The Planning Inspectorate

Appeal Decision

Site visit made on 5 June 2018

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2018

Appeal Ref: APP/B3438/W/18/3195264
The Stable, Mollatts Wood Road, Leek ST13 7AL

- 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 & Mrs C Walker against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2017/0705, dated 20 October 2017, was refused by notice dated 19 January 2018.
- The development proposed is *'conversion of existing redundant stable into 1 bedroom single storey dwelling'.*

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs C Walker against Staffordshire Moorlands District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The appellants have confirmed that the description of development provided by the application form is misleading as it refers to "with extension" when no extension is sought. I am satisfied that no parties would be prejudiced by the correction of the description of development and, therefore, I have amended it accordingly to ensure certainty of the proposal subject to this appeal.

Main Issues

4. The main issues of this appeal are:

   - Whether the proposal is inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan, including the effect on the openness of the Green Belt and the purposes of including land within it;
   - Whether the proposal is consistent with the objectives of policies relating to housing in rural areas, including the effect on the character and appearance of the area, and;
   - If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in Green Belt

5. The site lies in open countryside, is within the Green Belt and consists of a parcel of land that is subdivided from a grazing paddock and open fields by post and rail fencing. It has a vehicular access onto a single track section of Mollatts Wood Road which is unadopted and also forms a public right of way. An L-shaped single storey timber building lies close to the road and the access point. A steel container was also present within the site at the time of my visit. However, there is no evidence before me with respect to its planning status and as it is not included on the submitted plans, it does not form part of the proposal before me.

6. Policy SS6c of A Local Plan for the future of Staffordshire Moorlands - Core Strategy (CS), adopted March 2014, states that strict control will continue to be exercised over inappropriate development within the Green Belt allowing for exceptions as defined by Government policy. The policy also indicates that conversion, extension or replacement of an existing rural building will be allowed where in accordance with Policies R1 and R2 of the CS. However, the additional criteria in those policies link to objectives relating to housing in rural areas rather than whether the proposal is inappropriate development in Green Belt. Consequently, I deal with those matters in the subsequent main issue.

7. Paragraph 90 of the Framework identifies that the re-use of buildings is not inappropriate development in Green Belt provided that the buildings are of permanent and substantial construction. It also requires that the proposal preserves the openness of the Green Belt and does not conflict with the purposes of including land in Green Belt.

8. The building was used for stables as constructed following grant of full planning permission in 2005, a use that is still reflected in its form and openings. However, at the time of my visit, the building was mostly vacant with only very limited storage visible that appeared to be associated with the use of the adjacent paddock for grazing by alpacas and a llama. At the time of the application, the building consisted of a timber stud frame on a concrete slab with external horizontal shiplap timber cladding and internal timber sheeting attached to the frame, together with a shallow pitched roof with a felt covering. The proposed conversion would utilise the existing door and window openings that face away from Mollatts Wood Road. However, the proposal also involves substantial alterations to the building, including the removal of internal timber panels and build up of the floor to allow addition of insulation and treatment of the timber frame. Significant repairs, restoration work and installation of a new covering to the roof had also taken place at the time of my visit and internal walls had been previously removed. Regular external weatherproofing is also indicated as being required once occupied.

9. With regard to the above, the appellants have referred to the involvement of a structural engineer who considered the building to be suitable for conversion. Furthermore, I am aware that timber clad buildings are not an uncommon form of residential accommodation. However, in the particular circumstances of this case, the extensive alterations and repairs to the building including removal and reinstatement of the roof structure and replacement of the roof covering to enable habitable use includes building operations that fall within the definition of rebuilding. The external works of that nature constitute development that

forms part of the proposal before me irrespective of whether it has now taken place. In that respect, the necessity for substantial repair and rebuilding of the preceding roof structure after a period of approximately 12 years indicates that the timber building with a felt roof covering was not of a permanent and substantial construction within the context of Green Belt policies. It follows that the proposal does not meet the relevant requirements for re-use of buildings in Green Belt at paragraph 90 of the Framework and, therefore, should be regarded as inappropriate development in Green Belt.

10. In reaching the above findings, I have taken into account that the appellants have also made reference to the relevance of paragraph 89 of the Framework and has indicated that the stables and their curtilage consist of previously developed land. However, the wording of paragraph 89 of the Framework is clear that it relates to the construction of new buildings and therefore, it is not relevant to the proposal before me.

11. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open, with openness identified as one of the essential characteristics of the Green Belt. The physical alterations to the building would have no greater impact on the openness of the Green Belt. However, the conversion to a dwelling would of itself give rise to a more intensive, residential use of the site. In that respect, the proposal would involve a more permanent parking presence on the existing hardcore adjacent to the access gate, together with domestic paraphernalia on an external patio area.

12. Notwithstanding the above, the external patio area is of a modest size and would be largely screened from public vantage points by the existing building. In addition, the prominence of the car parking area would be softened by landscape planting with the building itself offering some screening from distance views along Mollatts Wood Road. Furthermore, the proposal includes consolidation of the existing stable compound to create a more confined residential curtilage and would return a significant amount of the existing site to paddock land which would increase the openness of those parts of the site through removal of sections of existing post and rail fencing.

13. To my mind, the benefits to openness in that respect would offset the minor impact arising from car parking and domestic paraphernalia in the locations proposed. The proposal, therefore, would not harm the openness of the Green Belt and also would not result in the encroachment of development into the countryside. Although there would be no other harm with respect to the purposes of including land within the Green Belt, the absence of concern in those respects is a neutral factor.

14. Having regard to all of the above, I conclude that the proposal is inappropriate development in the Green Belt, which is harmful by definition, when having regard to the Framework and Policy SS6c of the CS.

Housing in rural areas

15. Policy R1 of the CS relates to rural diversification with respect to all development in rural areas outside of development boundaries. The site lies approximately 150m beyond the Leek Town development boundary and to the south of a linear cluster of residential properties on the opposite side of the road. A number of those dwellings and a further dwelling to the north of the

paddock are also located outside of the Leek Town development boundary. In those locations, amongst other things, Policy R1 indicates that wherever possible, development should be within suitably located buildings which are appropriate for conversion. The policy also prioritises re-use of rural buildings for commercial enterprise where the location is sustainable and the proposed use does not harm the building's character and/or the character of its surroundings.

16. With regard to the above, Policy R2 of the CS only permits the conversion of non-residential rural buildings for residential use in certain circumstances. The existing building is not of particular merit so as to justify a residential use on the basis that it would be safeguarded. Therefore, the relevant criteria for assessment of the proposal is whether the building is suitable and worthy in physical, architectural and character terms for conversion; and it can be demonstrated that agricultural or commercial use is not viable.

17. The building does not meet the related criteria in Policies R1 and R2 of the CS of being a suitably located building for residential conversion, due to the failure to meet the requirements of Green Belt policy. In addition, the appellants have not sought to justify that the conversion of the building is essential to provide a residential presence on the site in the interests of animal welfare or security. Furthermore, there is no evidence before me that the site and building has been subject to an unsuccessful marketing exercise for agricultural or commercial use. The appellants have indicated that the stable block is no longer in use as it is unsuitable for the keeping of the alpacas and llama, the needs of which are alternatively met by a moveable field shelter within the paddock. Nonetheless, those existing circumstances do not preclude the potential suitability of the building for a future use, including storage associated with the keeping of livestock and maintenance of the paddock or as a small holding. As such, the proposal also does not meet the requirements of Policy R2 of the CS in so far as it fails to demonstrate that an agricultural or commercial use of the building is not viable or suitable. The proposal, therefore, conflicts with both Policies R1 and R2 when taken together.

18. The Council have also drawn my attention to paragraph 55 of the Framework which seeks to avoid new isolated homes in the countryside. However, when taking account of the continuous linear development close by on the opposite side of Mollatts Wood Road which leads up to the Leek Town development boundary, I cannot find that the proposed dwelling would be in an isolated or remote position away from the settlement. The main services and facilities in Leek are some distance from the site. Nonetheless, I observed that it would be a reasonable distance to cycle and that there are also bus stops on the A53 that provide regular bus services into Leek and other settlements on weekdays and weekends from the early morning to the early evening.

19. Mollatts Wood Road has an upward slope from the site toward the A53 with no separate footway adjoining the single track road and only limited street lighting. Nonetheless, it has a shared function as a public right of way with accesses to residential properties providing regular refuges for pedestrians. In that respect, the limited distance to the A53 and the lightly trafficked nature of the road offers a safe route and would not discourage local services and facilities being accessed by walking, cycling and available public transport nearby. There would be some inevitable reliance upon car use during periods of darkness and in inclement weather. However, a residential dwelling within

the site would also reduce the number of journeys the appellants would make to and from the site by car to feed the alpacas and llama if living elsewhere, which would largely offset any car journeys associated with the dwelling. Consequently, as the site is not isolated and would be a relatively accessible rural location, with potential to enhance and maintain the vitality of rural communities, I find no specific conflict with paragraph 55 of the Framework.

