



Appeal Decision

Site visit made on 13 January 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2025

Appeal Ref: APP/P0240/D/24/3347027

Streatley Hall, Sharpenhoe Road, Streatley, Central Bedfordshire LU3 3PS

- 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 Shan against the decision of Central Bedfordshire Council.
 - The application Ref is CB/24/00255/FULL.
 - The development proposed is two storey rear extension to existing farmhouse, single storey glazed link to adjacent barn, conversion of existing adjacent single storey barn, and associated alterations to fenestration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the description of the proposal as given on the application form. The Council's amended description specified that the single storey barn would be converted to ancillary use and the plans show that it would be used as a games room.
3. A Preliminary Roost Assessment (PRA) by Cherryfield Ecology dated March 2024 and Bat Emergence and Re-Entry Surveys (BERS) by Arbtech dated June 2024 were submitted with the appeal. This evidence was not available when the Council determined the application. However, the concerns raised about protected species can be clearly understood from the Council's Officer Report, together with the representations and consultation responses from interested parties. Therefore, I am satisfied that no prejudice has arisen to any relevant party as a result of my having taken it into account.
4. A new National Planning Policy Framework (the Framework) came into effect in December 2024 and is applicable to this appeal. Neither the changes to the Green Belt section nor other aspects of the revised Framework materially affect the issues under consideration in this case, so it has not been necessary to seek further views from the parties.

Main Issues

5. The main issues are:
 - whether adequate measures would be included to avoid or mitigate harm to protected species, with particular reference to bats and barn owls, and
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies.

Reasons

Protected Species

6. The appeal site includes a dwelling and a number of detached buildings, some of which were formerly in agricultural use. These include a single storey barn which would be connected to the house and converted to a games room.
7. At the time of the planning application, advice from the Council's Ecologist and representations from interested parties indicated that ecological surveys were required to confirm whether or not protected species would be affected by the development. Interested parties drew the Council's attention to sightings of barn owls and bats, including within the barn, and the representations included a photograph of a barn owl described as being within the appeal site. The Council's Ecologist advised that a Preliminary Roost Assessment (PRA) be undertaken, with further surveys to be carried out, if necessary, in response to its findings.
8. The PRA undertaken in March 2024 is focussed on the presence or otherwise of bats and does not mention barn owls. However, neither the Ecologist response nor the Council's Officer Report specified that the PRA should relate only to bats. Furthermore, the survey evidence in the BERS includes a sighting of a barn owl entering and leaving the barn. This was attributed to foraging behaviour, but no further survey evidence has been provided to clarify the extent to which barn owls make use of the barn for foraging, nesting or roosting. Therefore, the ecological evidence does not enable any clear conclusions to be drawn about the effect of the proposed development on barn owls.
9. Natural England's response to the application referred the Council to standing advice for consideration of the effect on protected species. The relevant standing advice for wild birds¹ states that a survey should be undertaken if a development proposal affects buildings that could support nesting birds, such as agricultural buildings, and specifically gives the example of works to buildings that barn owls use. It is also highlighted that barn owls are among the bird species listed in Schedule 1 of the Wildlife and Countryside Act 1981 and as such survey evidence should be sought if they are likely to be affected.
10. Circular 06/2005² makes clear that it is essential that the presence or otherwise of a protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. In the absence of further survey evidence, the level of potential harm to barn owls cannot be established and no mitigation measures are proposed to mitigate any such harm. Consequently, based on the evidence before me, I cannot be confident that adverse effects on this protected species could be avoided or mitigated.
11. The PRA and BERS did confirm evidence of a day roost for common pipistrelle bats within the roof of the dwelling. Although no roost was identified in the barn, bats were also observed flying across the site in the vicinity of that building. Since the dwelling roof would be disturbed in order to implement the proposed extension, a European Protected Species Licence (EPSL) would be required from Natural England, for derogation from the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) before development

¹ <https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions>

² Office of the Deputy Prime Minister Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System, 16 August 2005

could commence. This is a separate legal requirement, which would follow from the grant of any planning permission.

