



Appeal Decision

Site visit made on 3 April 2024

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal Ref: APP/W0340/W/23/3332235

Hall Court Farm, Midgeham Green, Reading, RG7 5TX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by F Long and B Davenport against the decision of West Berkshire District Council.
 - The application Ref is 22/00153/FULD.
 - The development proposed is the change of use and extension of existing barns to create a C3 use – (modification of extant planning permission 08/01295/FULD).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and extension of existing barns to create a C3 use, at Hall Court Farm, Reading, RG7 5TX in accordance with the terms of the application, Ref 22/00153/FULD, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issues

2. The main issues are:
 - Whether the proposal meets the terms of Policy C4 on barn conversions; including whether the living conditions of the occupiers would be affected by adjacent uses; and
 - Whether adequate car parking would be accommodated.

Reasons

Background

3. The appeal site forms part of a group of farm outbuildings situated close to Hall Court Farmhouse and with two other large houses in their own grounds nearby. This loose group of buildings are located in open countryside to the north of the village of Woolhampton. It is proposed to convert two existing barns into a dwelling and erect a new element which would form the central part of an overall 'H' shape.
4. I note that permission was granted under ref. 08/01295/FULD for the conversion of two redundant farm buildings into two self-contained dwellings and an annexe. However, the Council disputes that this permission has been implemented and says it does not represent a 'fallback' position especially as one of the buildings appears to have fallen down. I have therefore considered the conversion/ addition to the buildings in question on their individual current merits. I also note that the Council decided under ref. 22/00031/Class R that a

proposal to change the use of a larger barn (not part of this appeal scheme) from agricultural storage to a D2 use (assembly and leisure) Under Class R (flexible commercial use) did not require Prior Approval¹.

Accordance with Policy C4

5. While Policies CS1 and ADPP1 of the Core Strategy seek to strictly control development in the open countryside outside of settlement boundaries, the Housing Site Allocations DPD (HSA DPD) Policy C4 generally permits the conversion of redundant existing buildings in the countryside to residential use subject to seven criteria. This policy is consistent with the Framework which supports in paragraph 84(c) a new home in the countryside where this would involve the re-use of a redundant building and enhance its immediate setting.
6. Taking the criteria in Policy C4 in turn:
 - (i) Structural stability
7. The appeal proposal now includes a structural inspection of the barn by consulting engineers and is an update on the structural report undertaken in 2006 for the previous proposals. The report concludes that the buildings are still suitable for conversion subject to repair and consolidation although the report notes that previous lightweight roofs have blown off. The assessment reflects my own observations at the site visit where I saw that the main brick and tile buildings appeared sound and re-useable. A small element of the southern building is no longer present and would need to be rebuilt as the Council alleges. However I do not see this element as significant in the overall scale and form of the buildings to be converted.
8. The policy does not support substantial rebuilding, extension or alteration but the central linking span of the H involves new building with timber elevations. However, taking account of the existing buildings proposed for demolition, which occupy a larger footprint, I am satisfied that the scale of new building is not substantial and the demolition proposed would result in a positive enhancement of the immediate setting of the site as referred to in the extract from the Framework mentioned above.
9. Considered as a whole I am satisfied that the terms of criterion (i) are met.
 - (ii) Genuinely redundant
10. It appeared to me at the site visit that the buildings in question had not been used for agricultural purposes for some time and the nature of the buildings, particularly with low eaves height, meant that they are generally not suited for modern agricultural use including the storage of feed, materials or equipment.
11. I note that the Council refers to the application for prior approval for the large barn in 2022 in which the appellant claimed that its use then was 'agriculture' to take advantage of the 'permitted development' rights. Nevertheless, that substantial barn is not the subject of the present appeal which I have judged on my observations and the submitted evidence. From these, I find that it is unlikely that if the appeal was allowed this would result in pressure subsequently for replacement buildings.

¹ ¹ As set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

(iii) Suitable residential environment

12. The existing uses around the appeal site are mainly other dwellings including Hall Court Farmhouse although the large barn can be used as a flexible commercial use. The appellants clarify that the barn has been used for low key events comprising small groups of people from the nearby community. Although the barn can be used as a wedding space they say it is likely that in these circumstances the C3 residential use now sought would be used for accommodation for those involved in the wedding.
13. I have taken note of the photographs submitted by the Council, which appear to show a social event, or events, occurring in October 2023 on the grassed area in front of the large barn. They also show cars parked up to the side wall of the northern building proposed for conversion. However this wall would be mostly blank other than a small doorway and it is not clear to me that the environs of this unit would be harmed by activity either within the main barn and the space in front of it, or from the communal parking area.
14. Overall, there is little evidence from the appellants or the Council to establish that the occupiers of the proposed C3 use would be likely to suffer from noise and disturbance or not. However, as all of the buildings around the central courtyard are in the control of the appellants they would appear best placed to ensure that there is no regular or significant noise issue. Moreover, as the Council recommends a noise mitigation scheme be agreed and implemented this appears to be a reasonable way to mitigate any potential problem of disturbance.

(iv) Rural character

15. The proposed C3 conversion involves a group of buildings within an existing courtyard and there would be negligible adverse effects on the rural character of the site.

