

Appeal Decision

Site visit made on 4 December 2023

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2023

Appeal Ref: APP/C3430/D/23/3325585

Bridleway Barn, Mere Lane, Penkridge, STAFFORD ST19 5PJ

- 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 Mr J Bickley against the decision of South Staffordshire District Council.
 - The application Ref 22/01087/FUL, dated 17 November 2022, was refused by notice dated 10 May 2023.
 - The development proposed is extension to form new main entrance and enlarged kitchen with opposing extension to form larger main bedroom (for disabled owner) with first floor house bathroom and storage over.
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Decision

1. The appeal is allowed and planning permission is granted for extension to form new main entrance and enlarged kitchen with opposing extension to form larger main bedroom (for disabled owner) with first floor house bathroom and storage over at Bridleway Barn Mere Lane, STAFFORD ST19 5PJ in accordance with the terms of the application, Ref 22/01087/FUL, dated 17 November 2022, and the plans submitted with it, 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: Drawing number: 2202/282-04 Rev B Location and block plans and Drawing number: 2202/282-05 Rev G Proposed plans and elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The appeal dwelling is within the West Midlands Green Belt. The proposed extensions would increase the floor area by around 37% which the Council has found to be proportionate to the size of the original building. Policy GB1 of the Core Strategy [2012] (CS) states that development shall be protected from inappropriate development in accordance with the National Planning Policy Framework (the Framework). It is undisputed between parties that the proposal would not represent a disproportionate addition over and above the size of the original building, and I see no reason to disagree with this view. As such, the proposed extensions would accord with paragraph 149(c) of the Framework, being not inappropriate development in the Green Belt.

3. The proposal was revised during the application consideration process in an effort to address the Council's concerns. The Appellant has requested that both the amended and superseded set of plans be considered at the appeal stage. I note that the main difference between these relate to the removal of a covered opening, on the southern elevation, which applied a covered storm porch. As it would be inappropriate to consider multiple variations of the scheme, I shall only consider the version that was refused by the Council.

Main Issues

4. The main issues are:

- The effect of the proposed extensions on the character and appearance of the host dwelling, and
- whether there are other material considerations sufficient to outweigh any harm identified in respect of the above issue and any conflict with the development plan in relation to the proposed extensions.

Reasons

5. Mere Lane is a single tracked roadway providing access to several dwellings alongside a railway line. The appeal site comprises the host dwelling and two large barns. Other than Mere Lane Farm, to the east, the site is set away from other development. Relatively low boundary hedging to the west of the site enables a high degree of intervisibility between the dwelling and the open countryside to the west. The dwelling is a converted barn. The barn is essentially single-storey in character, with brick walls, a clay tiled roof and wooden window frames. Accordingly, the dwelling is a traditional rural building set within a countryside setting, making a positive contribution to the character and appearance of the area.
6. The proposed additions would increase the footprint of the building to both the south and north. The southern addition would extend an existing gable end and the width of an adjacent wing by small amounts, that would retain the overall form of the building. The northern addition would include the raising of the ridge a northern wing of the building. This would increase the overall scale of the wing and exceed the height of the main ridgeline of the dwelling. This element would also significantly increase the width of the northern wing, creating a wider and taller gable feature on the east and west elevations.
7. The Council's Design Guide [2018] states that barn conversions should retain as many original features as possible. The Council has identified the building as a heritage asset as it makes a positive contribution to the surrounding area's historic landscape character. The converted barn retains many original agrarian features, enabling an observer to understand the original purpose of the building.
8. The proposed northern alterations would add a significant and prominent element of new mass to the building. This would alter the existing balance of features and create a dominant rear wing to the dwelling. This would breach the existing ridgeline and would draw attention to this feature to the overall detriment of the balance and form of the existing building. Nonetheless, the proposed changes overall would be relatively diminutive and would retain most of the form and rural features of the building. Consequently, whilst the

additions to the north wing would cause harm to the appearance of the building, the harm would be modest.

9. Having found harm to the character and appearance of the barn, albeit modest, the proposal would conflict with CS policies EQ3, EV6 and EQ11 and the Framework. These seek development that, among other matters, achieves design of the highest quality and that the reuse of redundant buildings are converted without detrimental alterations that would affect its character or appearance.

Other considerations

Public Sector Equality Duty

10. The dwelling is occupied by a wheelchair bound occupier. The Appellant has asserted that the proposed changes are necessary to accommodate the needs of the occupiers for future years in adapting it for a wheelchair user and in accommodating overnight accommodation for a carer. The proposed adaptations would include wider doorways, a large 'user friendly' kitchen, space for a carer and a bedroom providing access to a wet room. In my assessment of the effect of the proposed development on the wellbeing of users of the facility, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
11. Given the nature of the wheelchair bound occupier of the dwelling, the user would have a protected characteristic for the purposes of the PSED. I have therefore afforded greater weight to the needs of the individual as required by the PSED. The proposed alterations would allow an improved layout of the ground floor space, forming improved manoeuvrability and adapted spaces to accommodate the needs of a wheelchair user. The scheme also includes improved first floor accommodation with a new bathroom and enlarged bedrooms which could be occupied by a 'live-in' carer in future years.
12. The proposal would provide mental and physical health benefits to the occupier. With the proposed adaptations, the occupier would be able to remain in their current home for a prolonged period. This would afford stability and certainty for their future and enable them to retain a lifestyle within a countryside setting, providing a tranquil and pleasant environment. The proposed extensions would advance the equality of opportunity for a user within a protected characteristic. Accordingly, these benefits in assisting the needs of a person in a protected group, weigh in favour of the proposal.

Planning balance

13. The proposal has been found to conflict with policies of the development plan that relate to matters of character and appearance, albeit the harm found was modest. This conflict must count against the proposal. However, against that I must balance that the proposal would adapt the dwelling in a manner that would meet the needs of an occupier who is wheelchair bound. The Framework, at paragraph 62, identifies that the housing needs for different groups in a community should be reflected in planning policies, including people with disabilities.

14. The PSED places a requirement on me to have due regard to the need to minimise disadvantages suffered by disabled persons and the need to take steps to meet the needs of such individuals. Such a duty does not necessarily override other considerations, but it is a factor to be weighed in the planning balance. The evidence in this case is compelling and persuades me that there are grounds to attach significant weight to the occupier's disability and their need to adapt the property.
15. Having taken all factors into account, I find that there are other material considerations to outweigh the development plan conflict in relation to design and alterations to redundant buildings. A grant of planning permission is therefore justified.

Conditions

16. It is necessary to apply conditions in connection with a commencement period and to list the approved plans to define the permission and accord with the advice within the Planning Practice Guidance. A condition is also necessary to ensure that the materials used in the construction of the proposal match the existing building in the interests of the character and appearance of the building.

Conclusion

17. For the above reasons, the appeal is allowed and planning permission is granted subject to conditions.

Ben Plenty

INSPECTOR