



Appeal Decision

Site visit made on 23 November 2023

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

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/R2330/W/23/3324072

Iconhurst Barn, Green Haworth, off Willows Lane, Oswaldtwistle BB5 3SL

- 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 S Heys against the decision of Hyndburn Borough Council.
 - The application Ref is 11/22/0274.
 - The development proposed was originally described as change of use and extension/alts of exg stable block to 1 dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use and extension/alteration of existing stable block to form 1 No dwelling at Iconhurst Barn, Green Haworth, off Willows Lane, Oswaldtwistle BB5 3SL in accordance with the terms of the application, Ref 11/22/0274, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development in the formal decision has been taken from the decision notice. This is because it is a more accurate reflection of the development for which permission is sought.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration in this appeal. The main parties were given the opportunity to comment on any relevant implications for the appeal, and in reaching my Decision I have taken into account the comments raised.

Background and Main Issues

4. The appeal site is located within the Green Belt. Based on the information presented, the development would not be inappropriate development in the Green Belt because it would accord with paragraph 155 d) of the Framework. This position is agreed by the main parties.
5. Therefore, the main issues are: -
 - the effect of the proposed development on the character and appearance of the surrounding area.
 - whether the building is suitable for conversion, having regard to local and national planning policy.

- whether the site represents an acceptable location for the proposed development, having regard to access to local services, facilities and public transport as well as relevant local and national planning policy.

Reasons

Character and Appearance

6. The appeal building is single storey, constructed in rendered breeze block with stone quoins under a slate roof. It was constructed following planning permission in 2008 for 3 loose boxes and tack/store room¹. It is a low structure set into the hillside and sits within a rural setting characterised by open fields with scattering of buildings in a gently undulating topography. The stables are located amongst a group of buildings, most of which are two-storeys high which include the conversion of former agricultural buildings to dwellings plus a row of terraced houses. I note particularly the large building which has been converted from an agricultural barn to a dwelling following planning permission in 2018².
7. The conversion would involve re-building the front wall and removing stable doors. The proposed fenestration and porch would do little to reflect the characteristics of a stable. However, the development would have a limited impact on the character of the surrounding area. This is because the proposed alterations would be relatively minor and the building is a modest one that is lower than those around it. The design, scale, appearance, elevational language and location of the proposed dwelling, when converted, within the grouping and cluster of buildings would not appear out of keeping in the landscape either when viewed from a distance or close up.
8. The Council refer to the domestication of the land around the building. The curtilage would be relatively modest and in scale with the building itself. Thus, it is unlikely that domestic paraphernalia would be so excessive as to detract from the appearance of the area.
9. For the reasons given above, the proposal would not have a harmful effect on the character or appearance of the area. Consequently, it would comply with Core Strategy³ Policies Env3 and Env6 and Development Management DPD⁴ Policy DM26. These collectively seek, amongst other matters, to deliver high quality design which protects and enhances landscape character.

Suitability of the Building

10. The submitted structural survey indicates that the building is structurally sound. This was not available to the Council prior to its determination of the planning application. Although the Council do not dispute the survey's finding, some of the walls would need to be re-built. However, the amount of re-build would not exceed that set out in the Council's development plan policy. I shall return to this later.
11. Development Management DPD Policy DM34 presents a more detailed policy framework for development within the rural area that reflects the strategic

¹ Planning Application Reference: 11/08/0357.

² Planning Application Reference: 11/17/0511.

³ Hyndburn Borough Council Local Development Framework The Core Strategy, Adopted January 2012.

⁴ Hyndburn Borough Council Local Plan Development Management DPD, Adopted January 2018 (minor typographical corrections made October 2018).

approach set out in Core Strategy Policy BD1. Policy DM34 states, amongst other things, that the conversion of buildings for residential use in the Green Belt and the Countryside Area will be permitted where a traditional building exists of permanent and substantial construction as demonstrated by a structural survey. The policy does not provide a definition of what constitutes a traditional building.

