



Appeal Decision

Site visit made on 11 June 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 August 2024

Appeal Ref: APP/H0520/W/23/3333752

Redwood Lodge Farm, Grafham Road, Ellington PE28 0AP

- 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 Hargrave Farming Ltd against the decision of Huntingdonshire District Council.
 - The application Ref is 22/02534/FUL.
 - The development proposed is change of use of existing buildings to create one residential dwelling and associated grounds, including the demolition of a barn and other ancillary structures.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of existing buildings to create one residential dwelling and associated grounds, including the demolition of a barn and other ancillary structures at Redwood Lodge Farm, Grafham Road, Ellington PE28 0AP in accordance with the terms of the application, Ref 22/02534/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of the development on the application form does not explicitly refer to the proposed extension that is shown on the submitted plans. However, it is clear from the evidence that it forms part of the proposal. The Council considered the extension to be part of the development in its Officer's Report, and I have considered the appeal in the same manner.
3. The Officer's Report refers to a swimming pool. However, the appellant has confirmed that the natural pool shown on the plans would not be a swimming pool. The Council has not disputed this in its evidence. I have determined the appeal on the basis that the natural pool would not be a swimming pool.
4. The appellant submitted revised plans to the Council during the application process, which indicated the proposed locations of barn owl nesting provision and bat boxes. However, the Council did not formally accept or consider the revised plans in its determination of the application. For this reason, I cannot be certain whether or not the revised plans have been subject to consultation. The details of ecological mitigation and enhancement measures could be secured through condition if planning permission is granted. Therefore, in the interests of fairness, I have not taken account of the revised plans, and have determined the appeal based on the drawings listed on the decision notice.
5. I have been provided with a document entitled 'Structural Implications of Proposals' (15 November 2021) (SIP) which was not before the Council when it

determined the application. The Council has commented on the SIP as part of the appeal process. Therefore, no prejudice is caused to either party in me taking the SIP into account.

6. I have been provided with a signed Unilateral Undertaking (UU), dated 01 May 2024, which makes provision for a financial contribution towards wheeled bin facilities. The Council has reviewed the UU and has subsequently confirmed that it wishes to withdraw its second reason for refusal. I have therefore proceeded to determine the appeal on the basis that the second reason for refusal, and any conflict with Policy LP4 of Huntingdonshire's Local Plan to 2036 (May 2019) (LP) no longer applies. I will consider the planning obligation in more detail later in this decision.

Main Issues

7. The main issues are:

- whether the site is suitable for the proposed development, having regard to (a) the spatial strategy set out in the development plan, (b) the structural condition of the buildings, and (c) opportunities for the use of sustainable travel modes; and
- the effect of the development on the character and appearance of the area.

Reasons

Whether the site is suitable

8. The appeal site comprises a farmhouse, scullery and granary, a stable block, and various other barns and lean-to structures laid out in a U-shape around a courtyard and central barn. The site lies outside of a defined settlement boundary, in the open countryside. It is accessed via a long track from Grafham Road, which connects the villages of Ellington, Grafham and Buckden.

(a) Spatial strategy

9. Amongst other things, Policy LP2 of the LP seeks to concentrate development in locations which provide, or have the potential to provide, the most comprehensive range of services and facilities. It states that approximately three quarters of the objectively assessed need for housing will be focused in four spatial planning areas, none of which include the appeal site. However, Policy LP2 also allows for some development in rural areas, including rural exception, small, and windfall sites that are in conformity with other policies in the LP. Policy LP10 of the LP seeks, in part, to restrict development in the countryside to the limited and specific opportunities provided for in other policies of the LP.
10. The proposed development is not being advanced as one which relates to the rural economy, homes for rural workers, local services and community facilities, or tourism and recreation. Therefore, it is not explicitly supported by development plan policies that relate to these matters. However, Policy LP33 of the LP supports the conversion of rural buildings in certain circumstances. Therefore, the spatial strategy does not preclude the proposed development as a matter of principle.

(b) Structural condition

11. Policy LP33 of the LP states that a proposal for the conversion of a building in the countryside that would not be dealt with through 'Prior Approval/Notification' will be supported where it can be demonstrated that:
 - a. the building is:
 - i. redundant or disused;
 - ii. of permanent and substantial construction;
 - iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and
 - iv. structurally capable of being converted for the proposed use; and
 - b. the proposal:
 - i. would lead to an enhancement of the immediate setting; and
 - ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.
12. It is common ground that the appeal buildings are disused and are in a state of disrepair. However, the buildings are constructed with a mix of solid brick and timber frames, and most external walls and roof structures remain intact. Therefore, the buildings are clearly apparent in both close and longer views. It follows that, individually and collectively, the buildings have the character of a substantial construction that is a permanent feature in this part of the countryside.
13. Given their current condition, the SIP identifies that a degree of repair and modernisation works would be required to facilitate the proposed conversion. In the main, this would comprise minor interventions and localised repairs, including replacement brickwork, re-pointing and stitching, and the replacement or renewal of roof coverings, timbers, and floor joists. Moreover, the stables are in good condition overall. Whilst some internal reconfiguration and supplementary supports could be required in places, there is no substantive evidence before me to indicate the stables could not be readily converted for residential use or that reconstruction works would be significant.
14. The farmhouse has suffered more extensive damage, including through localised ground settlement and water ingress, and part of the roof structure is no longer present. The scullery is also showing signs of decay, and the granary is water-damaged in places and has suffered a partial roof collapse. Therefore, a greater degree of intervention would be required to convert these buildings for residential use. Such interventions would include the dismantling of some walls and parts of the roof structures prior to their reinstatement with some replacement materials. Additional supports, restraints, and realignment are also likely to be required in places, and the SIP cannot rule out the need for some underpinning to these buildings. The open double-pitched barn attached to the granary would also require additional structural support.
15. Notwithstanding the above, most of the existing fabric of the farmhouse, granary and scullery is in reasonable condition and would be retained, repaired, and reused as part of the development. Therefore, any new or replacement

materials and supports would be provided alongside the existing elements and would not detract from the form and fabric of the existing buildings, which would remain the dominant structures in the development.

16. I am mindful the SIP is not definitive about the totality of the structural interventions that would be required for the conversion, because some buildings require further assessment. This means there could be structural defects that have not yet been identified, and there could be further requirements for structural elements and underpinning to support the proposed loads. However, these measures would be localised and modest when compared to the scale of the overall development. Consequently, the proposed reconstruction works would not go beyond those that would be reasonably required to convert the buildings for residential use.
17. Overall, I consider that the development would retain the character of a conversion, despite the extent of the works required to make the buildings sound and habitable. Furthermore, even if I were to conclude that not all of the buildings are structurally capable of being converted for residential use, Policy LP33 of the LP would not preclude their replacement with new buildings.
18. Taking all of the above into account, and subject to consideration of the effects of the proposal on the character and appearance of the area, which I will return to later in this decision, Policy LP33 of the LP is not an impediment to the development being permitted.

(c) Sustainable travel modes

19. The nearest service centre to the appeal site is Buckden, which lies around 3.7 miles away on an unlit road, with fast moving traffic. There is no substantive evidence before me to suggest that the appeal site is well-served by public transport. Given the distance to Buckden, it is unlikely that future occupants would choose to travel regularly to the village on foot or by bike, particularly during hours of darkness or in inclement weather. Therefore, in all reasonable likelihood, future occupants of the proposed dwelling would be heavily reliant on the private car to access facilities and services.
20. However, car journeys to Buckden would be short in duration and the number and frequency of vehicle movements arising from a single dwelling would not be significant. Therefore, the environmental effects from increased car journeys arising from the proposal would be modest. Moreover, future occupiers of the dwelling would have direct access to the Rights of Way network which passes close to the site. Whilst I cannot be certain from the evidence where the nearby footpaths lead, they nonetheless provide connectivity to the site. It is therefore reasonably likely that future occupants of the dwelling would use local footpaths to carry out some journeys, and for leisure and recreation.
21. The spatial strategy supports the conversion of buildings in rural areas, where opportunities for sustainable transport provision are typically more limited. Indeed, the National Planning Policy Framework (the Framework) notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in decision-making. Therefore, due to the modest number of vehicle movements that would be likely to be generated from the development, and the policy support for the re-use of buildings in the countryside, the lack of sustainable transport options would not, in and of itself, justify refusal of the appeal scheme.

22. Taking all of the above into account, I conclude that the site would be suitable for the proposed development, having regard to (a) the spatial strategy set out in the development plan, (b) the structural condition of the buildings, and (c) opportunities for the use of sustainable travel modes. Consequently, there would be no conflict with Policy LP2 of the LP insofar as it allows for rural exception, small, and windfall sites that are in conformity with other policies in the LP. Moreover, in respect of this main issue, the development would comply with Policy LP33 of the LP which supports the conversion of buildings in the countryside in certain circumstances. It follows that there is also no conflict with Policy LP10 of the LP in respect of this main issue, insofar as it restricts development in the countryside to limited and specific opportunities as provided for in other policies of the LP.
23. The development would also comply with Policy LP16 of the LP, and the Framework, which expect that opportunities are maximised for the use of sustainable travel modes.

Character and appearance

24. The appeal site lies within an area that is distinctly rural in character, comprising open fields interspersed with hedgerows and woodland. Given its elevated position, panoramic views of the countryside can be gained from the appeal site. The appeal buildings are prominent in views from the wider landscape, and local footpaths which pass very close to the appeal site. However, due to their current state of disrepair, the buildings are unattractive and detract from the scenic beauty of the area. The residential property, Redwood Cottage, lies close to the appeal site on the other side of a large barn.
25. Whilst the maximum height of the buildings would be marginally increased, the overall footprint of the development would be reduced due to the removal of the central barn and lean-to structures. Moreover, whilst some additional door and window openings are proposed, they would not be unduly large so as to dominate the external facades. The proposed materials would be sympathetic to the historic evolution of the buildings and would be entirely appropriate to the rural context of the site. Therefore, when observed from the surrounding countryside and footpaths, the form, scale, massing and proportions of the proposed dwelling would reflect the existing built form and it would therefore be sympathetic to local character.
26. The proposed repair and restoration work to the external walls, roofs, and window and door openings would undoubtedly improve the appearance of the buildings when viewed in close proximity from local footpaths. Moreover, the implementation of a landscaping scheme, which could be secured through condition, would significantly improve the character of the site, which is currently in poor condition with overgrown vegetation.
27. Further benefits would arise through the demolition of the unattractive lean-to structures and central barn, which would allow the traditional external facades of the farmhouse and stables to be observed by passers-by. Whilst the buildings do not meet the Council's criteria for local listing, they nonetheless have a degree of historical value. Therefore, the restoration of the buildings and the prevention of their further decay would be a clear positive outcome of the development, which has been highlighted in representations from the Parish Council.

28. The proposed change of use would introduce domestic paraphernalia to the site, which could include parked vehicles, outdoor furniture and play equipment, as well as household items and facilities for clothes drying. However, provision would be made to park vehicles within an integrated garage and the driveway would be largely screened from public view due to the layout and orientation of the existing buildings. Moreover, residential uses are common on rural farms and in the countryside, including nearby at Redwood Cottage. Indeed, the farmhouse on the appeal site would once have been used as a dwelling. Therefore, that some household items would be visible from the public realm would not be unusual or incongruent in the surrounding area.
29. Similarly, ponds and water features are commonly found on agricultural landholdings. Therefore, the proposed natural pool would not be out-of-keeping in this open countryside location.
30. The Council has raised concerns about the introduction of solar panels and external lighting to the site. However, the details of external lighting could be controlled through condition to ensure it would be appropriate to the context and would not have significant adverse visual effects. Furthermore, the submitted plans show solar panels would be limited to the east facing elevations of the building, which would be well-screened by existing landscaping. Elsewhere, solar slates are proposed which would integrate visually with the proposed roof tiles thus ensuring they would not be unduly prominent in public views.
31. Overall, given the poor condition of the existing site, and its prominence in views from the wider landscape and nearby footpaths, the proposal would undoubtedly lead to a significant enhancement to the immediate setting of the buildings. This is a clear benefit of the scheme.
32. I therefore conclude that the proposed development would enhance the character and appearance of the area. Accordingly, with regard to this main issue, it would be in accordance with Policy LP10 of the LP, and the Framework, insofar as it expects development to recognise the intrinsic character and beauty of the countryside. The proposal would also comply with Policies LP11 and LP12 of the LP insofar as they expect development to be well-designed and to draw inspiration from the key characteristics of its surroundings, including the natural, historic, and built environment.
33. Furthermore, in respect of this main issue, there would be no conflict with Policy LP33 of the LP insofar as it expects proposals for the conversion of a building in the countryside to lead to an enhancement of the immediate setting, and that any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.

Planning Obligation

34. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations), and the Framework, state that a planning obligation may only constitute a reason for granting planning permission if the obligation is necessary to make the development acceptable in planning terms, directly related to the development, and fairly related in scale and kind to the development.

35. The local approach to planning obligations is set out in Policy LP4 of the LP, which lists waste recycling facilities amongst a number of items for which contributions may be required to make a development acceptable in planning terms. The Local Development Framework Developer Contributions Supplementary Planning Document (Adopted December 2011), which is referenced in Policy LP4, further states that contributions will be required to allow for the provision of appropriate coloured waste storage containers for each new dwelling.
36. I am therefore satisfied that the financial contribution towards the provision of wheeled bin facilities contained within the UU is required to comply with Policy LP4 of the LP and that it meets the tests set out in the CIL Regulations and the Framework. I have therefore taken account of the obligation in my decision.

