

Appeal Decision

Site visit made on 9 September 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/R4408/W/24/3340588

Roger Royd Farm, Whin Moor Lane, Silkstone, Barnsley S75 4NL

- 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 J Logan against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref is 2022/0868.
 - The development proposed is barn conversion.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of barn into annex at Roger Royd Farm, Whin Moor Lane, Silkstone, Barnsley S75 4NL in accordance with the terms of the application, Ref 2022/0868, subject to the following conditions:
 1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
 2. The development hereby approved shall be carried out in accordance with the following approved plans:
 - Dwg. No. 01 Rev D
 3. The external materials to be used on the conversion hereby approved shall match those used in the existing building.
 4. The annex accommodation hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Roger Royd Farm, Whin Moor Lane, S75 4NL (or any other name by which this dwelling may be known in the future).
 5. Prior to the development hereby permitted being first brought into use, a minimum of one bat box shall be installed, and made available for use, on the converted building in accordance with best practice guidance. The installed bat box shall be retained as such thereafter.

Preliminary Matters

2. The appellant's submission confirms that the appeal proposal seeks to convert an existing barn into an annex rather than a separate dwelling. I have considered the appeal on this basis.

3. The description of the development in the banner heading is taken from the application form. However, the wording used on the decision notice is "Conversion of barn into annex". I consider this to be a more accurate description of the appeal proposal, and I have therefore used it in my formal decision.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration of very significant weight, the weight I give to the changes in the draft Framework is limited given that no final document has been published and it is subject to potential change in the future.
5. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Consequently, in reaching my decision I have therefore had regard to the Framework published in December 2023.
6. As part of the appeal documents the Council has submitted the Supplementary Planning Document – House extensions and other domestic alterations (March 2024) (SPD) which appears to have been adopted since the appeal scheme was determined by the Council. Both parties have had an opportunity to comment on this SPD during the appeal procedure and I have given this SPD due consideration in the determination of this appeal.
7. The appeal site is located within the Green Belt. The reason for refusal does not assert that the proposed change of use of this barn to an annex would be inappropriate development within the Green Belt. On the evidence before me, and from what I observed on site, I see no reason to disagree.

Main Issue

8. The main issue is whether the appeal proposal would be tantamount to the creation of a new dwelling.

Reasons

9. The appeal relates to a single-storey, detached former barn building situated to the east of the large farmhouse known as Roger Royd Farm. The appeal building and farmhouse are accessed via a long, single width track which leads directly off Barnsley Road (A628), and are relatively isolated buildings within this wider open countryside and Green Belt location.
10. The appeal scheme seeks to convert the former barn building into a residential annex to be used as ancillary accommodation for the dwelling at Roger Royd Farm. The submitted plans show that the proposed annex would include a bedroom, bathroom and a shared dining / kitchen / lounge area.
11. It is the Council's consideration that the proposed development would be large in size and able to function independently of the main dwelling house. The Council therefore contend that the appeal proposal would not represent ancillary accommodation for Roger Royd Farm. Furthermore, the Council assert that the use of the building as an independent dwelling would increase vehicle movements along an existing access which, according to the Council, would be deficient in terms of width, surfacing and visibility to serve an independent dwelling at this site.

12. The Council's SPD suggests that an annex may be permitted where it would not occupy a disproportionate amount of the garden and would not have its own separate access or garden area. The SPD also advises that annexes should normally have a close physical relationship with the host dwelling; maintain a reliance with it by having some shared facilities; be single storey and up to 39m² in size. Whilst I am aware that this SPD is guidance only, it is a material consideration in the determination of this appeal.
13. As such, in respect of the SPD guidance, I find that the building to be converted does not occupy a disproportionate amount of the garden area and the appellant's statement confirms that the annex would share access, parking and garden arrangements with the main dwelling.
14. I note the Council's comments that the appeal building would have its own private garden area, curtilage and separate parking spaces, however there is limited evidence before me that this would be the case. Furthermore, I observed on site that the appeal building appears very much as part of the same farmhouse complex as the main dwelling at Roger Royd Farm and I therefore find that the proposed development would maintain a reliance upon, and share facilities with, the main dwelling.
15. Additionally, the proposed annex would be single-storey in height and due to its close proximity would have a close physical relationship with the host dwelling. Whilst I acknowledge that the proposed annex would exceed the SPD's suggested size limit of 39m², the main dwelling is large in size and the proposed annex would be substantially smaller than, and proportionate to, the size of the main dwelling. Moreover, as this appeal relates to a conversion, the size of the annex accommodation is largely influenced by the size of the existing building to be converted.
16. In addition, I am mindful that a planning condition can be imposed in respect of securing the ancillary status of the building and taking this and all the above into account, I am satisfied that the proposed development would be ancillary accommodation to the existing dwelling at Roger Royd Farm.
17. As mentioned above, the Council's reason for refusal refers to vehicular access issues that would arise should the appeal building be used as a separate independent dwelling. However, for the above given reasons, I have concluded that the appeal proposal would be ancillary accommodation to the main house, and for the avoidance of any doubt the appeal scheme could be conditioned as such.
18. Consequently, on the basis that the appeal proposal would be ancillary accommodation it would not generate significant additional vehicle movements and the existing access is considered to be sufficient to serve the additional vehicle movements associated with ancillary accommodation to the main dwelling.
19. In view of all the above, I conclude that the appeal proposal would represent ancillary accommodation for the main dwelling at Roger Royd Farm and would therefore not be tantamount to a new dwelling. Consequently, the proposal would comply with Barnsley Local Plan (2019) Policies GD1 and T4, where these policies together seek to ensure, among other things, that developments provide adequate, safe, secure and convenient access and movement arrangements.

Other Matters

20. I note the Council's Officer Report suggests that the proposed building is located outside the curtilage of the main dwelling. However, this issue is not raised within the Council's reason for refusal on the decision notice. Furthermore, I have limited evidence before me that the appeal building is located outside the curtilage of the dwelling at Roger Royd Farm and consequently this limits the weight I can give to this matter in the determination of this appeal.

Conditions

21. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2). I have also included a condition requiring the external materials to be used within the conversion to match the existing materials of the building (3), in order to safeguard the character and appearance of the building and the surrounding area.
22. For the reasons given above a condition restricting the use of the annex as ancillary accommodation is appropriate (4). I have however amended the Council's suggested wording for this condition in the interests of precision and clarity. I have also added a condition requiring the installation of a bat box (5), which is necessary in the interests of enhancing biodiversity at the site.

Conclusion

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

R Major

INSPECTOR