



Appeal Decision

Site visit made on 22 May 2024

by Tom Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 29 May 2024

Appeal Ref: APP/P0119/W/23/3330047

Great House Farm, The Common, Chipping Sodbury BS37 6PX

- 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 Mr Alick Campbell of Great House Farm against the decision of South Gloucestershire Council ('SGC').
 - The application ref. is P22/03507/F.
 - The development proposed is described on the application form as the 'conversion of existing agricultural building into 1 No. Residential Dwelling.'
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing agricultural building into 1 residential dwelling at Great House Farm, The Common, Chipping Sodbury BS37 6PX in accordance with the terms of application ref. P22/0357/F, subject to the conditions below.

Reasons

2. SGC's refusal of permission stems from an incorrect interpretation of an Inspector's decision of 25 February 2022 at *Fairfield*.¹ Similar to here, the scheme there was for the conversion of a building in the countryside to a dwelling. By virtue of adversely affecting the character and appearance of the area, the Inspector there reasoned that the proposal would have conflicted with policy PSP40 'Residential development in the countryside' of the Policies, Sites and Places Plan (adopted November 2017, the 'PSP'). Here it is instead agreed between the main parties that the proposal would comply with policy PSP40. It is also agreed that the historic significance of the building proposed for conversion would be preserved,² and that there would be an enhancement to its immediate setting.³
3. Having identified conflict with policy PSP40, the Inspector at *Fairfield* subsequently reasoned that the site's location would conflict with the requirements of PSP policy PSP11 'Transport Impact Management'. That was on account of giving rise to car-dependent development with associated implications for vehicular emissions.⁴ Conflict with policy PSP11, along with policy CS8 'Improving Accessibility' of the Core Strategy 2006-2027 (adopted December 2013, the 'CS'), and the objectives of the National Planning Policy

¹ Ref. APP/P0119/W/21/3280870.

² SGC statement of case, paragraph 1.4, and by virtue of granting listed building consent for conversion works via decision dated 20 April 2023 (ref. P22/03506/LB).

³ SGC officer report, paragraph 5.12 with reference to policy PSP40, criterion 4)iv).

⁴ Paragraphs 25 and 26 of their decision.

Framework (20 December 2023, the 'NPPF') in that respect,⁵ is the sole basis upon which SGC object to this scheme. I am told that since *Fairfield*, 'officers were instructed that in situations where a rural conversion was applied for, PSP11 must be considered alongside PSP40.'⁶ That is, at best, overly simplistic.

4. There is a degree of judgement as to the relevance and implications of any development plan policies to a particular scheme, in respect of which appeals and case law elsewhere may have a bearing. The judgement in *BDW* underscores the need to consider the development plan as a whole.⁷ Different development plan policies may pull in different directions; they invariably do as the planning system is designed to reconcile often competing economic, social and environmental objectives. Development in the countryside will, almost by definition, result in a degree of reliance on private vehicles compared to development located closer to services and facilities. Neither policy PSP11 nor PSP40 expressly set out that they disapply, or take precedence over, the other.
5. Policy PSP40, however, provides for exceptions to the overarching strategic approach to locating development set via policies PSP11 and CS8. It comes later in the PSP than PSP11, the PSP having been adopted after the CS.⁸ That relationship is more clearly reflected in the Inspector's decision at *Fairfield*. Only, having first considered compliance with policy PSP40, did the Inspector then return to consider policy PSP11. Moreover, paragraph 84.c) of the NPPF sets out that an exception to the general position that the development of isolated homes in the countryside should be avoided is where 'the development would re-use redundant or disused buildings and enhance its immediate setting.' Both PSP40 and the NPPF therefore recognise that such proposals may legitimately come forward in locations where there is a degree of dependency on private vehicles. That includes in 'isolated' locations.
6. I therefore agree with the appellant's position that, having established compliance with policy PSP40 and NPPF paragraph 84, for a scheme to then have to be 're-assessed against the [overarching] spatial strategy for residential development... would be circular reasoning...'. There is, moreover, nothing that I have read or seen to lead me to a different view to that of the main parties, namely that the scheme would comply with policy PSP40, the expectations of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, and relevant provisions of the development plan and NPPF in that regard.⁹
7. Even if I am entirely incorrect in the foregoing reasoning, all told the effect of the conversion of the barn to a single dwelling would result in very few additional vehicular movements relative to the existing baseline of the area, certainly not to the extent of resulting in 'significant' or 'severe' impacts on the network.¹⁰ Given that the surrounding countryside is criss-crossed by public rights of way, and the site some 1.5km away from Chipping Sodbury with a bus stop some 1,650m to 2km away, it is also possible to walk, cycle and to take public transport to certain services and facilities (if not, perhaps, preferable).

⁵ Most clearly articulated at paragraph 114.

⁶ SGC statement of case, paragraph 1.3.

