



Appeal Decision

Site visit made on 9 December 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 January 2025

Appeal Ref: APP/F1040/W/24/3348958

Land at Broad Lane, Thulston, Derby DE72 3FD

- 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 and Mrs M Warden against the decision of South Derbyshire District Council.
 - The application Ref is DMPA/2022/1547.
 - The development proposed is conversion of barn to residential accommodation including the re-construction of the existing stable block.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a barn to residential accommodation including the re-construction of the existing stable block at Land at Broad Lane, Derby DE72 3FD in accordance with the terms of the application, Ref DMPA/2022/1547, subject to the conditions in the attached schedule.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was issued on 12 December 2024. Comments were sought from the main parties as to the relevance of the revised Framework to the appeal, and I have taken the comments received into account in my consideration of the appeal.

Main Issues

3. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the development plan;
 - the effect of the proposed development on the openness of the Green Belt;
 - whether the proposed development would result in an enhancement of the building's immediate setting; and
 - if the development is inappropriate, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

4. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that development in the Green Belt is inappropriate unless one of the exceptions listed in paragraph 154 applies.
5. The proposal would meet elements of three of the exceptions, notwithstanding only one exception is required. These exceptions are; (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, (g) limited infilling or the partial or complete redevelopment of previously developed land which would not cause substantial harm to the openness of the Green Belt and (h)(iv) the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. Policy S8 of the South Derbyshire Local Plan (June 2016) (the SDLP) states that development proposals in the Green Belt will be assessed against national policy and is therefore consistent with the Framework.
7. Policy H28 of the SDLP relates to residential conversions outside of settlement boundaries and permits such development provided the building is; (i) of a permanent and substantial construction, (ii) suitable for conversion without extensive alteration, rebuilding and/or extension, or (iii) constitutes the re-use of a suitable redundant or disused building or would secure the future use of a heritage asset.
8. The appeal site relates to land containing a single storey stable block and a two-storey barn with a private stone surfaced drive accessed from Broad Lane. It is located close to the southern boundary of Thulston and washed over by Green Belt. The site adjoins the rear of the appellant's house and garden and is enclosed by paddocks to the west and south. The stable block sits parallel with the barn with a small gap between them, and a hard surfaced area in front.
9. The proposal seeks to convert the existing barn into a 2 bedroom dwelling, demolish the existing stable block and erect a single storey extension to the barn where the stable block is currently located. The single storey extension would accommodate a kitchen/ dining area, a single garage and two replacement stables. The proposed dwelling would be served by the existing access and a new garden to the front.
10. The barn was built in 2016 and is of steel framed construction with timber cladding and concrete floor. The submitted structural survey concludes that the existing building is in structurally sound condition and capable of conversion. In the absence of evidence to the contrary and based on my site observations, I have no reason to disagree. The building is of permanent and substantial construction meeting criteria (i) of Policy H28 and paragraph (h)(iv) of the Framework.
11. The Framework does not provide a definition of 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a

disproportionate addition over and above the size of the original building is a matter of planning judgement. Similarly, there is no definition of 'extensive' referred to in Policy H28.

12. New windows would be inserted to the first floor of the existing barn. The existing door and garage door on the ground floor would be partially blocked up and changed to a window and front door. Accordingly, these alterations would not constitute extensive alteration or rebuilding of the existing barn.
13. Given the height and massing of the proposed single storey extension, it would not represent a disproportionate addition to the existing barn. Furthermore, part of the extension would house replacement stables and the extension would occupy broadly the same footprint as the existing stables, and be of a similar height, width and depth to them.
14. The Council contends that as the existing stables would be demolished, it is not of permanent or substantial construction, neither is it suitable for conversion without extensive alteration or rebuilding. However, the proposal does not seek to convert the stables, only the barn. Policy H28 permits alterations, rebuilding and/ or extensions to a building to provide residential accommodation on the proviso that they are not 'extensive'. I have found that the proposed alterations and extension to the barn would not be extensive and would not result in a disproportionate addition to the original building. Therefore, the unsuitability of the existing stables for residential conversion is not a relevant consideration.
15. Furthermore, the Council does not dispute that the existing structures and hard surface is previously developed land. Based on the evidence before me and my site observations, the proposed extension to the existing barn would also constitute the partial redevelopment of previously developed land as defined in Annex 2 of the Framework.
16. For the reasons given, the proposal would not be inappropriate development in the Green Belt, complying with Policy S8 and H28 of the SDLP and the Framework. I will now consider the effect of the proposed development on the openness of the Green Belt.

Openness

17. Openness is an essential characteristic of the Green Belt that has spatial and visual aspects. The existing barn is clearly visible from the adjacent highways due to its height and the flatness and openness of the surrounding land. The proposed extension would effectively replace the existing stables and closely reflects its scale and massing. The small gap between the barn and stables would be filled but the proposal would result in less sprawl as the built form would be displaced further north into the site. Accordingly, openness of the Green Belt would be preserved and there would be no conflict with Policy S8 of the SDLP and the Framework.

Enhancement of Immediate Setting

18. Policy H28 of the SDLP requires all residential conversions outside settlement boundaries to result in the enhancement of the building's immediate setting. The proposal seeks to reduce the perceived prominence of the existing barn which is atypical in terms of design, colour and external materials. More subdued external cladding is proposed which would help the proposal to

integrate with its rural surroundings. The proposed fenestration would interrupt the expansive, unbroken walls on the barn. Furthermore, the consolidation of the built form would reduce its projection into the open countryside. Overall, the proposal would give the appearance of a cohesively designed, sensitively converted rural building which would be in keeping with its countryside location.

19. For the reasons given, the proposed development would result in an enhancement of the building's immediate setting. Hence it would comply with Policy H28 of the SDLP.

Other Matters

20. The Council has a 5.76 years supply of housing land, but this does not represent a cap or maximum number of dwellings that can be permitted.
21. The Council has raised no concerns about the impact of the proposal on highway safety and I have no reason to disagree.
22. I have considered a third party's argument that the proposal would set a precedent for similar developments in the adjacent field. However, the field is not previously developed land and does not contain any structures that could be converted or re-used. Therefore, it is not directly comparable to the appeal site. In any event, each application and appeal must be determined on its individual merits.
23. The existence of a derelict house in the vicinity does not sufficiently justify refusing planning permission in this case.

Conditions

24. The Council has provided a list of suggested planning conditions, which I have considered against the Framework and advice contained in the Planning Practice Guidance (PPG). Where appropriate, I have amended wording for clarity and precision and have removed tailpieces to conditions that circumvent the statutory route to vary conditions or deprive interested parties of the opportunity to comment.
25. Along with the standard time condition, the approved plans should also be specified to provide clarity and certainty.
26. It is necessary to ensure that the garage space is used in connection with the proposed dwelling to maintain adequate parking provision. Accordingly, a condition is imposed to secure this.
27. A condition requiring the access drive to be surfaced with tarmacadam or similar material for a distance of at least 5 metres behind the highway boundary is necessary to prevent loose stones from being deposited onto the highway in the interests of highway safety.
28. To ensure satisfactory refuse and recycling facilities are provided for future occupiers, I have imposed a condition requiring details to be agreed with the Council. However, it is unnecessary for this to be a pre-commencement condition.
29. A limit on the water consumption rate is justified by Policy SD3 of the SDLP.

30. Given that the proposal has been assessed against Policy S8 and H28 and to control incidental curtilage development, the removal of permitted development rights is warranted. However, the Council's suggested condition is not sufficiently clear and precise. I have therefore imposed a more specific condition that refers to the relevant legislative provisions.
31. A condition controlling the hours of demolition and construction works is necessary to safeguard the amenity of nearby occupiers.
32. A bird nesting survey appears to have been undertaken within the Bat Survey Report (dated August 2023). This confirms that the existing barn does not have the potential to support nesting birds. Two defunct swallow nest cups were located in the stable block, however no active nests were observed. Therefore, a condition requiring the submission of a bird nesting survey is not necessary. However, a biodiversity mitigation and enhancement plan is required in order to enhance biodiversity but it is not necessary for this to be a pre-commencement condition.
33. A condition requiring the window serving the first-floor bedroom on the north elevation of the building to be glazed in obscured glass and non-opening is necessary to protect the privacy of the future occupiers and the occupiers of nearby dwellings.
34. The condition suggested by the Council in relation to materials would circumvent the statutory route to vary conditions or deprive interested parties of the opportunity to comment and would therefore not meet the PPG. In any event the condition is not necessary as the materials would be specified in the approved plans/ drawings.

Conclusion

35. The proposed development would not be inappropriate development in the Green Belt and would result in an enhancement of the building's immediate setting. Accordingly, it would comply with the development plan. There are no material considerations to indicate that a decision should be taken other than in accordance with it. For the reasons given above, the appeal should be allowed.

U P Han

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings and details:
 - Michael Evans & Associates LTD Structural Statement Job No. 23-206 (1 August 2023)
 - ML-Ecology Preliminary Bat Survey Report (11 August 2023)
 - GRT Architecture Design & Access Statement
 - Proposed Site Plan Drawing No. 001
 - Existing Site Plan Drawing No. DLB2214-01
 - Existing Floor Plans Drawing No. DLB2214-02

- Existing Elevations Drawing No. DLB2214-03
 - Existing Elevations (2) Drawing No. DLB2214-04
 - Proposed Elevations Drawing No. 002
 - Proposed Floor Plans Drawing No. 003
- 3) The garage hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors and for no other purpose.
 - 4) The development hereby permitted shall not be occupied until such time as the access drive has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 meters behind the highway boundary and, once provided shall be so maintained in perpetuity.
 - 5) Prior to the first occupation of the development hereby permitted, details of the refuse and recycle store shall be submitted and approved in writing by the local planning authority. The refuse and recycle store shall be carried out in accordance with the approved details and maintained as approved.
 - 6) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.
 - 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, E, F and AA of Part 1, and Class A of Part 2 of Schedule 2 to the Order shall be undertaken.
 - 8) Demolition or construction works shall take place only between 08:00 hours and 18:00 hours Monday to Friday and between 08:00 hours and 13:00 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
 - 9) Prior to the first occupation of the development hereby permitted, a Biodiversity Mitigation and Enhancement Plan shall be submitted to and approved in writing by the local planning authority. Measures shall include (but are not limited to) the following: 2 x swallow cups/bespoke swallow nest boxes, 1x external universal nest box (avoiding southern elevations) and 1x external bat box (favouring southern elevations). All approved measures shall be implemented in full and maintained in perpetuity.
 - 10) The building hereby permitted shall not be occupied until the window serving the first-floor bedroom on the north elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

End of Conditions