



Appeal Decision

Site visit made on 8 October 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/G1630/W/23/3335876

**Hardwicke House, Elmstone Hardwicke, Tewkesbury, Gloucestershire
GL51 9TD**

- 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 John Swambo against the decision of Tewkesbury Borough Council.
 - The application Ref is 23/00466/FUL.
 - The development proposed is conversion of existing barn to a dwelling house, with associated open garden space and car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site from the Council's Decision Notice, which is more concise than that used in the application form. I am satisfied that no party would be prejudiced as a result.
3. In its Statement of Case, the Council identified a new issue relating to the effect of the proposal on the Cotswold Beechwoods Special Area of Conservation (SAC). The appellant has had the opportunity to comment on this matter, which I will consider below under Other Matters.

Main Issues

4. The main issues are:
 - whether the proposal would comply with the strategy and requirements of the Development Plan for barn conversions, and
 - the effect of the proposal on the character and appearance of the appeal building and the wider area.

Reasons

Spatial Strategy

5. The site consists of a steel-framed modern barn, part of a complex including other rural buildings and dwellings. The proposal seeks to convert the barn into a five-bedroom dwelling, including a garage and storage area.
6. Policy RES7 of the Tewkesbury Borough Local Plan (TBLP), adopted June 2022, permits the re-use of rural buildings where they are redundant or disused. Originally a lambing shed, the appeal building was subsequently used as a

riding school until 2020. Photographs within the application documentation, such as the Protected Species survey and Design and Access Statement, show the building in use as storage.

7. Additional photographs have been provided at appeal stage. These show empty areas of the barn, but they do not include all parts of it, for example the rendered end bay. My site visit represents a snapshot in time. However, I saw that parts of the building contained fencing, logs, tools and machinery, amongst other things. Furthermore, the rendered end bay was in use for the storage of horse-related items. As such, it is difficult to conclude that the building as a whole is redundant or disused.
8. TBLP Policy RES7 also requires that the building to be converted is structurally sound and capable of conversion without the need for significant new building works. A Structural Engineer's Report (the Report) advises that the steel frame of the barn would require some maintenance works, but that it appears to be in a good condition, at least for its age. It concludes that the structure could be retained for conversion without major demolition or rebuilding.
9. However, the Report is not based on the proposal before me, or the works required for its implementation. Instead, it makes assumptions about what would be expected for a building of its type to meet the Building Regulations as a dwelling. Furthermore, no existing elevations of the barn were provided to me, making it difficult to ascertain the extent of the changes necessary.
10. Nevertheless, the Report confirms that the works required would include replacement of the roof, enclosing of the front elevation, new foundations and a new insulated floor slab. In addition, insulated walls would be created around the existing structure. These may well need to be supported on their own foundations, to avoid structural loading on the existing frame. As this is not a Prior Approval application, the advice of the Planning Practice Guidance¹ for such proposals is not particularly relevant. In any case, given the large extent of changes necessary, as a matter of planning judgement, the proposal would require significant new building works.
11. For the reasons given above, the proposal would not accord with the strategy and requirements of the Development Plan for barn conversions. It would therefore conflict with TBLP Policy RES7, as well as Policy SD10 of the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS), adopted December 2017, which specifies vacant or redundant buildings for re-use. It would also conflict with the similar requirements of the National Planning Policy Framework (the Framework) at Paragraph 84(c). I therefore give this conflict substantial negative weight.

Character and Appearance

12. TBLP Policy RES7 also requires proposals to be sympathetic to the character and appearance of the original building, where of traditional form. Its reasoned justification advises that extensions will not normally be permitted, particularly for domestic features that would detract from the simple appearance of traditional buildings.

¹ Paragraph: 105 Reference ID: 13-105-20180615

13. Amongst other alterations, the proposal includes a new extension consisting of a pergola, to the side of the barn. However, the existing barn is not traditional, having a modern, functional form. Whilst the pergola would add a degree of domesticity to the building, it would have a simple, open and somewhat rustic form. Public views of the pergola obtainable from the road would be tempered by existing thick hedgerow. The proposal would retain the agricultural appearance of the barn in respect of its form, external materials, new openings and glazing.
14. For these reasons, the proposal would not harm the character and appearance of the appeal building or the wider area. As a result, it would comply in this respect with TBLP Policy RES7, as well as JCS Policy SD4 which requires proposals to respond positively to and respect the character of the site and its surroundings. Accordingly, this matter is neutral in the planning balance.

Other Considerations

15. The Council accepts that it cannot currently demonstrate an adequate supply of housing land. As such, I must determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in Paragraph 11 of the Framework.
16. I have found conflict with TBLP policies RES7 and SD10 which are consistent with the Framework. I therefore find that the proposal would conflict with the Development Plan as a whole. Against that, it would make a positive contribution to the supply of housing, including as a self- or custom-build dwelling. However, due to the proposal being for only one unit, such benefits carry limited weight.
17. Construction of the proposal would have positive economic effects, for instance to the building industry. Its future occupiers would also make social and economic contributions. The proposal would be built to high environmental standards and includes ecological enhancements. It would also result in the efficient use of land. Even so, as a single dwelling, these benefits would be modest and so I give them limited positive weight.
18. The appellant has referred to a need for additional accommodation for a family member, as part of the existing agricultural business, said to be established and viable. However, no substantive evidence is before me to demonstrate, for example, an essential functional need for a new dwelling or absence of alternatives, sufficient to comply with the relevant planning policies. Indeed, I understand that the former size of the herd has been reduced. Consequently, even if a condition could limit occupation of the dwelling to the family member, and it were tied to the surrounding land, this does not provide sufficient reason to grant permission.

Other Matters

19. The barn is close to Hardwicke House and its outbuildings, listed at Grade II. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to 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. Given the nature of the appeal site and the proposal, I have no reason to disagree in respect of this matter.

20. There is no dispute that the site is within the zone of influence of the SAC. This is protected pursuant to the Conservation of Habitats Regulations 2017. Had I found no harm in respect of the main issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the SAC. However, as the balance of considerations is against the proposal, this matter need not be considered any further.

Planning Balance and Conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
22. Given the harm that I have identified, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. For the reasons given, the material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR