
Appeal Decision

Site visit made on 25 September 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 17th October 2017

Appeal Ref: APP/B3438/W/17/3177540

Old Furnace Farm, Greendale, Oakamoor, Staffordshire ST10 3AP

- 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 Colin Mabey against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2016/0644, dated 14 October 2016, was refused by notice dated 10 February 2017.
 - The development proposed is conversion and alteration of redundant barn into a dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted for conversion and alteration of redundant barn into a dwelling and garage at Old Furnace Farm, Greendale, Oakamoor, Staffordshire ST10 3AP in accordance with the terms of the application, Ref SMD/2016/0644, dated 14 October 2016, subject to the conditions in the schedule at the end of this decision.

Main Issues

2. The main issues in this appeal are;
 - whether the building is worthy of conversion;
 - the effect of the proposed development on the character and appearance of the countryside; and,
 - housing land supply and the social, environmental and economic benefits of the proposal.

Reasons

Is the building worthy of conversion?

3. Policy R2 of the Staffordshire Moorlands Core Strategy strictly controls new housing in the open countryside. One of the exceptions where new housing is supported is through the conversion of buildings that are suitable and worthy in physical, architectural and character terms for conversion. It also needs to be demonstrated that commercial or agricultural use is not viable or suitable.
4. The barn is a rectangular former agricultural building with a headstone that states it was constructed in 1958. It has brick cavity walls, concrete pens and floors, sliding doors and a number of window openings and roof lights. Based upon the structural survey and what I saw of the building it is in sound physical condition.

5. The barn is largely screened in private and public views by a block built building attached to its side. However, it is clear from full inspection that the building's good quality pointed brickwork, varied openings and overhanging eaves denotes a building that whilst simple in design is a reasonably attractive example of an agricultural building from the middle of the last century that complements the farmhouse nearby. I therefore find that physically, architecturally and in terms of character it is suitable and worthy for conversion.
6. In terms of a commercial use of the building, the appellant has submitted evidence, which the Council has not contested, that its conversion and use as holiday accommodation or as offices would not be viable. Given the low height of the entrance doors modern agricultural machinery would not be able to enter the building. As a result, it is also not suitable for agricultural use. Whilst the roof ridge would be raised, as a matter of fact and degree, the proposed development constitutes a conversion rather than the construction of a new building for use as a dwellinghouse.
7. The justified reasoning to policy R2 explains that where these conditions are met the conversion must either provide affordable housing, or help meet an identified local need in a sustainable location that cannot be met elsewhere. Affordable housing is not proposed, there is no evidence of what housing need exists local to Greendale and Old Furnace Farm is in an isolated location.
8. Taking all these matters into account, I therefore find that whilst the proposal would re-use for housing a building worthy of conversion for which there is no other viable use, as it would not be affordable housing, or meet an identified local need to Greendale, it would be contrary to policy R2 of the Core Strategy.

Character and appearance of the area

9. Old Furnace Farm is located within a landscape of steeply sloping fields of pasture and woodland. The barn is largely hidden within a cluster of mainly blockwork built outbuildings located behind the house and is set into sloping ground. Machinery, equipment and materials surround the outbuildings. Public views of the site are limited to glimpses of the buildings along the site access and views from the lane, Stoney Dale. From here, the most prominent building is a corrugated sheeting clad stable close to the lane on land almost level with it.
10. As part of the proposed development, the ugly block built building attached to the barn would be removed revealing the brick elevations of the barn to view. Whilst the roof ridge would be raised, this would allow use to be made of the roof space and result in a roof that would better resemble the house in terms of pitch. It would also allow roofing tiles that complement the house to be used to replace the cement sheeting currently in use. Many of the openings of the barn would also be retained including roof lights.
11. The land occupied by the attached building and the concrete yard would form the garden and driveway to the property. The corrugated sheeting clad stable visible from Stoney Dale would also be demolished and replaced with a smaller detached garage set into the slope next to the barn conversion.
12. The overall effect of the proposal would be to reduce the amount of built development within the appeal site, enhance the character and appearance of the barn and, by tidying up the site, improve its setting. This enhancement

would be visible in glimpsed public views from Stoney Dale and more readily in private views along the access to the appeal site.

13. For all of these reasons, I therefore conclude that the proposed development is well designed and would enhance the distinctive qualities of the surrounding landscape, while respecting the character and appearance of buildings in the area. It would therefore comply with policies SS1, SS6c, DC1, R1 and R2 of the Core Strategy which, among other matters, require that development respects landscape character and is well designed.

Housing land supply

14. The National Planning Policy Framework ('the Framework') states that local planning authorities should have a 5 year housing land supply. The appellant states that the Council has a 1.87 year housing land supply. This has not been refuted by the authority. There is therefore a chronic undersupply of housing in the district.

Overall conclusions: The Planning Balance

15. For the reasons I have set out earlier the proposal would be contrary to the development plan because it would not comply with policy R2 of the Core Strategy. This policy seeks to limit residential conversion of rural buildings to affordable housing or to meet an identified local need in a sustainable location.
16. Applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is an important material consideration and contains a presumption in favour of sustainable development.
17. The Council does not have a 5 year housing land supply. As a consequence, paragraph 49 of the Framework directs that development plan policies relevant to housing land supply should not be considered up to date. Policy R2 of the Core Strategy is relevant to housing land supply. Whilst this policy is consistent with the Framework, given the chronic shortfall in housing land supply, I attach limited weight to it.
18. In circumstances where relevant policies are out of date, the tilted balance in paragraph 14 of the Framework applies. It states that in such circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
19. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
20. Socially, the proposed development would not be affordable housing and it has not been shown that it would meet an identified local need in Greendale. However, it would make a small contribution to helping address the chronic shortage of housing in the District as a whole. Although Stoney Dale is a quiet rural lane, it is particularly narrow and the access has poor visibility with regard to oncoming uphill traffic from the left. In extinguishing the livery business that operates from the barn and buildings that would be demolished the number of vehicle movements to and from the appeal site would be reduced, improving highway safety.
21. Environmentally, the proposed re-use of this disused barn would improve the surrounding landscape, respect the character and appearance of buildings in

the area and enhance the immediate setting of the building. Whilst it is in an isolated location and future occupiers would be reliant on a private car, it is therefore an example of the special circumstances described in paragraph 55 of the Framework where new isolated homes in the countryside can be supported.

22. Economically, the development would generate some construction employment and the additional household would slightly increase the spending power of the local community to the benefit of local businesses and services.
23. My overall conclusion in this case, having considered all the matters raised, is that the adverse impacts of the proposal are limited and fall far short of significantly and demonstrably outweighing the benefits of an additional dwelling when assessed against the policies of the Framework and development plan as a whole.
24. Consequently, the proposal would represent sustainable development as defined in the Framework, and material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan. I therefore conclude that the appeal should be allowed.

Conditions

25. In the interests of certainty, I have imposed a condition specifying the relevant drawings and documents that the development is to be carried out in accordance with.
26. In order to ensure that the development complements its surroundings, further details on external materials, repointing, eaves, verges and the design of windows, doors, roof lights and rainwater goods are required. To ensure that the building retains its appearance as a barn conversion permitted development rights for a dwelling house need to be removed, including in relation to the creation of further openings.
27. In the interests of protecting bats on the site building B3 needs to be retained and an Ecological Construction Method Statement submitted. To protect the living conditions of the occupiers of the farmhouse in the event that the barn is sold and converted by someone else, restrictions on the hours of construction are necessary. For the same reason, and in the interests of highway safety and sustainability, a Construction Method Statement is needed. In the interests of highway safety, a hard bound material needs to be used at the site access.
28. The site has been used for agricultural purposes before it was used in relation to the keeping of horses. As in relation to contamination a dwelling is a sensitive use, a risk assessment is necessary and any top soil imported onto the site needs to be verified as suitable for garden use.
29. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
30. As the development is for single dwelling and the site is set into sloping ground a landscaping scheme and maintenance of that scheme is unnecessary. Given that the burning of waste is an offence under environmental protection legislation a condition prohibiting burning duplicates other legislative controls and so is also not necessary. As a result, I have not attached the conditions in relation to these matters suggested by the Council.

Ian Radcliffe

Inspector

Schedule

- 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 amended plans received on 14 October 2016, which are referenced as follows: Site Location Plan 1:1250, Dwg Nos. 00494 – PL(0)03B Proposed Floor Plans, 00494 – PL(0)04B Proposed Elevations and 00494 – PL(0)06 Site Plan as Proposed.
- 3) Prior to the commencement of development, and notwithstanding the submitted drawings, details of the types and colours of all facing wall and roof materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Before the commencement of works, details of the design and materials of all proposed new windows, doors and roof lights, shown on drawings with a scale of 1:10, shall be submitted to and approved in writing by the Local Planning Authority. The windows and doors to be used in the development hereby permitted shall be timber. Development shall be carried out in accordance with the approved details.
- 5) Before the commencement of works, details of the design and materials for all proposed new vents/cowls/ducts, rainwater goods and pointing/re-pointing shall be submitted to and approved in writing by the Local Planning Authority. The rainwater goods shall be cast metal and finished in black. Development shall be carried out in accordance with the approved details shall be implemented.
- 6) Prior to the commencement of development, and notwithstanding the submitted drawings, details shall be submitted to the Local Planning Authority for approval in writing of all eaves and verges. Development shall be completed in accordance with the approved details prior to the first occupation of the building.
- 7) Development shall not commence until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site in accordance with a scheme to be agreed in writing with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority. If the site risk assessment indicates that potential risks exist, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and approved in writing by the Local Planning Authority.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 8) Prior to the commencement of development there shall be submitted to the Local Planning Authority for approval in writing a detailed Ecological Construction Method Statement (ECMA) supported by further appropriate bat survey as necessary in order to plan the work to accord with the latest published Bat Conservation Trust Guidelines and Natural England requirements. As a minimum the ECMA shall set out seasonal timing of works and working methods as well as providing appropriate roosting sites in the completed development. The development shall be implemented in accordance with the ECMA as approved by the LPA unless subsequently amended by a Natural England European Protected Species (EPS) Licence, in which case the work shall be implemented in accordance with the EPS Licence. In either event the works required by the ECMA / EPS Licence shall be implemented and retained as approved for the lifetime of the development.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) wheel washing facilities;
 - ii) measures to control the emission of dust and dirt during demolition and construction;
 - iii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 10) Building B3 shall be retained in accordance with the recommendations of the Phase 2 Bat and Bird Activity Survey Report prepared by Charnia Ecology and dated September 2015.
- 11) Demolition or construction works shall take place only between 08:00 and 18:00 hours Monday to Friday, 08:00 to 13:00 hours on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 12) No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development in accordance with a testing methodology that has first been submitted to and approved in writing by the Local Planning Authority. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validity evidence shall be submitted to and approved in writing to by the Local Planning Authority before first occupation of the development hereby permitted.

- 13) The development hereby permitted shall not be brought into use until the access drive has been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the carriageway edge in accordance with details first submitted to and approved in writing by the Local planning authority. The surfaced access shall thereafter be retained in accordance with the approved details.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows or any other openings shall be installed in any part of the development hereby permitted unless a further planning permission has first been granted on application to the Local Planning Authority.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A, B, C, D, E, F, G and H shall be carried out within the site unless a further planning permission has first been granted on application to the Local Planning Authority.

-----End of Conditions Schedule-----