The Planning Inspectorate

Appeal Decision

Site visit made on 30 August 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 September 2017

Appeal Ref: APP/B3438/W/17/3171736
The Lodge, Mill Road, Oakamoor ST10 3AG

- 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 Linda Moore against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2016/0770, dated 2 December 2016, was refused by notice dated 13 February 2017.
- The development proposed is the change of use of a bunkbarn to a dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of a bunkbarn to a dwelling at The Lodge, Mill Road, Oakamoor ST10 3AG in accordance with the terms of the application, Ref SMD/2016/0770, dated 2 December 2016 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 Ref A2932-001A and Proposed Plans and Elevations Ref A2932-002A.

    3) Prior to commencement of the development hereby approved, a scheme for the provision of bat boxes and bird nesting opportunities within the site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to occupation of the dwelling and retained thereafter.

    4) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

    5) The dwelling hereby permitted shall not be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

Main Issue

The main issue is whether the building would be suitable for conversion to a dwelling, having regard to: (i) The effect of the development on the character and appearance of the Oakamoor Conservation Area; (ii) its location in relation to access to services and facilities; and (iii) whether the development would lead to the loss of a valuable rural commercial building.

Reasons

Policy Background

2. The appeal site is located approximately 0.5 km from the village centre of Oakamoor, and is within the countryside for development plan purposes. The Council cites conflict with Policies SS6c and R2 of the Core Strategy,[1] as a matter of principle, due to the development's countryside location.

3. The Council accepts that, as of March 2016, it can only demonstrate a 1.87 year supply of deliverable housing sites. Paragraph 47 of the National Planning Policy Framework (the Framework) seeks to boost significantly the supply of housing, and paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable sites.

4. In view of the housing shortfall, the parties agree that the proposal should be considered in the context of the presumption in favour of sustainable development, as established by Policy SS1a of the Core Strategy. Moreover, paragraph 14 of the Framework is triggered. This states that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless: (i) the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole; or (ii) specific policies in this Framework indicate development should be restricted. This includes policies related to designated heritage assets. It is stated in the Officer Report that the site lies with the designated Oakamoor Conservation Area. Consequently, it is first necessary to consider whether the application of the Framework's policies in relation to conserving and enhancing the historic environment indicates permission should be refused.

Character and appearance

5. The significance of the Conservation Area is attributed to its historic industrial activity, which has influenced the form of development. The site itself lies within a scenic wooded environment, which contributes to the distinctive character of this part of the Conservation Area. The site was formerly occupied by a substantial residence built and owned by a local industrialist, which was demolished in the 1960s. There is very little evidence of the former building, although some of original landscaping remains.

6. The appeal site comprises a vacant bunkbarn and the land surrounding it, including part of a shared access track which leads to Mill Road. The land falls away towards Mill Road, and the site is split over several levels. The bunkbarn is located on the upper part of the site. It is constructed from a steel frame

[1] Staffordshire Moorlands Local Development Framework: Core Strategy Development Plan Document, adopted March 2014

with concrete block and is clad in timber, with a pitched roof. There is an existing pre-fabricated, steel-framed store building within the site, situated at a lower level than the bunkbarn. It is proposed to retain this building and no alterations are proposed. Alterations to the bunkbarn are limited to minor changes to the external appearance.

7. The proposal would bring the building back into use, which would improve its general appearance. The development also includes a relatively large area of overgrown land that would be used as a garden. The use of the land as domestic garden area would inevitably change the character of the site. However, the site is relatively well screened from the road by the surrounding woodland. There is existing residential development adjoining the site and the development would be seen in this context. The re-use of the building would be a marginal visual improvement and the change of use of the associated land to domestic garden would not have an adverse impact on the significance of the designated heritage asset, especially given the historic former use of the site.

8. There are three individual trees to the south of the bunkbarn and an area of woodland to the east, which are protected under a Tree Preservation Order. There are no alterations to ground levels or driveways indicated. I note that the Council's Arboricultural Officer has no objections to the proposal due to the distance of the trees from the bunkbarn and the limited extent of works.

9. To conclude on this issue, I find that the development would not have an adverse impact on the significance of the Conservation Area, and the character and appearance of the Conservation Area would be preserved. The development would accord with Policies DC1 and DC3 of the Core Strategy, which seek to promote good design and reinforce local distinctiveness, and enhance the local landscape and setting of settlements.

10. The development would meet the aims of the Framework insofar as it seeks to conserve and enhance the historic environment, and would not conflict with related development plan policies. Therefore, it is necessary to determine the appeal in the context of the presumption in favour of sustainable development.

Location

11. Policy SS6c of the Core Strategy seeks to restrict development in the countryside unless it meets an essential local need, supports rural diversification and sustainability of rural areas, promotes sustainable tourism or enhances the countryside. The policy is concerned with the supply of housing in that it aims to restrict new housing development in the countryside. However, the policy has wider aims including sustaining the rural economy and enhancing the quality of the countryside, and is not wholly out-of-date. Consequently, I afford Policy SS6c significant weight.

12. Policy R2 of the Core Strategy is a restrictive policy that seeks to limit housing development in the countryside. As it is primarily concerned with the supply of housing it carries limited weight.

13. The development would be located on the edge of the village Oakamoor, which has a limited range of facilities including a primary school, village hall, post office, church, library and public house. Further afield, there are additional facilities in the larger village of Alton and the town of Cheadle, at distances of approximately 3.5 km and 4.5 km respectively. I understand that there is a

local bus service but this is relatively infrequent and is limited in terms of its destinations. Also, local roads are generally narrow with no pavements and street lighting is sporadic. Whilst the area is popular for recreational walkers and cyclists, I consider it unrealistic to assume that walking or cycling to access facilities would be an attractive transport option for future occupants.

14. The appellant accepts that the limited range of services available in Oakamoor would mean that future occupants would be reliant on the private car. On this basis, the development would be contrary to Policy SS1 of the Core Strategy which seeks, amongst other things, to direct development towards the most sustainable locations, and Policies SS6c and R2, which in combination seek to limit housing development in the countryside. It would also fail to meet the aims of the Framework insofar as it seeks to manage patterns of growth to make the fullest possible use of public transport, walking and cycling.

15. However, the existing use of the building is an important consideration, which needs to be weighed against the conflict with local and national policy. The most recent use was a bunkbarn and the building accommodated six shared bedrooms. The use would be likely to generate car journeys to access recreational facilities and other services and, given the number of bedrooms, the number of trips would be likely to be comparable to, if not greater than, a single three-bedroom dwelling. The existing use is therefore a valid fallback position and, as the use could be resumed, this consideration carries significant weight.

16. Both parties refer to paragraph 55 of the Framework, which aims to direct housing development to locations where it would enhance or maintain the vitality of rural communities. The Framework states that local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances, one of which is where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. The development would make use of a redundant building, and it would bring improvements to its appearance, thereby enhancing its immediate setting. Therefore, the proposal would not in be in conflict with paragraph 55.

17. To conclude on this issue, the development would be in conflict with Policies SS1, SS6c and R2 of the Core Strategy. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites and housing supply Policy R2 carries limited weight. Moreover, there is fallback position related to the existing use of the building to which I attach significant weight. Overall, I consider that the conflict with development plan policy is outweighed by this consideration. The Council also cites Policy SS6b of the Core Strategy. This is concerned with development in smaller villages, and I consider it less relevant than SS6c due to the site's countryside location. In any event, the policies have similar aims.

Loss of a valuable rural commercial building

18. The development would be in conflict with Policy R2 of the Core Strategy, because it has not been demonstrated that the commercial use is not viable or suitable. However, the policy carries limited weight and the proposal must be considered in the context of the presumption in favour of sustainable development.

19. The Council considers that the loss of the bunkbarn would have a negative impact on the rural economy. However, the building has not been used for several years and, at present, there are no economic benefits associated with its retention as tourist accommodation. On the other hand, there would be economic benefits during conversion, albeit short term. The development would make use of a redundant building and future occupants may make a minor contribution to local shops and services, and support community facilities. This would have an overall positive impact on the vitality of the rural community. Also, the conversion would improve the appearance of the building itself, which has started to fall into disrepair.

20. I appreciate that this assessment would change in the event that the building is brought back into use as a bunkbarn, and it has not been demonstrated that the use is not viable. Nonetheless, the benefits associated with a residential use would be more likely to be more consistent across the year. On balance, I conclude that the combined economic, social and environmental effects of the development would be marginally positive.

Other considerations

21. The Council refers to several appeal decisions,[2] which relate to residential development where access to services was an issue. My findings in respect of this appeal are consistent with those decisions. However, in relation to the appeal proposal there are other considerations, as set out above, that lead me to a different conclusion.

22. The site-specific circumstances relating to the appeal at Frinsmoor Croft[3] differed from the appeal before me in that the building was not vacant. Whilst the full balance of considerations that informed the decision at Saltersford Lane[4] is not before me, it appears to be significantly different from the appeal proposal in terms of the type of development and the location.

Planning Balance

23. The development would fall outside the village of Oakamoor and would be in the countryside for development plan purposes. Future occupants would be reliant on the private car to access a range of goods of services, and the proposal would result in the loss of tourist accommodation. Consequently, the development would be contrary to the development plan. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites and housing supply Policy R2 is considered out-of-date. The weight attached to the conflict with the policy is significantly reduced. Furthermore, the tourist accommodation is currently vacant and is not making a contribution to the economy. Also, the existing use of the premises as a bunkbarn is likely to generate private car journeys that would be comparable with the proposed use, if not greater. This is a valid fallback position to which I attach significant weight.

24. There is a serious and significant shortfall in the housing supply, which is likely to persist. The development would provide a limited contribution to the housing supply and future occupiers may make use of local shops and community facilities, which would also be a marginal benefit. There would be some limited

[2] Refs APP/B3438/W/16/3154334, APP/B3438/A/14/2222450, APP/B3438/W/17/3167894
[3] Ref APP/B3438/W/16/3148726
[4] APP/B3438/W/16/3159689

economic benefits during construction, and the improvement in the appearance of the vacant building would be an environmental benefit. In combination, the overall benefits of the scheme are considered to be minor.

25. Nevertheless, the balancing exercise in paragraph 14 of the Framework is a 'tilted balance' because planning permission must be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, I find that although the benefits would be marginal, the adverse impacts identified are limited and would not significantly and demonstrably outweigh the benefits.

Conditions

26. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. I have imposed a condition requiring biodiversity enhancement measures, as the site has potential to support protected species. A condition requiring samples of materials is necessary to ensure the development complements the character and appearance of the area. Finally, to ensure the protection of the nearby watercourse, I have imposed a condition to provide for the adequate disposal of sewage.

Conclusion

27. Having regard to all that I have seen and read, and taking into account all matters raised, I conclude that the proposal represents sustainable development and that permission should be granted in accordance with the presumption in favour of sustainable development.

28. Therefore, the appeal is allowed.

Debbie Moore

Inspector