12. The PRA and BERS propose measures to ensure that bats are not harmed during construction and that replacement roosting sites and other mitigation measures are provided. These, or other required measures, would be incorporated in the conditions of any EPSL granted. Having had regard to my duties under the Regulations and considered the three tests in Article 16(1) of the Habitats Directive, I have no reason based on the evidence in the PRA and BERS to doubt that a licence in relation to bats would be issued. Therefore, this is a matter which could have been addressed by means of a planning condition requiring that the appropriate licence is obtained prior to the commencement of development.
13. Nevertheless, based on the evidence before me, I am not satisfied that adequate measures would be included to avoid or mitigate harm to protected species, with particular reference to barn owls. On that basis, the proposed development would conflict with Policy EE2 of the Central Bedfordshire Local Plan which requires, amongst other things, that development avoids negative impacts on biodiversity and, where that is not possible, that proposals must mitigate or as a last resort compensate for any unavoidable impacts. It would also conflict with the similar provisions in Section 15 of the Framework.

Green Belt

Policy Considerations

14. Paragraph 154 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt. However, it goes on to set out several exceptions, which include 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 (paragraph 154c) and also the re-use of buildings provided that they are of permanent and substantial construction (paragraph 154h). In the latter case, an assessment is also required of the effect on openness and the purposes of the Green Belt.
15. Policy SP4 of the Central Bedfordshire Local Plan includes a general presumption against inappropriate development in the Green Belt and states that proposals will be assessed against the Framework and Planning Practice Guidance. Section 11.32 of the Central Bedfordshire Design Guide 2023 (CBDG) expands on the interpretation of Policy SP4, with particular reference to the extension of dwellings, including whether a particular extension would result in a disproportionate addition. These include a guiding principle that the original building should not be added to by more than 60% of footprint, floorspace and volume, with massing and design also to be considered.
16. The CBDG also states that, while this guideline will usually refer to additions that are physically attached to the host dwelling, the Council will consider as a matter of fact and degree whether any detached outbuildings should be included or not.

Extent of Original Buildings and Extensions

17. The dwelling on the appeal site has a narrow rectangular footprint and is situated at the front of the site, with its long elevation parallel to the road. To one side is a two-storey outbuilding. At the rear are two former agricultural buildings of brick and

tile/slate construction. The Design and Access Statement (DAS) describes these as having been part of a larger range of farm buildings visible on maps dating back to the early 20th Century.

18. Photographic evidence in the DAS shows that there was also previously a substantial two-storey gable projection at the rear of the dwelling and bay window projections and a porch at the front, all of which have been removed. The Council does not dispute that these were part of the dwelling on 1 July 1948, which is the relevant date for assessing the extent of the original building, as defined in the Framework. Therefore, somewhat unusually, the dwelling in its existing form is smaller than the building as it existed on that date.
19. It is also not disputed that the single storey barn which would be converted to a games room existed before 1 July 1948. However, it was not then, and is not now, used as part of the dwelling. Nor does it appear to have been used for purposes incidental to the dwelling. On that basis, the Council views the additional habitable floorspace in the barn, and its external volume, as part of the proposed extension, leading to a conclusion that the 60% guideline would be exceeded.
20. The provisions of paragraph 154c of the Framework are not limited to extension of a dwelling, since the wording refers to extension of a building, without specifying the existing use. While section 11.32 of the CBDG does relate explicitly to extension of dwellings, Policy SP4 defers to the Framework and does not indicate that a different approach should be taken to the extension of dwellings as opposed to other buildings.
21. Furthermore, the barn appears to be of permanent and substantial construction and no evidence has been presented to the contrary. The principle of its re-use as a games room is therefore in accordance with paragraph 154h of the Framework, subject to consideration of the effect on openness and the purposes of the Green Belt. In that scenario, since the focus of paragraph 154c is on the scale of additional built development in the Green Belt, rather than whether the buildings in question are used residentially, there is no clear justification for excluding its existing volume or floorspace from that of the original buildings when assessing the scale of the proposed extension.
22. The appellant has provided figures which indicate that the additional floorspace and volume would be well below the 60% threshold, if the barn is treated as part of the original buildings. The Council's figures do not clearly distinguish between the floorspace/volume of the barn and that of the proposed extensions, so no firm conclusion can be drawn as to the precise percentage increase based on those figures. However, it is clear that it would be significantly less than the percentages given in the Officer Report, which treat the barn as part of the extension.
23. The additional built elements would comprise a two-storey extension along the rear elevation of the dwelling and a small single storey element between the two buildings. The two-storey extension would in itself be a substantial addition, and it would also be significantly larger than the original two storey gable projection at the rear. However, one of the two proposed gables would be of fairly similar proportions to that earlier projection. Taking that into account, the addition of a second gable and a central section between the two would not amount to a disproportionate increase in volume. The small link extension would have an insignificant volume and the outer envelope of the barn would not be enlarged. In

fact, it would be very slightly reduced, in order to detach it from the adjacent building at the rear.