Other Matters

37. It is a matter of dispute between the parties as to whether there are permitted development rights that provide a viable fallback position for the proposal. However, since I have found the proposal would be in accordance with the development plan, it is not necessary for me to consider this matter further.
38. The development has the potential to affect European Protected Species (EPS). The Preliminary Ecological Appraisal (PEA) sets out the measures that would be taken to avoid and mitigate any harm to EPS in accordance with the mitigation hierarchy. These measures could be secured through condition. I note that the Wildlife Trust considers the measures proposed to be appropriate and I have no reason to take a different view. Given that the proposal relates to the conversion of existing buildings, the development could only feasibly be carried out on the appeal site and the restoration of the buildings would be in the public interest. Therefore, I have no reason to conclude that the relevant mitigation licenses would not be issued.

Conditions

39. The Council provided a list of suggested conditions, which I have considered with regard to paragraph 56 of the Framework and the Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision and enforceability and to prevent unnecessary duplication. The parties have been provided with the opportunity to comment on the conditions. I have taken the comments received into account.
40. In addition to the standard time limit condition, I have attached a condition to define the permitted plans to provide certainty.
41. I have included a condition requiring that contamination risks are assessed and remediated. This is necessary to protect the health and wellbeing of future occupants of the dwelling, local residents, and the environment. The condition is a pre-commencement condition to ensure the demolition, conversion, and construction works do not disturb and release harmful contaminants. The Council originally suggested a series of conditions covering this matter, which I have condensed into a single condition in the interests of brevity.
42. The appellant has applied to enter the Natural England Great Crested Newt District Level Licensing Scheme. However, whilst I have been provided with an Impact Assessment and Conservation Payment Certificate, it does not include a site plan. Therefore, I cannot be certain that the certificate relates to the

appeal site. In order to ensure that the effects of the development on Great Crested Newts are effectively mitigated, I have included a condition requiring a certificate confirming payment and entry into the scheme to be submitted to the Council. The trigger for the condition is prior to commencement because the construction works may otherwise cause harm to protected species.

43. I have included a condition requiring the proposed tree protection measures to be implemented prior to the commencement of the development. This condition is necessary, with a pre-commencement trigger, to ensure trees are safeguarded from harm during the construction process and in the interests of the character and appearance of the area.
44. I have imposed conditions requiring the details of external materials and a hard and soft landscaping scheme to be submitted for approval in order to protect the character and appearance of the area.
45. Conditions are required to secure the submission of a Landscape and Ecological Management Plan and a Biodiversity Method Statement (BMS) in order to ensure the protection and enhancement of landscape and biodiversity features. The BMS would secure the provision of barn owl nesting provision and bat boxes, amongst other measures.
46. The Council suggested a number of conditions relating to the layout and construction details of the site access. These conditions are necessary in the interests of highway safety. I have condensed the Council's suggested conditions into a single condition to prevent unnecessary duplication. I have also required details to be submitted for approval to ensure the condition is reasonable and enforceable.
47. A condition is included to prevent the installation of external lighting without the Council's prior approval. This condition is required to protect the character and appearance of the area, and to prevent harm to biodiversity.
48. I have included conditions requiring the dwelling to be constructed in accordance with the Building Regulations optional requirements for accessible and adaptable homes, and water efficiency. Whilst these matters are controlled through a separate regulatory regime, the requirements are optional, and the conditions are therefore necessary to ensure compliance with Policies LP12 and LP25 of the LP.
49. The Council requested that a copy of any EPS licence issued by Natural England is submitted to the Council prior to the commencement of the development. However, it is not necessary to duplicate other legislative controls through the planning process. Therefore, I have not included this condition.

Conclusion

50. The proposal is in accordance with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be allowed.

E Catchside
INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 2119-P00-00 Rev E, 2119-P00-01 Rev F, 2119-P20-01 Rev F, 2119-P20-02 Rev C, 2119-P20-03 Rev B, 2119-P20-04 Rev C, 2119-P20-05 Rev C, 2119-P20-06 Rev C, 2119-P70-02 Rev B, and 2119-P70-03.

- 3) No development shall take place until a Phase 1 Desktop Study and a Phase 2 Site Investigation Strategy, to assess the risks posed by contamination at the site, have been submitted to and approved in writing by the local planning authority.

In the event that the Phase 1 Desktop Study identifies the need for intrusive site investigations to be carried out, no development shall commence until a Phase 2 Intrusive Site Investigation Report and, if contamination is identified, a Phase 3 Remediation Strategy, have been submitted to and approved in writing by the local planning authority.

Thereafter, the development shall not be occupied until a Phase 4 Verification Report, demonstrating that the approved Phase 3 Remediation Strategy has been implemented in full, has been submitted to and approved in writing by the local planning authority.

If, at any time during the demolition, conversion, and construction works, any unexpected contamination is encountered, all development shall cease immediately. Thereafter, the development shall not recommence until the contamination has been remediated in accordance with a Phase 2 Intrusive Site Investigation Report and Phase 3 Remediation Strategy that have first been submitted to and approved in writing by the local planning authority.

- 4) No development shall take place until a copy of the full Great Crested Newt District Level Licence certificate from Natural England, confirming payment and entry into the district licensing scheme, has been submitted to and approved in writing by the local planning authority.
- 5) No development, and no site clearance or preparatory works, shall take place until tree protection measures have been implemented in accordance with the Tree Protection Plan TPP01 included within the document entitled Proposed Residential Development Redwood Lodge Farm Ellington: Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement (Finalised August 2022 – Reviewed 13-10-22). The tree protection measures shall thereafter be retained for the duration of the demolition, conversion, and construction works.
- 6) No development shall take place above slab level until details of the materials to be used in the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local

planning authority. The development shall thereafter be carried out in accordance with the approved details.

- 7) No development shall take place above slab level until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
- Existing plants, trees, and hedgerows to be retained;
 - Details of all proposed planting to include written specifications (including cultivation and other operations for plant and grass establishment), and schedules of plants noting species, sizes, numbers and densities;
 - Underground services;
 - The proposed positions, design, materials and type of all boundary treatments;
 - The proposed locations, type, colour, size, and manufacturer of all hard-surfacing materials.

The approved hard and soft landscaping scheme shall be implemented in its entirety in the first planting season following the occupation of the dwelling or the completion of the development, whichever is sooner. Any new or retained plants, trees or hedgerows which, within a period of 5 years from the implementation of the landscaping scheme die, are removed, uprooted, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 8) No development shall take place above slab level until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The LEMP shall include:
- A description and evaluation of the features to be managed;
 - Ecological trends and constraints on the site that might influence management;
 - Aims and objectives of management;
 - Appropriate management options for achieving the aims and objectives;
 - Prescriptions for management actions;
 - A work schedule, including an annual work plan capable of being carried out over a five-year period;
 - Details of the body or organisation responsible for the implementation of the LEMP;
 - Ongoing monitoring measures;
 - Details of remedial and contingency measures to be carried out in the event that the aims and objectives of the LEMP are not being met.

The approved LEMP shall thereafter be implemented in complete accordance with the approved details.

- 9) No development shall take place above slab level until a Biodiversity Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall explain how the recommendations contained in Tables 3 and 4 of the Preliminary Ecological Appraisal (16 November 2022) and in Chapter 5 of the bat scoping and activity survey, entitled Report Number 6818,EC,BAT,JB,RF,AC,01-12-22,V2 - FINAL (01 December 2022) will be carried out, and shall also include:
- Details of the specifications of measures to be implemented;
 - An implementation programme, including timing; and
 - Details of maintenance and monitoring measures.

The approved Biodiversity Method Statement shall thereafter be implemented in complete accordance with the approved details.

- 10) The dwelling hereby permitted shall not be occupied until the vehicular access shown on approved plan 2119-P70-03 has been laid out and constructed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The submitted details shall include the following:
- The construction specification;
 - Details of measures to be taken to prevent surface water run-off onto the public highway;
 - Details showing that the access road shall be constructed with a minimum width of 6 metres for a minimum distance of 12 metres, when measured from the nearest edge of the highway carriageway;
 - Details showing the junction of the access with the highway carriageway shall be laid out with 10m radius kerbs.
- 11) No external lighting shall be provided or installed on the site other than in complete accordance with an external lighting scheme that has first been submitted to and approved in writing by the local planning authority.
- 12) The dwelling hereby permitted shall not be occupied until the Building Regulations Optional requirement M4(2) 'accessible and adaptable' (or any replacement standard) has been complied with.
- 13) The dwelling hereby permitted shall not be occupied until the Building Regulations Optional requirement for water efficiency, as set out in Approved Document G (or any replacement standard) has been complied with.

END OF SCHEDULE