20. The proposal would largely retain the external appearance and form of a stable building. It would also increase the openness of the paddock when viewed from public vantage points along Mollatts Wood Road, with the visibility of parking areas softened by landscaping and the residential curtilage and domestic paraphernalia largely screened by or viewed against the backdrop of the building at distance. I, therefore, find no harm or specific conflict with the associated design and landscape considerations in Policies DC1 and DC3 of the CS in so far as they relate to the character and appearance of the area. However, the absence of concern in that respect does not remove the conflict with policies otherwise identified.

21. Having regard to all of the above, I conclude that the proposal conflicts with Policy R1 and R2 of the CS when taken together in terms of their objectives relating to housing in rural areas specific to the conversion of non-residential rural buildings for residential use.

Other considerations

22. The development would make a positive contribution to housing supply and demand for one bedroom properties in Staffordshire Moorlands in circumstances where the Council accept that it cannot demonstrate a deliverable five year housing land supply and there is a considerable shortfall against those requirements. However, the contribution of a single dwelling to the housing requirements of Staffordshire Moorlands and its support for local services, businesses and the employment market, including during construction, would be limited.

23. The personal circumstances of the appellants are put forward as justification for the development with reference made to a health matter. In that respect, there would be evident benefits of the development in terms of potential accessibility and adaptability of a dwelling when caring for animals and also recreational benefits afforded by the proximity to a public right of way. I, attribute significant weight to cumulative benefits to the personal circumstances of the appellants in that context.

24. The appellants have drawn my attention to the presence of other black timber clad buildings with metal roofs further to the south on Mollatts Wood Road and a cluster of buildings at Fenton Fields Farm just off Sutherland Road. However, I do not have full details of the circumstances that led to those developments being accepted. Consequently, I cannot be sure that they represent a direct parallel to the appeal proposal, including with respect to relevant development plan policy and national policy considerations. In any case, I have determined the appeal on its own merits.

25. The appellants have referred to a potential fallback position of the building and associated land within the site being used for storage and also made a comparison with permitted development rights in Class Q of the GPDO. However, there is no evidence before me that a commercial storage use would

have any lawful planning status and the proposal does not fall within Class Q. Furthermore, whilst I note that the appellants have indicated that the character and appearance of the site has been improved under their ownership including removal of unauthorised storage, such matters are largely unrelated to the development before me and can be afforded little weight.

26. The development would have a satisfactory relationship with neighbouring properties to prevent harm to the living conditions of occupiers in terms of privacy and outlook. The dwelling would also provide a satisfactory living environment for future residents including in terms of internal living space and amenity space. The evidence before me also indicates appropriate utilities provision and an appropriate drainage solution without any flood risk issues. Nevertheless, the absence of concern in each of those respects is a neutral factor which does not weigh in favour of the development.

27. The appellants have drawn to my attention that a revised Design and Access Statement was submitted as part of the application, but was not subject to re-consultation by the Council prior to its decision. The revised Design and Access Statement dated 2 January 2018 has been taken into account as part of this appeal and involved no material changes to the proposals in the submitted plans. Therefore, the Council's procedural approach when determining the application is not an influential factor on the outcome of this appeal.

Planning Balance

28. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have also found conflict with Policies SS6c of the CS and the objectives of Policies R1 and R2 of the CS relating to housing in rural areas specific to the conversion of non-residential rural buildings for residential use. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

29. Significant weight is given to the personal circumstances of the appellants. I also give moderate weight to the limited contribution that the proposal would make to housing supply in Staffordshire Moorlands and the associated benefits of a new dwelling in circumstances where the Council accept that there is a considerable shortfall of deliverable housing land and therefore, policies for the supply of housing are not considered to be up-to-date. However, in that respect, the specific policies in the Framework which indicate that development should be restricted include policies relating to land designated as Green Belt.

30. Having taken all of the above into account, I find that the cumulative benefits of the other considerations in this case do not clearly outweigh the substantial weight to be given to the Green Belt harm and the conflict with the development plan. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

31. For the reasons given above, the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR