

Appeal Decision

Site visit made on 16 September 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2024

Appeal Ref: APP/P2935/W/24/3344732

Lynn View, Limestone Brae, Hexham NE47 8AL

- 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 Colin Reed against the decision of Northumberland County Council.
 - The application Ref is 24/00050/FUL.
 - The development proposed is convert existing byre to create single dwelling house with new access and ancillary garage.
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Decision

1. The appeal is allowed and planning permission is granted to convert existing byre to create single dwelling house with new access and ancillary garage at Lynn View, Limestone Brae, Hexham NE47 8AL in accordance with the terms of the application, Ref 24/00050/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Colin Reed against Northumberland County Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development would be a re-use of a building and thus comply with the relevant development plan policies relating to new residential development in the open countryside.

Reasons

4. Policy HOU 1 of the Northumberland Local Plan 2022 (LP) seeks to make the best use of existing buildings. More specifically to the appeal case, Policy HOU 8 of the LP allows for isolated residential development in the open countryside if it accords with one of the criteria set out in the policy. Criterion c) allows for such development if it re-uses redundant or disused buildings and enhances its immediate setting. The Council's position is that the works needed to convert the building to a residential dwelling would extend beyond a re-use of the building. They instead consider that significant works would be required which would in effect represent a re-building project.

5. The appellant has provided two surveys in support of their case. These are a Structural Integrity Inspection Report (SIIR) carried out by a chartered surveyor and a Structural Appraisal (SA) undertaken by a chartered engineer. They do not make entirely the same observations on the condition of the building, but both are consistent in their overall findings. In summary, the SIIR finds that *'the barn proposed for conversion does not require any significant form of demolition, with isolated repairs as outlined being required to ensure the longevity of the overall structure'* and the SA that *'it is clear that the building can be brought back into use without extensive rebuilding or structural works.'*
6. Having considered the nature of the works that would be likely to be required as per those outlined in the SIIR and the SA, I am satisfied that the conclusions of the reports as summarised above are fair. The change of use of the building to a dwelling could be achieved with works that would not constitute the re-building of the property. What is necessary is proportionate only to the need to address both the current condition of the building through repair, and to convert it to the different use proposed. Those works would reasonably represent a re-use of the building as opposed to a re-build. The works proposed would also undoubtably enhance its setting, by reinstating a fully completed section of the former larger building.
7. For the reasons I have set out the proposed development would be a re-use of a disused building and would enhance its immediate setting. It would therefore accord with Policies STP 1 and HOU 8 of the LP with respect to the provision of isolated residential development in the open countryside, along with Policy HOU 1 of the LP where it seeks to make the best use of existing buildings. The proposal would also accord with paragraph 84 of the National Planning Policy Framework.

Other Matters

8. The nearby Methodist Church is a grade II listed building. From many views that building and the appeal building would not be seen collectively due to the appeal building being located much lower on the valley side. Whilst both buildings would be seen together in other views, in particular in views from the other side of the valley, what is proposed would be undertaken in a visually appropriate manner. Furthermore, these would be works to a building which already exists, and which already has some form of relationship with the listed building. As such there would be no harm caused to the setting of the Methodist Church.
9. The appeal site falls within the Impact Risk Zone for the Allendale Moors Site of Special Scientific Interest, and the North Pennine Moors Special Protection Area and Special Area of Conservation. Based on the evidence that is before me, including the response of the Council's Ecologist, I am satisfied that there would not be a likely significant effect on those designated sites.

Conditions

10. Conditions setting out the period to commence the development and the approved plans are required to provide certainty. It is necessary to impose conditions relating to the external facing materials, roofing materials, windows and doors including their colour finish, and rainwater goods to be

used in order to ensure that the finished development, which includes the detached garage, has an acceptable finish and appearance appropriate to the existing building itself and to its positioning within a National Landscape (formerly known as Areas of Outstanding Natural Beauty).

11. Its presence within the National Landscape and the site specific visual sensitivities of the proposed conversion and the development as a whole are factors which also justify the removal of permitted development rights to extend the building, alter or add openings, re-roof in a different material than approved, replace windows in a manner different than approved and the construction of any new building within the curtilage of the proposed dwelling, along with a condition requiring the approval of any external lighting proposed to be installed. Conditions relating to the laying out of car parking, the provision of the proposed new access and the provision of cycle parking are needed to make the development acceptable in highway terms.
12. Further to the consultation responses from the County Archaeologist, the Council's Ecologist and the Council's Environmental Protection Officer, it is reasonable and necessary to impose conditions addressing the matters of an archaeological programme of work, bat roosting features and a bird box, along with a condition setting out the additional details that would be required if any unexpected contamination is encountered during construction. A condition addressing the provision of broadband is required, in order to comply with the aims of Policy ICT 2 of the LP.
13. It is not necessary to impose a condition preventing future changes to the proposed garage and to its relationship to the main dwelling in ways that would in themselves be likely to require planning permission. The Council's suggested condition regarding a scheme to demonstrate how the development will minimise resource use, mitigate climate change and ensure proposals are adaptable to a changing climate is imprecise in its requirements in the context of what is the re-use of an existing building that in any event is very small in size. I also will not impose that condition.

Conclusion

14. For the reasons given above, the appeal should be allowed.

Graham Wraight

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 23-33-01, 23-33-03 Revision A, 23-33-04 Revision A, 23-33-08 Revision D, 23-33-09 Revision A, 23-33-10 Revision D, 23-33-11 Revision A.
- 3) No development shall commence above damp-proof course level until precise details of the materials to be used in the repair/construction of the external walls and roofs of the hereby approved development, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.
- 4) Notwithstanding the details submitted, the windows and doors shall be recessed by at least 100mm with no trickle vents, unless otherwise agreed in writing by the Local Planning Authority. Full details of the proposed colour/finish of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and they shall be retained as such thereafter.
- 5) All rainwater goods shall be black painted cast iron and fixed directly to the walls without fascia boards.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or reenacting that Order), the following works shall not be carried out to the dwelling hereby approved without the prior permission of the Local Planning Authority:
 1. The construction of any extension;
 2. The enlargement of door and window openings, or the creation of additional openings;
 3. The re-roofing of the building in a different material to that existing, or approved by the Local Planning Authority;
 4. The replacement of any external windows or doors in a different style or material to that existing, or approved by the Local Planning Authority;
 5. The construction of any building within the curtilage of the dwelling.
- 7) A programme of archaeological work is required in accordance with the NCC Environment and Design Team (NCEDT) Standards for Archaeological Mitigation and Site-Specific Requirements document (dated 1/2/24). The archaeological scheme shall comprise three stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority before it can be discharged.

- a) No development or archaeological mitigation shall commence on site until a written scheme of investigation based on NCEDT Standards and Site-Specific Requirements documents has been submitted to and approved in writing by the Local Planning Authority.
 - b) The archaeological recording scheme required by NCEDT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.
 - c) The programme of analysis, reporting, publication and archiving if required by NCEDT Standards and Site-Specific Requirements documents must be completed in accordance with the approved written scheme of investigation.
- 8) The development shall not be occupied until the car parking area shown on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.
- 9) The development shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.
- 10) The development shall not be occupied until the cycle parking shown on the approved plans has been implemented. Thereafter, the cycle parking shall be retained in accordance with the approved plans and shall be kept available for the parking of cycles at all times.
- 11) A minimum of two integrated bat roosting features (e.g., bat access slates or bat boxes) and one bird nest box shall be built-in to the renovated building, following best practice guidance. Prior to first occupation or use of the building a verification report and/or photographic evidence shall be submitted to and approved by the Local Planning Authority demonstrating that this work has been done.
- 12) If during development contamination not previously considered is identified, then an additional written remediation strategy regarding this material (prepared by a competent person) shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to the Local Planning Authority to discharge this condition.

13) Prior to the fixing of any external lighting within the site, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- The specific location of all external lighting units;
- The design of all lighting units;
- Details of beam orientation and lux levels; and
- Any proposed measures such as motion sensors and timers that will be used on lighting units.

The approved lighting scheme shall thereafter be installed in accordance with the approved details.

14) Prior to the first occupation of the development either:

- (a) Details confirming the installation of a full fibre broadband connection shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development; or
- (b) Where an alternative broadband connection is proposed, justification for such an alternative shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented and made operational prior to the occupation of the development; or
- (c) Where no broadband connection is proposed, justification for the lack of broadband provision shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

-----End of Conditions-----