



Appeal Decision

Site visit made on 25 September 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett MRTPI, DipTP, BSc (Hons)

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal Ref: APP/E2001/D/23/3318713

Millers Barn, Bempton Lane, Bempton, East Riding of Yorkshire YO16

6WN

- 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 A Rodgers against the decision of East Riding of Yorkshire Council.
 - The application Ref 22/03258/PLF, dated 3 October 2022, was refused by notice dated 1 February 2023.
 - The development proposed is the erection of a single storey outbuilding to side and a single storey porch to front.
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Decision

1. The appeal is dismissed insofar as it relates to the front porch. The appeal is allowed insofar as it relates to the detached outbuilding and planning permission is therefore granted for the single storey outbuilding to the side at Millers Barn, Bempton Lane, Bempton, East Riding of Yorkshire, YO16 6WN, in accordance with the terms of the application 22/03258/PLF dated 3 October 2022 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans numbered: E01 and P01 Revision B (insofar as they relate to the detached outbuilding/garage).

Preliminary Matter

2. The appeal proposal has been amended from the description given in the original submission as the outbuilding/garage was originally proposed to be attached to the existing building. The description on the Council's Decision Notice refers to an outbuilding rather than a garage despite the proposed plans showing the building as being used as a garage. Notwithstanding that, and for consistency in the description of the proposal, I have utilised the description on the Council's decision notice in my decision. I am satisfied that in so doing neither party would be disadvantaged.

Appeal Procedure

3. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

4. The effect of the proposal upon the character and appearance of the host property and surrounding area.

Reasons for the Recommendation

5. Millers Barn is a part two-storey, part single storey dwelling which has been converted from a former agricultural building. The dwelling is part of a small complex of converted barns which are located at the northeast corner of the junction between Bempton Lane and Bolam Lane. Millers Barn is accessed via a private drive off Bempton Lane which leads into a gravelled parking area. There are two outbuildings located within this gravelled area.
6. In the same complex of buildings as Millers Barn is Mill Farmhouse which is a Grade II Listed Building. Whilst Millers Barn is not a 'principle' Listed Building, as I understand it, the building was within the curtilage of Mill Farmhouse at the time of listing and is therefore a Listed Building as a result.
7. The appeal building retains a strong level of its original agricultural character and can be seen as a successful conversion from surrounding vantage points and from within the site. In that context, the introduction of a porch to the front would be an incongruous addition to the building. It would introduce a more domestic character which would not be in keeping with the established and retained agricultural character of the host building. To that end, I find that the proposed porch would result in an adverse effect on the character and appearance of the host dwelling and the area.
8. In coming to that view, I acknowledge that the design of the porch has clearly been thought through and is not of a standard domestic design which is evident when compared to such examples in the Appellants statement. However, this does not provide for a compelling reason to allow an otherwise unacceptable proposal.
9. Turning to the detached outbuilding/garage, the roof would have a hipped form, following the nearest elevation of the host building. It would also be constructed with brick, with tile roofing and timber doors which would match the external materials of the host dwelling and would be set well back from the front elevation of the host dwelling. The roof will also be slightly set down at the ridge than the single storey section of the host dwelling. By virtue of its being detached from the host property, the garage would not affect the traditional U-shaped form of the range of former farm buildings.
10. In addition to the above, I noted at my site visit that there were other outbuildings in proximity to the proposal and these form part of the overall character of the area. In my view, the introduction of a detached garage would not be out of place within this setting, nor would it result in an adverse effect on the character and appearance of the host dwelling and the area.

11. As noted above, the host dwelling is a listed building and Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications.
12. I note that the Council has not raised any concerns over the impact of the proposal on this listed building or its setting. Quite simply, I agree with this assessment. As such I find no conflict with the Framework or the Development Plan in this respect.
13. The Council have referred to Policies S4 and ENV1 of the of the East Riding Local Plan 2012 -2029 Strategy Document (2016) and the Framework in their decision. These, amongst other matters, seek to ensure that new developments contribute to safeguarding and respecting the diverse character and appearance of the area through their design, layout, construction, and use.
14. I find that by virtue of its design and location the proposed porch to the front would be harmful to the character and appearance of the host dwelling and the surrounding area and would conflict with these policies. However, I find that the outbuilding/garage would not result in any harm and would accord with these policies.

Conditions

15. Other than the statutory condition relating to the commencement of work it is necessary, in the interests of clarity, to attach a condition to ensure that the development is constructed in accordance with the plans submitted with the application. In the interests of the visual amenity, a condition is necessary to ensure that the external materials of the development match those used in the existing building.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I find the detached outbuilding/garage to be an acceptable development. Given that this part of the proposal is clearly severable both physically and functionally from the front porch, I therefore recommend that a split decision is issued and that the appeal should be allowed insofar as it relates to the detached outbuilding/garage and dismissed insofar as it relates to the front porch.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed insofar as it relates to the detached outbuilding/garage and dismissed insofar as it relates to the front porch.

Chris Forrett

INSPECTOR