not detract from the character of the farm complex overall. It is of a very different scale and character and appearance to

the farmhouse and is set apart from most of the other farm buildings given the large area of farmyard. Therefore, I do not consider that the character or appearance of the host dwelling or its surroundings would be harmed.

11. Turning to the fencing, the plans describe it as a temporary post and rail fence and I note that it is a simple timber ranch style fence around the front of the dwelling. It assists in defining the property's boundary, the area it encloses is modest and the style of fencing does not over domesticate the agrarian character of the wider farmyard. It is low key and unintrusive and I see no harm in it to either the building itself or its wider setting of the farm complex.
12. I consider that the proposed changes to the approved plans would not have a harmful effect on the character or appearance of the host building or its surroundings. They would not conflict with the design standards required by Policy N1 (g) & (h) of The Plan for Stafford Borough 2011 - 2031, adopted 19 June 2014. It would also not conflict with the Framework, including paragraph 140 which seeks to ensure that the quality of approved development is not materially diminished between permission and completion as a result of changes being made to the permitted scheme (such as materials).

Conditions

13. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under Section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. This appeal is under Section 73(A) as at least some of the work has already been carried out in breach of the disputed condition. However, whilst I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose those that I consider remain relevant. The reasons for those conditions remains as set out in the original permission.
14. The Council has supplied a list of conditions which the appellant has not disputed. I shall, therefore also consider those in terms of the tests set out in the Framework and the Planning Policy Guidance. Furthermore, although the property appears to be occupied, I am not certain whether this is the case and no reference is made to occupation by either party. Accordingly, I have imposed those conditions that require action prior to occupation as set out in the suggested conditions.
15. I have amended some of the wording in the interests of precision or conciseness. This includes omitting the reference to Schwegler 1B bird boxes as no information has been submitted as to why this particular style/brand needs to be specified.
16. I have also omitted a condition specifying that the permission is for renovation and refurbishment of the property as the works have, at least in large part, already been carried out and the condition is unnecessary. The Council has also suggested a condition requiring details and retention of air source heat pumps, but this condition was not on the original permission and other than stating the reason for the condition being to ensure a satisfactory appearance, the Council has not explained why it would be necessary now. I have, therefore, omitted it from the schedule of conditions.

Conclusion

17. I have found that no harm has arisen, nor would arise, from the installation of the UPVC windows and doors or to the erection of a timber post and rail fence to the character and appearance of the host building and its surroundings and no conflict with Policy N1 (g) & (h) has occurred. I therefore delete Condition 2 and substitute it with a revised condition which substitutes the approved plans. I consider this is necessary in order to define the permission and for the avoidance of doubt. For the reasons set out above, I have also included a full schedule of conditions. On this basis the appeal is allowed.

J D Clark

INSPECTOR

Schedule of Conditions

1. The development hereby approved relates to the following approved plans:
 - Drawing Nos:
 - 19057_000 Rev A
 - 19057_001
 - 19057_002 Rev C
 - 19057_200
 - 19057_201
 - 19057_900 Rev A
2. Details of hard and soft landscaping, including boundary treatments (and privacy screening to the eastern boundary) shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall thereafter be provided within 8 months of first occupation of the dwelling.
3. The parking provision shown on Drawing 19057_002 Rev C shall be provided before the development is first occupied and shall thereafter be retained as such.
4. Before the development is first occupied either two bat tubes or two bat bricks shall be installed in appropriate locations on the dwellinghouse and they shall thereafter be retained. All external lighting shall be designed to avoid light spill on the bat tubes/bricks and commuting areas.
5. Before the development is first occupied two bird boxes shall be installed within the site and retained thereafter.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any other subsequent equivalent order, no development within the following classes of development shall be carried out without the prior written approval of the Local Planning Authority:
 - Schedule 2, Part 1, Classes A, B, C, D, E, F, G or H; and
 - Schedule 2 Part 2, Classes A and B.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other subsequent equivalent order, no windows, doors, roof lights, or other openings shall be created in the dwelling in addition to, alterations to, or enlargements of, those hereby permitted without the prior written approval of the Local Planning Authority.
8. Within one month of the date of this permission precise details of the roof lights, to include design, material, colour and recess within the openings, shall be submitted to and approved in writing by the Local Planning Authority. The approved roof lights shall be installed and retained thereafter.