



Appeal Decision

Site visit made on 20 August 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2024

Appeal Ref: APP/P0119/W/24/3341039

The Stables, Tungrove Farm, Horton Road, Horton, South Gloucestershire BS37 6QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by David John Munson against South Gloucestershire Council.
 - The application Ref is P23/02772/HH.
 - The development proposed is conversion of store rooms in to studio and workshop.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Background and Main Issue

2. The appeal results from the failure of the Council to determine the appeal application within the prescribed period. As a result, there is no formal decision notice. However, the Council's Statement of Case sets out the reasons why it would have refused planning permission had it been empowered to do so.
3. The main issue is the effect of the proposal on protected species, in particular bats.

Reasons

4. The site consists of part of an historic barn, close to fields and countryside. As such, the barn has a reasonable likelihood of providing a habitat for bats. The proposal includes the creation of new inner windows behind the existing doors, which would then be used as shutters. If bats are present in the barn, these alterations could affect their access and flight paths, for instance by the closing of small gaps.
5. I have no substantive evidence before me, such as from a qualified ecologist, about the presence of bats or other species within the barn; the effects of the proposal on them, or any mitigation necessary. I am told that conservation and environmental matters were considered during a previous planning permission, for the installation of a mezzanine floor to facilitate conversion into an annex¹. However, I have few details of this permission, the works involved or any ecological assessment. As a result, this decision does not justify the possible effects of the proposal subject to this appeal on protected species.
6. Consequently, on the evidence available to me, I cannot conclude that the proposal would have an acceptable effect on protected species, in particular

¹ LPA reference P22/04802/HH

bats. Accordingly, it would conflict with Policy CS9 of the South Gloucestershire Core Strategy, adopted December 2013, and Policy PSP19 of the South Gloucestershire Policies, Sites and Places Plan, adopted November 2017. These policies require proposals to avoid or minimise impacts on biodiversity and habitats. For the same reasons, it would also conflict with the similar guidance in the National Planning Policy Framework.

Other Matters

7. The barn has an historic relationship with Tungrove Farmhouse, a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest. In determining the application, the Council did not identify any harm to the listed building or its setting. I see no reason to disagree in respect of this matter, but this does not overcome my finding on the main issue.

Conclusion

8. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR