



## Appeal Decision

Site visit made on 1 October 2024

**by M Cryan BA(Hons) DipTP MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 January 2025**

**Appeal Ref: APP/X2410/W/24/3345269**

**The Barn, Big Lane, Seagrave, Loughborough LE12 7BG**

- 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 Brown against the decision of Charnwood Borough Council.
- The application reference is P/24/0147/2.
- The development proposed is the conversion of a barn to 1no. residential unit (C3), including partial demolition and creation of associated garden area.

### Decision

1. The appeal is allowed and planning permission is granted for the conversion of a barn to 1no. residential unit (C3), including partial demolition and creation of associated garden area at The Barn, Big Lane, Seagrave, Loughborough LE12 7BG in accordance with the terms of the application, reference P/24/0147/2, subject to the following 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 the following approved plans:
    - Location Plan (DGADL Job Ref: 23.4311)
    - Detailed Planning Proposals Sheet 1 (23.4311.08A June 2023)
    - Detailed Planning Proposals Sheet 2 (23.4311.09 July 2023)
    - Detailed Planning Proposals Sheet 3 (23.4311.10 July 2023)
  - 3) Prior to the commencement of development, details/specifications of the external materials and finishes shall be submitted and approved by the Local Planning Authority with the development carried out only in accordance with the approved details.
  - 4) Notwithstanding the details submitted, prior to the first occupation of the development hereby permitted a soft and hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submission details shall include:
    - the treatment proposed for all ground surfaces, including hard surfaced areas;
    - planting schedules across the site, noting the species, sizes, numbers and
    - densities of plants and trees; including tree planting within the planting belt to the east of the site;
    - finished levels or contours within any landscaped areas;
    - any structures, the pedestrian access, boundary treatments or means of enclosure to be erected or constructed within any landscaped areas, functional services above and below ground within landscaped areas.

The scheme shall thereafter be implemented in complete accordance with the approved details and within the first available planting season following approval of the detail. The erection of the approved boundary treatments shall be completed prior to first occupation.

- 5) Prior to first occupation, full details of the provision of bat boxes, bird breeding boxes, hedgehog nest boxes and planting proposals, including a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority and subsequently the development shall be carried out and retained in accordance with the approved details.
- 6) The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the approved details. Thereafter the onsite parking and turning provision shall be kept available for such use in perpetuity.

### **Preliminary and Procedural Matters**

2. It was stated on the appeal form that the original description of development on the planning application form was no longer correct. I have therefore used the description from the appeal form in the banner heading and formal decision above.
3. The appellant's evidence referred at times to the appeal scheme being a self-build development. It was not, however, described as such in the original planning application, nor is there any planning obligation by which that status might be secured. I have therefore determined the appeal on the basis of the proposal being for unrestricted market housing.
4. On 12 December 2024 the Government published a revised National Planning Policy Framework ("the Framework"), replacing the December 2023 version extant at the time the planning application was determined. The provisions most relevant for determining this appeal were not altered significantly; as a result I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.
5. The Council's decision notice and other evidence referred to conflict with draft policies of the emerging Charnwood Local Plan ("the new CLP") which, on adoption, will replace policies in the 2004 Charnwood Local Plan ("the 2004 CLP") and the 2015 Charnwood Core Strategy ("the CCS"). The Council's appeal statement anticipated that the new CLP would be adopted "towards the end of 2024". I address the appropriate weight to be given to the various current and emerging development plan policies below.

### **Main Issue**

6. The main issue is whether the appeal site would be an appropriate location for the proposed development, having regard to relevant local and national planning policy.

## Reasons

7. The appeal relates to a single-storey barn, with some stabling, which has been used in connection with the appellant's farrier/blacksmith business, and for vehicle repairs. The proposed development is the conversion of the building to form a three-bedroom dwellinghouse, with parking area and domestic garden.