12. The supporting text states that the building needs to be of sufficient architectural quality to warrant conversion but this is not specifically stated in the wording of the policy. It goes on to state that modern agricultural buildings such as portal frame structures or those that use other materials such as concrete that detract from the quality of the environment will not be considered suitable for conversion. The wording of this policy, insofar as it relates to the conversion of existing buildings, largely reflects paragraph 155 d) of the Framework. However, Policy DM34 goes further than national Green Belt policy.
13. The Council accept that the proposal is not inappropriate development. Furthermore, the proposal would satisfy Policy DM34 in that the structural survey demonstrates that the building is structurally sound and the amount of re-build required would be below the policy threshold of 50%.
14. The building was built as stables, and I agree that it has no special architectural quality. However, it does not detract from the quality of the environment in terms of its rural location. It has a simple rectangular form, a slate roof and although not constructed in traditional materials such as stone or brick, its breezeblock and render construction is structurally sound (as borne out by the structural survey). It is not a portal framed building and, as stables, is of a scale that blends in with its surrounding. Likewise, the proposal would retain a modest sized building that's scale, form and appearance would be sensitive to its rural setting. Thus, the character and appearance of the area would not be harmed, as I have set out above.
15. Paragraph 84 of the Framework indicates that development in isolated locations should be avoided unless a set of circumstances apply. One of these is development that would re-use redundant or disused buildings and enhance its immediate setting. Although the building was not used as stables at the time of my site visit; it was used mainly for storage, it does not have the appearance of a redundant or disused building. Regardless of this, whilst this site is located in a rural location, it sits amongst the other properties in this grouping of residential buildings which themselves form an identifiable group.
16. The Council describes the appeal site as being functionally and physically remote from Baxenden and Oswaldtwistle. I accept that access to these settlements would be via narrow country lanes, but these distances are not so great as to justifiably describe this building or the cluster of buildings that it forms a part, as isolated. Therefore, having regard to the Braintree judgment⁵, the development would not result in an isolated dwelling in the Green Belt.
17. For these reasons, the building would be suitable for conversion, having regard to local and national policy. Consequently, it would not conflict with Development Plan DPD Policy DM34, the objectives of Core Strategy Policy BD1 and paragraph 84 of the Framework. Accordingly, I see no reason why the

⁵ Braintree District Council vs Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin).

development would create a harmful precedent as I have found that the proposal would be in accordance with planning policy. In any event, each proposal should be considered on the basis of the relevant circumstances in that case and the development plan as a whole.

Location

18. Access to the appeal site is from a narrow country lane and although there are public footpaths and bridleways in the area, access to this group of buildings is generally via private car or vehicle. No public transport is available in this location and future occupiers would be reliant on a private motor vehicle to access local services and facilities.
19. Core Strategy Policy Env4 seeks to minimise any negative impact on the environment by, amongst other things, ensuring that new development is in sustainable locations. Development Management DPD Policy DM32 also seeks to promote sustainable forms of travel. Core Strategy Policy BD1 sets out a broad range of principles which new development should adhere to. Amongst other things these include concentrating development in urban areas; limiting development in rural areas to farm diversification and promoting leisure and recreational facilities; maintaining the Green Belt; protecting and enhancing local character; and promoting balanced communities where everyone has easy access to a range of services and facilities.
20. Moreover, Development Management DPD Policy DM34 allows conversions of existing buildings in the Green Belt and the countryside which would inevitably allow some rural buildings to be converted to residential use where sustainable forms of transport are not available. In addition, paragraph 155 d) of the framework allows for the re-use of buildings provided that the buildings area of permanent and substantial construction. As set out above, there would be no conflict with these policies.
21. I am also mindful that paragraph 109 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision-making. Furthermore, the occupiers and visitors to this building would be no different to those in the other dwellings in this grouping.
22. Consequently, whilst the location is not one where sustainable transport is readily available, this would not be a reason to withhold planning permission as the proposal would comply with the development plan as a whole. I have also taken into account the benefits of re-using a building. In particular, the small economic benefits that would be incurred by construction works and the social benefit of creating a new home. One additional dwelling within this established grouping would not compromise the sustainability objectives of Core Strategy Policies Env4 or BD1, Development Management DPD Policy DM32 or the Framework. Consequently, in this case, the site represents an acceptable location for the proposed development.

