



Appeal Decision

Site visit made on 19 September 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2024

Appeal Ref: APP/E2001/W/24/3344951

Site of Froghall Farm, Wyton Road, Preston, East Yorkshire HU12 8TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Andrew Cook against the decision of East Riding of Yorkshire Council.
- The application Ref 23/03145/VAR, dated 18 October 2023, was refused by notice dated 13 December 2023.
- The application sought planning permission for the conversion of redundant agricultural buildings to form a dwelling with associated external and internal alterations including installation of roof lights, creation of a swimming pool, and erection of a wall to western boundary (Amended plans and description) without complying with a condition attached to planning permission Ref 22/04079/PLF, dated 31 July 2023.
- The condition in dispute is No 6 which states that: By no later than 31st October 2023, the render which has been applied to the external walls of the single-storey section of the building subject to this application shall be removed and the walls restored to the original brickwork.
- The reason given for the condition is: This condition is imposed in accordance with policies S4 and ENV1 of the East Riding Local Plan because the render which has been applied and without permission detracts from the character and appearance of the building and surrounding area. It is therefore necessary for this to be removed and within a suitable time frame.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of redundant agricultural buildings to form a dwelling with associated external and internal alterations including installation of roof lights, creation of a swimming pool, and erection of a wall to western boundary (Amended plans and description) at Site of Froghall Farm, Wyton Road, Preston, East Yorkshire HU12 8TY in accordance with the application Ref 23/03145/VAR, without compliance with condition number 6 previously imposed on planning permission Ref 22/04079/PLF dated 31 July 2023 and subject to the following conditions:
 - 1) The development shall be carried out fully in accordance with planning permission reference 22/04079/PLF and the requirements of conditions 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17; granted on 31 July 2023.
 - 2) Notwithstanding the approved plans and the requirements of condition no. 5, the fibre reinforced render which has been applied over the brickwork to Building D as part of the development shall be retained.

- 3) The external windows and doors including depth of reveals, etc. to be installed within the development hereby permitted shall be undertaken and thereafter retained in accordance with the large-scale joinery details approved under application reference 23/30317/CONDET on 06.10.2023 and as shown on associated drawings DS 5.2 dated 29.08.2023, DS6 Revision A dated 13.09.2023, and DS7 dated 14.09.2023 accompanying said application.

Main Issue

2. The main issue is the effect of varying the condition on the character and appearance of the property and the surrounding area.

Reasons

3. The appeal site comprises a former farmstead and is accessed via a long private driveway from Wyton Road. It is located in a rural area and is surrounded by open fields. The buildings on the site are arranged in a traditional farmstead layout with a primary two-storey building and single storey off-shoots creating courtyard areas.
4. The appeal relates specifically to a single storey part of the wider complex, which is identified in the evidence as building 'D', and the use of render to this building. The main two-storey section, identified in the plans as building A-B-C, is a red-brick building of traditional agricultural appearance. Buildings E, F and G are single storey elements which are subservient in scale and are rendered. Building D is similar in scale and nature to these buildings and has also been rendered, contrary to the requirement of condition 6, which requires the walls to be restored to their original brickwork. The application subject to the appeal seeks to remove the condition to allow the applied render to be retained.
5. The Council's evidence outlines how they considered that the render which had been applied, without permission, was considered to detract from the character and appearance of the building and surrounding area and would undermine the enhancement of the site sought under the conversion scheme. It was considered necessary to comply with the aims of Policies S4 and ENV1 of the East Riding Local Plan (2016) in terms of ensuring high quality design and that development in the open countryside respects the intrinsic character of the countryside. One such measure would be for the conversion of existing buildings where the preservation of the building would enhance the immediate setting and where it would re-use a redundant or disused building without significant extension or alteration. This is consistent with paragraph 84 of the Framework¹.
6. The appeal property is not a listed building, nor is it located within a conservation area. The building subject to the appeal is located a considerable distance from any public vantage points with very limited visibility, although I accept that, as the Council highlight, the impact on character and appearance is not solely in relation to how visible something might be. It is nevertheless quite pertinent in this case that one of the elevations faces internally onto a private courtyard, and the other towards open fields which is partly concealed by a brick wall to match the larger two-storey building.

¹ National Planning Policy Framework 2023

7. The Council have reasonably set out why they consider it is more in keeping with a traditional rural building to require the removal of the render and reinstatement of the original brickwork. However, I am required to consider the development before me. In this instance, I consider that the use of render on what is clearly a subservient element of the complex does not cause harm. Although it presents a contrast with the brick of the retained two-storey building, it also strengthens and enhances the visual superiority of that building in terms of its hierarchy and standing within the complex. The relationship is not jarring, and I do not consider that the use of render to be wholly inappropriate in this rural context where I observed render used in varying amounts in some of the rural dwellings nearby.
8. The evidence refers to a structural report which, the Council outline, concluded that the brickwork could be retained subject to works being undertaken. Whilst the report is necessary to demonstrate that the building is structurally capable of conversion, it is less pertinent in the consideration of character and appearance. As I have found there is not harm caused by the use of render, the content of the report does not alter my findings in the appeal.
9. I therefore conclude that the retention of the render as proposed does not cause harm to the character and appearance of the property or the surrounding area. It complies with the requirements of Policies S4 and ENV1 of the East Riding Local Plan (2016) as set out above.
10. The proposal also complies with the requirement of the Framework that the development would re-use a redundant or disused building and enhance its immediate setting.

Conditions

11. As the effect of a successful s73 application will be to create a new planning permission, I have imposed a condition retaining the remaining undisputed conditions from the original permission. This is in addition to the variation to condition 7 which now refers to details that have been approved by the Council. Both conditions are in the interests of the character and appearance of the host property and the surrounding area.

Conclusion

12. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition and impose new conditions and a condition retaining the undisputed conditions.

A M Nilsson

INSPECTOR