### Local and national planning policy

8. Saved Policy ST/2 of the 2004 CLP states that built development will be confined to allocated sites and other land within defined "limits to development", while Saved Policy CT/1 indicates that, in countryside areas, permission will be granted for the re-use and adaptation of rural buildings for a limited range of purposes; market housing is not within the closed list of "suitable uses" identified in that policy. Policy CS1 of the CCS, which sets out the locational strategy for new housing in the district, does not provide support for any provision in countryside areas outside of settlements.
9. The Council's decision notice also referred to conflict with Draft Policies DS1, OS1, H6 and C1 of the emerging new CLP. I do not address H6 here as it deals with self-build and custom housebuilding and, for the reasons I have set out in paragraph 3 above, it is not therefore relevant to this appeal. DS1 will set the overall spatial strategy for the district, with a focus on urban concentration and intensification; it seeks to protect the intrinsic character of the countryside, and directs the vast majority of housing development to the parts of the district within the Leicester Urban Area and to Loughborough. OS1 will seek to support development in the "other settlements" tier of the settlement hierarchy – which includes Seagrave<sup>1</sup> – where it is small-scale and within the defined Limits to Development.
10. Draft Policies DS1 and OS2 of the emerging new CLP are not, on the face of it, supportive of the proposed development. However, Draft Policy C1 addresses development in the countryside and among other things it supports the reuse and adaptation of rural buildings where there would not be significant adverse environmental effects, and the development of isolated homes in the countryside where it would re-use a redundant or disused building and enhance its immediate setting. In setting out a range of circumstances in which development in the countryside *may* be acceptable, C1 therefore provides for limited exceptions to the generally restrictive approach of DS1 and OS2.
11. Paragraph 83 of the Framework indicates that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. It goes on to say in Paragraph 84 that the development of isolated homes in the countryside should be avoided other than in particular circumstances, one of which is where it would "re-use redundant or disused buildings and enhance its immediate setting". Paragraph 110 recognises that "opportunities to maximise sustainable transport solutions will vary between urban and rural area, and this should be taken into account in both plan-making and decision-making".

### Access to services

12. The appeal site lies approximately equidistant between the villages of Walton on the Wolds (to the north-west) and Seagrave (to the south-east), lying around one mile from both as the crow flies – the road route is slightly longer.

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<sup>1</sup> Walton on the Wolds is within the "Small Villages or Hamlets in the Countryside" tier of the settlement hierarchy.

There are a small number of dispersed dwellings nearby, including The Barn, Seagrave Grange, and The Chestnuts, as well as several agricultural and similar buildings, but the site is not within a settlement and there is no dispute between the main parties that the site is in the countryside for the development plan's purposes.

13. Both Walton on the Wolds and Seagrave provide a limited array of services. Barrow upon Soar, which has more facilities including a railway station (with services to Leicester, Nottingham and elsewhere) is around two miles west of the site, and a much greater range of facilities is available in Loughborough some five miles or so from the site.
14. Big Lane, which connects the site to Walton on the Wolds and Seagrave, and Paudy Lane which connects it to Barrow upon Soar, have no street lighting or footways. Traffic volumes were moderate at the time of my site visit, but many passing vehicles were fast-moving. Although it would be possible to walk to the nearest settlements, and I understand that the appellant does do that from time to time, the nature of the surrounding roads is such that much of the time walking or cycling to use shops and so on would be unlikely to be an attractive proposition, not least at night or in inclement weather.
15. Although there is a bus which connects Big Lane (where it can stop as a "hail and ride" service) with these settlements, it runs no more than seven times per day and not at all beyond the late afternoon; it could meet only a small part of most future occupiers' transport needs. Occupants of the new dwelling would therefore be likely to rely on the use of a private car for access to most services, although given the range of services available in Barrow upon Soar and, especially, in Loughborough I consider that most such journeys would be likely to be reasonably short.

#### Whether isolated

16. The question of whether a dwelling is, or would be, "isolated" in the Framework's terms has been considered in the courts. In *Braintree*, the judge in the High Court<sup>2</sup> found that it should be given its ordinary objective meaning of "far away from other places, buildings or people; remote". At the Court of Appeal<sup>3</sup>, Lord Justice Lindblom held that "in its particular context [in the 2012 Framework<sup>4</sup>], the word 'isolated' in the phrase 'isolated homes in the countryside' simply connotes a dwelling that is physically separate or remote from a settlement"; he observed that "in short, settlements are the preferred location for new housing development in rural areas", and that whether a proposed new dwelling would be isolated in the context of the Framework would be a matter of fact and planning judgment for the decision-maker in the particular circumstances of the case in hand.
17. In this case, the proximity of other dwellings and buildings close to the appeal site means that the proposed dwelling would not be isolated in the strictest sense of being far away from other buildings or people. However, the nearest dwellings are generally separated from one another, and although I note the appellant's comments that the grouping is "a close-knit community", as I have already set out in the preceding section there is little substantive evidence to

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<sup>2</sup> *Braintree District Council v SSCLG & others* [2017] EWHC 2743 (Admin)

<sup>3</sup> *Braintree District Council v SSCLG & others* [2018] EWCA Civ 610

<sup>4</sup> Paragraph 55, as it was at the time.

suggest that the group either forms, or is part of, a settlement in any real sense. It is therefore reasonable in this case to find that the scheme would lead to the development of an isolated home in the countryside in the terms set out in the Framework.

#### Use of the existing building

18. At the time the Council carried out a site visit in February 2024, the building was being used "to store materials and possessions associated with an equestrian use as well as the personal items of the applicant". The Council noted that vehicle repair machinery was still present, and "fresh hay or haylage [could] be seen within the stabling areas", as was shown in photographs it provided. By the time of my site visit, the building was rather emptier; while some pieces of equipment remained to be removed, the impression I got was not of a property which was, or had recently been, in active use.
19. The appellant has submitted information from their accountant<sup>5</sup> stating that the business has been declining in recent years, with turnover falling from £87,000 in the year to March 2020 to £13,000 in the year to March 2023. It was also stated that there was no turnover at all in the year to March 2024, and that the accountant expected to close down the business when completing returns for the year to 2024. I note the Council's suggestion that "the building has been partially cleared [only] for the purposes of the appeal and the proposed development", but there is no requirement in either the development plan or the Framework for the submission of detailed evidence of (for example) the marketing of the premises for retention in agricultural or commercial uses which might prove more conclusive. On the balance of all the evidence before me, I consider it reasonable to conclude for the purposes of determining this appeal that the building is redundant or disused.

#### Enhancement of the setting

20. The existing building is a steel frame and block construction barn; it is simple and functional in its style, though inconsistent finishes to the sheet cladding, mismatched windows and doors, and the impact of other ad hoc repairs and alterations give it a somewhat unkempt appearance at present. Under the appeal scheme, a lean-to section would be removed (reducing the built footprint by around a third), external blockwork walls faced with brick, and the cladding repaired and repainted. New windows and doors would be installed, primarily using the existing openings. The building would inevitably take on a more domestic appearance as a consequence of the physical changes and its use as a dwelling, but would nevertheless retain an agricultural look which would not be at odds with the houses and other buildings nearby. While the Council considered that the conversion works to the building itself would have a neutral impact on the character and appearance of the area, the improvements I have highlighted here would represent a moderate improvement in its appearance.
21. An existing area of grazing land alongside the building would be converted to a wildflower meadow, and there would be additional hedgerow and tree planting as part of the scheme. The Council considered that the meadow would represent "a minor enhancement to its setting", and that overall "the proposed scale, appearance and layout would have a minor positive impact on the

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<sup>5</sup> E-mail from Ken Kirk of Page Kirk LLP dated 16 August 2024

character and appearance of the wider countryside". I agree with that overall assessment; the development would lead to a modest enhancement of the immediate setting.

#### Findings on the main issue

22. The proposed development would lead to the development of an isolated dwelling in the countryside, with only moderate accessibility to a range of services by means other than the private car. It would re-use a redundant existing building, with some enhancement of its setting. Nevertheless, there would be conflict with Saved Policies ST/2 and CT/1 of the 2004 CLP, and with Policies CS1 and CS25 of the CCS which, as I have set out at paragraph 8 above, relate to the supply and location of housing in the borough.
23. Although Draft Policies DS1 and OS1 of the new CLP are not supportive of residential development outside settlements, Draft Policy C1 provides for the re-use of existing buildings where there would be an enhancement of the immediate setting. The proposal therefore does not conflict with those emerging policies read as a whole. However, while the Council stated that the new CLP would be adopted towards the end of 2024, this has not happened. There is no information before me to explain whether the delay is related to the draft policies referred to in connection with this appeal; while the emerging plan is a material consideration, in view of the uncertainty at this stage I consider that those policies carry only moderate weight here.
24. Saved Policies ST/2 and CT1 of the 2004 CLP, and Policy CS1 of the CCS therefore remain the most important development plan policies for determining this appeal, but they are more restrictive than national planning policy set out in the Framework as they do not provide for the conversion of existing unused buildings in the countryside to dwellings. As a result of those policies' inconsistency with the Framework, the Council acknowledges that they should be considered out-of-date. Conflict with them therefore carries limited weight in my overall assessment, and the "presumption in favour of sustainable development" set out in paragraph 11 d) of the Framework applies. Among other things, this says that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. I address this in the planning balance and conclusion section below.

#### **Other Matters**

25. The Council drew my attention to two dismissed appeals elsewhere in Charnwood. The first related to the proposed conversion of an agricultural outbuilding to form a single dwelling on land at Charley Road, Ulverscroft<sup>6</sup>, the second to a proposed new dwelling at Church Road, Wanlip<sup>7</sup>. I have no reason to disagree with the conclusions reached by my colleagues in either of those cases. However, the unit in the Charley Road appeal was much more isolated from services and any other building than the building in this appeal, while the Church Road case related to a new building rather than the conversion of an existing building. Though there are of course some similarities in the issues

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<sup>6</sup> PINS Ref: APP/X2410/W/22/3292465

<sup>7</sup> PINS Ref: APP/X2410/W/23/3325129



raised, the circumstances of those two cases are sufficiently different from this that my reaching a different conclusion is justified.

### **Planning Balance and Conclusion**

26. The proposal would lead to the development of an isolated dwelling in the countryside, where there would be reliance on the private car for access to services. The development would conflict with the aims of the Framework in these respects. However, given the small scale of the development, and the likelihood that many journeys would be relatively short in the rural context of the surrounding area, I give the harm arising from this conflict moderate weight in the overall balance.
27. The development would provide a single additional dwelling, which would make only a very limited contribution to meeting housing demand. Given the small size of the property any social or economic benefits arising either from building work during conversion or from its occupation as a dwelling would also be limited. The proposed development would provide some enhancement of the setting of the existing building, which would be a modest environmental benefit. Taken together, I consider that the benefits arising from the scheme carry moderate weight in its favour in the overall balance.
28. The moderate harm arising from the adverse impacts of the scheme would not significantly and demonstrably outweigh its benefits, modest though these would be overall. Taken as a whole, I find no harm arising from the proposal which would justify refusing planning permission, and I find that the site is an appropriate location for the proposed development. As such, there is no conflict with the provisions of the Framework read together. I therefore conclude that the appeal should be allowed and planning permission granted.

### **Conditions**

29. I have considered the conditions suggested by the Council in the light of Paragraphs 56 and 57 of the Framework and the advice in the Planning Practice Guidance. Where necessary I have altered the ordering and proposed wording in the interests of clarity and effectiveness. As well as the standard time limit condition (1) I have specified the approved plan to provide certainty (2).
30. A condition relating to materials (3) is necessary to protect the character and appearance of the area and to ensure compliance with Saved Policy EV/1 of the 2004 CLP and Policy CS2 of the CCS; a condition relating to landscaping (4) is necessary both to protect the character and appearance of the area and to integrate the development into the landscape of the surrounding area in line with the requirements of Policies CS2 and CS11 of the CCS.
31. A condition relating to biodiversity (5) is necessary to comply with Policy CS13 of the CCS, while a condition relating to the provision and retention of suitable parking facilities (6) is necessary in the interests of highway safety.

*M Cryan*

Inspector