Conditions

23. The Council has suggested conditions which I have considered in light of the Framework and Planning Practice Guidance (PPG). In addition to the time limit condition (1), a condition ensuring that the development is carried out in accordance with the submitted plans is necessary for the avoidance of doubt

and in the interests of proper planning (2). Details of bird and bat nesting boxes are required in the interests of biodiversity. This is a pre-commencement condition as details of the integrated bird/bat boxes will be required prior to the commencement of works (3). A condition restricting the hours of construction is reasonable and necessary given that there are residential properties in close proximity to the appeal site (4). Details of any fences or walls are necessary as none have been submitted and in the interests of a satisfactory appearance in this rural location (5).

24. The Council suggest a condition requiring measures to be in place to prevent nuisance being caused to residents from noise or vibration. However, it is not clear what measures are envisaged and such a condition would not be precise. In addition, a condition requiring details and approval of any lighting to be installed has been suggested. The Council has not explained why this condition is necessary and given that this relates to a single domestic property I have no evidence that such a condition would be reasonable or necessary. Thus, these conditions would fail to satisfy the tests in the Framework and the PPG.
25. Given that this proposal relates to the conversion of a building to one dwelling and the appeal site area is modest, any landscaping including hedges and/or tree planting would be limited. I do not therefore see the need for a condition requiring a landscaping scheme. Also, the Council suggests conditions requiring the submission and approval of Statements of Good Practice. One of these relates to a landscaping scheme which I have already stated is not necessary, the other is required following completion of the construction phase and relates to the installation of bat and bird boxes. This would not be necessary as the Council would be able to take appropriate action if it found that the relevant condition was not complied with. The Council's ecologist suggests a condition relating to the removal of hedgerows, trees, shrubs or undergrowth but other than some overgrown land to the rear of the building, these features are not evident on the appeal site and such a condition would not be relevant.
26. The Council has not provided reasons for the condition withdrawing permitted development rights. Given the scale and location of the proposed dwelling and the appeal site, such restrictions are not relevant or necessary, and no clear justification to restrict national permitted development rights has been provided, as required by paragraph 54 of the Framework.
27. Likewise, a condition is suggested requiring the curtilage of the dwelling not to exceed the area outlined in red on the approved plan but again no reason is given for this. In any event the red line identifies the appeal site and there is no justification for imposing a condition that relates to land outside it in terms of the tests set out in the Framework and the PPG.

Conclusion

28. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be allowed.

J D Clark

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 following approved plans:
 - Location Plan – (Ref: 8H.070222.A); and
 - Existing and Proposed Floor Plans and Elevations and Site Plan (Rae Connell Associates)
- 3) Prior to the commencement of development, details for the installation of 1 building integrated terraced Sparrow nest box and 1 building integrated Bat box shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the box type, manufacture's name, and plans marking the location of installation. The integrated boxes shall be installed in accordance with the approved details prior to the first occupation of the dwelling hereby permitted and shall be retained thereafter.
- 4) Construction deliveries to and from the site, and construction works shall only take place between the following hours: -
 - 0800 – 1800 Mondays to Fridays;
 - 0900 – 1300 Saturdays; and
 - not at all on Sundays or Bank or Public Holidays.
- 5) Prior to the first occupation of the dwelling hereby permitted, details of any fences, walls and/or gates to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved fences, walls and/or gates shall be erected prior to the first occupation of the dwelling and retained thereafter.