24. The Council's Officer Report refers to other decisions in which it was concluded that extensions amounted to inappropriate development in the Green Belt, based on the guidance in the CBDG. However, based on the limited information included, it appears that there were also previous extensions which contributed to the conclusion that the cumulative additions would be disproportionate to the original dwelling. Those circumstances are clearly different from the scenario at the appeal site, where the only relevant previous extension is the porch at the rear and the dwelling is currently smaller than it was in 1948.
25. Having had regard to the available evidence about footprint, floorspace and volume, and considered the proposed massing and design, in the context of the particular and somewhat unusual circumstances of this case, I conclude that the proposal would not result in disproportionate additions over and above the size of the original buildings.

Effect on Openness and Purposes of Green Belt

26. Paragraph 154h of the Framework requires consideration of the effect on openness and the purposes of the Green Belt, in relation to the re-use of existing buildings. However, paragraph 154c does not require any such assessment in relation to the extension of existing buildings. In effect, that paragraph accepts that there can be some effect on openness as a result of extensions to existing buildings, while limiting its extent. Therefore, based on the provisions of the Framework, it is only the effect of the proposed conversion of the barn which requires further assessment under this hearing.
27. Although the appeal site is in a rural location, it is within a ribbon of dwellings and other buildings along Sharpenhoe Road. The proposal would be confined to the area occupied by the existing dwelling and barn and there would be no encroachment into the countryside. Nor would there be any conflict with the other purposes of the Green Belt as defined in paragraph 143 of the Framework.
28. Conversion of the barn would involve alterations to the fenestration, re-orientating the building so that the main openings face into the garden. However, the outer envelope would remain substantially as existing and the proposed use would not introduce any additional activity or paraphernalia outside the building, given that the adjacent land is already used as a private garden.
29. While a link extension is proposed to connect the barn to the dwelling, the building could very feasibly be converted to domestic use without any such extension given its form and position. Even if the link extension is regarded as an element of the proposed conversion, it would have a very modest external volume and would be sandwiched between the two existing buildings, where it would have an insignificant effect on openness. The two-storey extension is neither a consequence of, nor a prerequisite for, re-use of the barn as a games room and is more appropriately considered under paragraph 154c only. I therefore conclude that the re-use of the barn would preserve openness and would not conflict with the purposes of including land within the Green Belt.

Conclusion: Green Belt

30. For the reasons given above, I conclude that the proposed development would benefit from the provisions of paragraph 154c of the Framework with regard to the proposed extensions and paragraph 154h with regard to the conversion of the barn, and therefore would not be inappropriate development in the Green Belt as defined therein. That being the case, it would not conflict with Policy SP4 of the Local Plan, which defers to the Framework in this respect. Having reached that conclusion, it is not necessary to consider whether there are very special circumstances to justify approving the proposed development.

Other Matters

31. The appeal site is within both the Streatley Conservation Area and the Chilterns National Landscape (Area of Outstanding Natural Beauty). This southern part of the village has a linear form, in which traditionally detailed dwellings and other buildings are dispersed along Sharpenhoe Road within a rural landscape setting. The traditional form and detailing of the dwelling, along with its close relationship with open fields at the rear, contribute to the significance of the Conservation Area, which derives in part from its rural characteristics and countryside setting.
32. The proposed extensions and converted barn would be located at the rear. There would be only limited public views of the flank elevations and the proposal would not detract from the more prominent and traditionally detailed front elevation. Nor would the additions disrupt the relationship with the adjacent open fields. The Council did not allege any harm to the character and appearance of the Conservation Area or the National Landscape. Having considered the evidence, including representations from interested parties, and inspected the site, I likewise conclude that the character and appearance of the Conservation Area would be preserved, and that the natural beauty of the National Landscape would be conserved, in line with the relevant statutory duties.

Conclusion

33. While I have concluded that the proposal would not be inappropriate development in the Green Belt, based on the evidence before me it would conflict with the development plan in respect of the adequacy of measures to avoid or mitigate harm to protected species. No material considerations indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR