The Planning Inspectorate

Appeal Decision

Site visit made on 18 March 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2019

Appeal Ref: APP/B3438/W/18/3213392
Existing Cow Shed And Implement Store, Biddulph Park Road, Rushton Spencer SK11 0RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Dave Lovatt against the decision of Staffordshire Moorlands District Council.
- The application Ref: DET/2018/0016, dated 20 April 2018, was refused by notice dated 18 July 2018.
- The development proposed is the prior notification of proposed change of use of agricultural building to 1 dwelling house.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use of agricultural building to 1 dwelling house at land at Existing Cow Shed And Implement Store, Biddulph Park Road, Rushton Spencer SK11 0RX, in accordance with the terms of the application Ref: DET/2018/0016, dated 20 April 2018, and the plans submitted with it. The approval is subject to the condition that the development must be completed within a period of 3 years from the date of this decision, in accordance with Paragraph Q.2(3) of the GPDO, and subject to the following additional conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved drawings: Site Location; Existing 01 Ground Floor Base Plan; Existing 02 Portal Frame Plan; Existing 03 Roof Plan; Existing 04 Elevations; Existing 05 Elevations; Proposed 01 Proposed Plan; Proposed 02 Proposed Frame; Proposed 03; Proposed 04 Elevations; Proposed 05 Elevations; Block Plan 01 Proposed Block Plan; Site 01 Site Location Plan; Site 02 Site Location Plan.

    2) The development hereby permitted shall not be brought into use until the access drive has been surfaced in a bound and porous material for a minimum distance of 5m back from the carriageway edge, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The drive shall thereafter be maintained.

3) In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. No further development shall take place until the following measures have been carried out.

   i) An initial investigation and risk assessment shall be completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site.

   ii) If the initial site risk assessment indicates that potential risks exist to any identified receptors, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment shall be prepared, and approved in writing by the Local Planning Authority.

   iii) 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 shall be produced, and approved in writing by the Local Planning Authority.

4) Before the commencement of works, details of all wall finishing, roofing and fenestration materials for the dwelling, in terms of their type, colour and texture, along with hard-surfacing materials and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The materials and boundary treatments shall be applied in the construction of the development in exact accordance with the approved details.

Procedural Matters

2. The description of development in the heading above is taken from the appeal form and decision notice, as it is more succinct than that in the application form.

Background and Main Issue

3. There is no dispute that the proposal meets the requirements of Paragraph Q.1 of the GPDO and, so, is permitted development under Class Q, subject to the prior approval of certain matters. Under Class Q(a) and Q(b), and Paragraph Q.2(1) of the GPDO, prior approval of specified elements of development is required.

4. The main issue is whether or not the design and external appearance of the proposal would be acceptable in terms of its effect on the character and appearance of the area.

Reasons

5. The appeal building is a cattle shed and implement store. The proposal would change it into a five-bedroom dwelling.

6. The Council is concerned that the introduction of substantial, tall glazing to the large, plain, modern barn on the open hillside would result in a dwelling which would not harmonise with the concept of older, more traditional farm buildings in the countryside. Moreover, there is concern that a hybrid look of 'neither a

dwellinghouse or farm storage building', with an element of modern domestic appearance, would be incongruous in its countryside setting.

7. I acknowledge that the appeal building is of notable mass and somewhat 'monolithic' appearance in relatively open countryside, on a gently sloping hillside, and, as such, has a fair degree of prominence. Moreover, I recognise that the external appearance of the 'post-agricultural' building would be somewhat modernistic in concept. However, the building is some distance downhill from Biddulph Park Road. The main expanse of new glazing would be within an existing opening on the inner face of the L-shaped building, and this would help to assimilate it into middle and longer-distance views. The L-shape of the building and downhill facing orientation of the courtyard would limit views of cars and domestic paraphernalia. The presence of skylights in the existing roof would help visually assimilate the introduction of 'velux'-style windows.

8. The addition of sandstone cladding to the concrete lower walls of the building would have a minor positive effect on its appearance, and counterbalance the moderately domesticating influence of new glazing on the outer facing south and west elevations. The combined factors described above would, overall, limit the visual impact of the change of the appeal building to a dwelling, to an acceptable extent.

9. In conclusion, having regard to all the above, the proposal would be acceptable in terms of its effect on the character and appearance of the area.

Conditions

10. The conditions suggested by the Council have been considered against the tests of the National Planning Policy Framework and advice provided by national Planning Practice Guidance. They have broadly been found to be reasonable and necessary in the circumstances of this case.

11. I attach a condition specifying the approved drawings to ensure precision. A condition relating to surfacing is necessary in the interests of highway safety. A condition relating to ground contamination is necessary to safeguard human health and the environment. A condition relating to materials is necessary to safeguard the visual appearance of the area.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

William Cooper

INSPECTOR