
Appeal Decision

Site visit made on 21 June 2022

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2022

Appeal Ref: APP/C3430/W/22/3293404

Bull Barn, Orton Hall Farm, Lower Penn WV4 4XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Avril Watton against the decision of South Staffordshire District Council.
 - The application Ref 21/00885/FUL, dated 16 August 2021, was refused by notice dated 21 December 2021.
 - The development proposed is renovation and extension of existing barn to provide a single, two bedroom, single storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for renovation and extension of existing barn to provide a single, two bedroom, single storey dwelling at Bull Barn, Orton Hall Farm, Lower Penn, WV4 4XA in accordance with the terms of the application, Ref 21/00885/FUL, dated 16 August 2021, subject to the conditions in the attached Schedule.

Main Issue

2. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies; and
 - ii) the effect on the character and appearance of the area.

Reasons

Inappropriate development?

3. Paragraph 149 of the Framework states that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. One of which (part c) is 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. Part A. d) of policy GB1 of the South Staffordshire Core Strategy (2012) is consistent with this.
 4. The Council state that the extensions would not be disproportionate. The extensions would therefore accord with policy GB1 and paragraph 149 of the Framework and would not be inappropriate development.
 5. However, the Council consider that the existing building is not of substantial construction and therefore its re-use would not accord with part d) of paragraph 150 of the Framework which states that the re-use of buildings is
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not inappropriate provided that, among other things, the buildings are of permanent and substantial construction.

6. There is no need to consider the proposal under paragraph 150 if it is not inappropriate under paragraph 149. Nonetheless, clearly, the existing development must be sufficient to be able to be considered a building for it to be able to be extended.
7. It is recognised that the barn is not substantial in that most of the doors are missing and there is no roof at all. Nonetheless, the walls are largely extant, there is a concrete floor, and double wooden doors face Flash Lane. Furthermore, the appellant's Structural Inspection report states that the building, with some repair, is able to be converted. It is reasonable to consider the former barn is a building that is able to be altered and extended, as allowed for in policy GB1 and the Framework, as opposed to being demolished and replaced or rebuilt.
8. As such the development as a whole would accord with policy GB1, paragraph 149 of the Framework and Core Policy 1, which also guards against inappropriate development in the Green Belt. It is therefore not inappropriate development.

Character and appearance

9. The site is at the rear of a complex of buildings which formerly comprised Orton Hall Farm. With the exception of the building subject of this appeal, these have all been renovated and converted to dwellings, but still form a distinct cluster of development due to their consistent use of red brick and tiled roofs, and their arrangement around a courtyard. In addition, the converted agricultural buildings, due to their modest scale and design, retain an agricultural character appropriate to this rural setting.
10. The proposal would retain the existing brickwork with a render finish being applied to the sections which would fill in the gaps where the doors would have been. The use of render as a contrasting material would illustrate the position of the former openings, distinguishing it from, and highlighting, the retained brickwork of the original building. This approach is supported by the advice relating to barn conversions in the South Staffordshire Design Guide (2018). In addition render is used on the side elevation of Orton Manor, which appears prominently at the junction of Flash Lane and Orton Lane, so it would not be an alien material in this area.
11. Roof lights are proposed in the north-west and south-west elevations, but these are not an unusual feature locally and there are many rooflights in the original farmhouse and the converted Old Stone Barn. Likewise the use of casement windows in the elevations would match the windows in the elevations of the converted farmhouse, hence strengthening the consistency amongst the former farm buildings.
12. Overall, the use of these features would result in the development reflecting the appearance of the other buildings nearby and, with the limited scale of the extensions and the simple form of the building being retained, along with the courtyard area in front, the nature of the cluster of former agricultural buildings and the rural character of the area would be preserved.

13. As such the development would not harm the character and appearance of the area and so would accord with Core Strategy policies EQ11, which requires development to respect the character and local distinctiveness of the area, and EV6, which seeks to ensure the re-use of redundant farm buildings conserves its character and appearance. It would also accord with the guidance in the Design Guide as set out above.

Conditions

14. I have considered the Council's suggested conditions. Where necessary, and in the interests of clarity and precision, I have slightly altered the conditions to more closely reflect the advice in the Framework and the Planning Practice Guidance.
15. The standard conditions relating to the commencement of the development and the approved plans are attached in the interests of certainty. Conditions relating to the finishing materials, landscaping and protection of existing trees or shrubs are necessary to protect the character and appearance of the area.
16. A condition is imposed combining two suggested conditions, requiring the installation of measures to provide a net gain in biodiversity. I have also imposed a condition, relating to the provision of the parking and turning area, in the interests of highway safety.
17. I have not imposed the suggested condition relating to the drainage of the driveway as it would slope towards the proposed dwelling and so any surface water would necessarily be captured by the dwelling's own drainage system.
18. A number of conditions are proposed by a neighbour in order to mitigate for the impact on the amenity of neighbouring residents. However I consider these issues can largely be dealt with by other legislation. Also, that relating to the construction access is not necessary to make the development acceptable.

Conclusion

19. The proposal accords with the development plan taken as a whole. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is allowed.

Andrew Owen

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 the following approved plans: 1025.01.001, 1025.01.0101, 1025.01.0201, 1025.02.1001 Revision B, 1025.02.1101 Revision B, 1025.02.1501 Revision B and 1025.02.1502 Revision B.
- 3) No works above damp proof course shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) hard surfacing materials for the access, parking and hardstanding areas;
 - ii) boundary treatments;
 - iii) native hedges; and
 - iv) new trees as mitigation for any trees removed

The landscaping works shall be carried out in accordance with the approved details before the development is first occupied.
- 5) No development shall commence until any trees and hedges on the site have been protected by strong fencing, the location and type of which to have been previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
- 6) No development shall commence until details of biodiversity enhancement measures including two integrated bat tubes or bat boxes located on a south-facing aspect of the building, and one barn owl box on the northwest-facing aspect of the building, have been submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to occupation of the buildings and retained as such thereafter.
- 7) The dwelling shall not be occupied until space has been laid out within the site in accordance with drawing no. 1025.02.1101 Revision B, for car parking and turning, and that space shall thereafter be kept available at all times for those purposes.