(v) Wider landscape

16. Similarly with (iv) above there would be negligible effect outside of the site or in the wider landscape setting.

(vi) Details of conversion

17. The Design and Access statement indicates that existing brickwork and timber cladding will be maintained and re-used in the conversion but where this is not possible matching materials would be used. This would maintain the rural character of the buildings. In any event the Council recommends a condition requiring a schedule of materials to be used in the conversion scheme to be submitted and agreed. This will help maintain the character, fabric and historic interest of the buildings.

(vii) Protected species.

18. The appeal documents include a Preliminary Ecological Appraisal which concludes that the appeal buildings are of negligible potential for roosting bats but some measures are proposed to help create a habitat for declining bird species and owls. The implementation of this can be covered in a condition as recommended by the Council.

19. Overall on this issue I conclude that the scheme put forward for C3 use reasonably accords with the relevant policy on barn conversion even though it relies on a modest amount of new building work. This is not significant in the overall scale and nature of the proposal and is to a large extent mitigated by the degree of demolition put forward which will remove poor quality buildings. This would enhance the site and accord with national policy in the Framework on such conversion.

Provision of car parking

20. The scheme puts forward two spaces for the C3 use whereas the Council says that 3 spaces are needed and should be clearly shown on a plan. However, one of the attractive features of the overall site is the open courtyard space in front of the main barn and also in front of the stables. The communal space has an informal appearance without regimented parking spaces. I am satisfied that there is adequate space available for the parking of three vehicles for the proposed use within the red line of the application site, and which is well away from the public highway, and further identification of spaces is unnecessary. There is no conflict with HSA DPD Policy P1.

Planning balance

21. On the main issues I have found that while the proposal involves a modest amount of new building work this is not significant in the overall scale of the proposal and is mitigated by the degree of demolition put forward which will remove poor quality buildings and enhance the environs of the site. Other criteria set out in policy C4 are reasonably met and therefore the proposal meets the local and national policy test for the creation of a new dwelling in the countryside. I have also found that there is adequate space within the communal parking area of the courtyard and further marking out of these spaces is not necessary.
22. Overall the accord with local and national policy is not outweighed by any other considerations and therefore the appeal should be allowed.

Conditions

23. The Council recommends 10 conditions be imposed on any permission and I will consider these under the same numbering. In addition to the condition on the commencement of the development (No.1) the plans that are approved should be listed and the development should be undertaken in accordance with them (No.2). I will also impose condition No.3 to ensure that the external materials are appropriate for the conversion scheme to maintain the character of the existing buildings. In the interest of promoting sustainable transport I will impose conditions No's 3 (second one) and No.5 for electric vehicle charging points and cycle parking but I will not impose No.4 as marked out spaces in the area of communal parking are unnecessary.
24. I will impose conditions No. 6 and 7 as they are reasonable and necessary to ensure that the residential scheme is properly landscaped in the interest of amenity, and for drainage in the interests of health and to avoid flooding. It is also necessary to have a noise mitigation scheme in the light of the Council's concern about disturbance from events in the adjacent premises.
25. I agree that there is special justification for the removal of 'permitted development rights' for extensions and other alterations as the scheme is put

forward substantially as the re-use of existing buildings and not for the erection of a new one. I will therefore impose condition No.9. Finally in the interests of biodiversity I will impose condition 10 to ensure that the recommendations of the ecological appraisal are implemented.

Conclusion

26. For the reasons given above the appeal should be allowed.

David Murray

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Location Plan and existing Block Plan 010 PL00
North and West Elevations 008 PL00
Floor and Site Plan 020 PL00
Proposed Elevation 025 PL00
Section 040 PL00
Preliminary Ecology Appraisal and Bat Risk Assessments
- 3) No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the building and hard surfaced areas hereby permitted has been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to these matters which have been detailed in the current application. Samples of the materials shall be made available for inspection on request. Thereafter the development shall be carried out in accordance with the approved materials.
- 4) No development shall take place until a strategy for electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until electric vehicle charging points have been provided for the dwellings in accordance with the approved drawing. The charging points shall thereafter be retained and kept available for the potential use of an electric car.
- 5) The dwelling hereby permitted shall not be first occupied until details of cycle parking/storage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with the approved details. Thereafter the facilities shall be maintained and kept available for that purpose at all times.
- 6) The dwelling hereby permitted shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of any new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.
- 7) No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted

to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Any soakage testing should be undertaken in accordance with BRE365 methodology
- c) Include details of how the existing flood plain will be sustained or mitigated (any measures for loss of flood plain shall not increase flood risk elsewhere);
- d) Include a drainage strategy for surface water run-off from the site since no discharge of surface water from the site will be accepted into the public system by the Lead Local Flood Authority;
- e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- f) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- g) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;
- h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- i) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- j) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- k) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development;
- l) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- m) Provide a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

Thereafter the development shall be carried out in accordance with the approved details, and no dwelling shall be first occupied until the drainage measures have been completed.

- 8) The dwelling hereby permitted shall not be first occupied until a scheme of works for protecting the occupiers of the development from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. All works forming part of the approved scheme shall be completed before any dwelling is first occupied.
- 9) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, AA, B, C and/or E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.
- 10) The development hereby permitted shall be undertaken in accordance with the recommendations of the Ecology Report undertaken by Bombus Ecology document PRELIMINARY ECOLOGICAL APPRAISAL BAT RISK ASSESSMENT HALLCOURT FARM, MIDGHAM BOM-BD-21-01 JUNE 2023 throughout the construction period of the development.

The development hereby permitted shall not be first used until the recommended mitigation in the aforementioned report are installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

-End-