⁷ Secretary of State for Communities and Local Government v. BDW Trading Limited [2016] EWCA Civ. 493.

⁸ Noting section 38(5) of the Planning and Compulsory Purchase Act 2004 as amended.

⁹ Including CS policy CS9, PSP policy PSP17 and NPPF paragraph 195.

¹⁰ The terms used in NPPF paragraphs 114.d) and 115.

Set against the adverse environmental implications of the scheme, the proposal would entail various benefits in terms of housing provision, supporting employment during construction, and in ensuring the sensitive re-use of a 'curtilage-listed' building forestalling further deterioration.¹¹ Therefore in the hypothetical eventuality that policy PSP11 and CS8 were also to apply, the benefits of the scheme would nonetheless outweigh any resultant harm.

Conclusion

8. For the foregoing reasons, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

9. In addition to requiring commencement within the relevant statutory period via condition 1, for clarity, and so as to ensure that the proposal is implemented as assessed above, I have imposed condition 2 requiring adherence to the relevant supporting plans. To ensure that the dwelling is adequately served by parking provision in line with PSP policies PSP11 and PSP16, I have imposed condition 3. With reference to the general biodiversity objective,¹² and to secure compliance with CS policy CS9, PSP policy PSP19 and NPPF paragraph 180.d), I have imposed conditions 4, 5 and 6. Those conditions require adherence to the mitigation and enhancement measures recommended in the Preliminary Ecological Appraisal,¹³ and would control external lighting provision.
10. In imposing conditions I have had regard to relevant elements of the NPPF, of the Planning Practice Guidance and of statute. In that context I have amended the wording and form of certain conditions put to me to ensure that all are appropriate, without altering their fundamental aims.

Tom Bristow
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:
 - 1052-TB-XX-XX-DR-A-1001, Revision A5 ('LOCATION & SITE Location Plan')
 - 1052-TB-XX-XX-DR-A-3051, Revision A1 ('EXISTING ELEVATIONS North and East')
 - 1052-TB-TB-XX-DR-A-3052, Revision A1 ('EXISTING ELEVATIONS South and West')

¹¹ By virtue of section 1(5) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended with reference to Planning Practice Guidance Reference ID: 19-a-002-20190723 and NPPF paragraph 157.

¹² Section 40 of the Natural Environment and Rural Communities Act 2006 as amended.

¹³ Bombus Ecology, February 2022, ref. BOM-RJD-21-05. There is a subsequent letter on behalf of Bombus Ecology of 7 September 2022. There are also protections accorded to ecology under other regimes, notably via the Wildlife and Countryside Act 1981 as amended.

- 1052-TB-XX-GF-DR-A-2051, Revision A1 ('EXISTING PLANS Planning – Ground Floor')
 - 1052-TB-XX-RF-DR-A-2052, Revision A1 ('EXISTING PLANS Planning – Roof Plan')
 - 1052-TB-XX-XX-DR-A-1101, Revision A5 ('BLOCK PLAN Existing & Proposed Site Plan')
 - 1052-TB-XX-GF-DR-A-2251, Revision A6 ('PROPOSED PLANS Planning – Ground Floor')
 - 1052-TB-XX-RF-DR-A-2252, Revision A5 ('PROPOSED PLANS Planning – Roof Plan')
 - 052-TB-XX-XX-DR-A-3251, Revision A5 ('PROPOSED ELEVATIONS North and East')
 - 1052-TB-XX-XX-DR-A-3252, Revision A6 ('PROPOSED ELEVATIONS South and West Elevations')
 - TWF-VGB-0213-2004, Revision A ('Flexible sun tunnel into tile')
 - 1052-TB-XX-XX-DR-A-SK01, Revision A1 ('PROPOSED DRAINAGE PLANS')
 - V1/10-18 (Vortex™ sewage treatment plan brochure)
- 3) The development hereby permitted shall not be occupied until car and cycle parking provision has been provided in line with a scheme previously submitted to, and agreed in writing by, the local planning authority. Once provided as agreed, car and cycle parking provision shall thereafter be maintained as such only for those purposes.
- 4) The development hereby permitted shall accord with the mitigation measures set out in the Preliminary Ecological Appraisal (Bombus Ecology, February 2022, ref. BOM-RJD-21-05).
- 5) No external lighting related to the development hereby permitted shall be installed other than that which complies with details previously submitted to, and agreed in writing by, the local planning authority. Once provided as agreed, any external lighting shall thereafter be maintained as such.
- 6) The development hereby permitted shall not be occupied until an ecological enhancement scheme ('EEM') has been implemented in line with details previously submitted to, and agreed in writing by, the local planning authority. The EEM shall accord with the enhancement measures set out in the Preliminary Ecological Appraisal (Bombus Ecology, February 2022, ref. BOM-RJD-21-05). Once provided as agreed, the EEM shall thereafter be maintained as such.