The Planning Inspectorate

Appeal Decision

Site visit made on 4 July 2019

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/B3438/W/19/3226873
High Bent, The Hollands, Biddulph Moor, ST8 7LE

- 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 T. Hart and D. Griffiths against the decision of Staffordshire Moorlands District Council.
- The application Ref SMD/2018/0038, dated 16 January 2018, was refused by notice dated 23 October 2018.
- The development proposed is conversion of existing timber stables to dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues to be considered are i) whether the proposal would be inappropriate development in the Green Belt, ii) the effect of the proposal upon the openness of the Green Belt, iii) whether the proposal accords with the requirements of local policy relating to conversions and countryside development, iv) the effect of the proposal upon the character and appearance of the area, v) whether the occupants of the proposed development would have reasonable access to shops and services and vi) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations.

Reasons

Inappropriate Development in the Green Belt

3. The Core Strategy Development Plan Document 2014 (CS), in Green Belt locations, defers to the approach set out in the revised National Planning Policy Framework 2019 (the Framework). Paragraph 146 d) of the Framework outlines the re-use of buildings provided that the buildings are of permanent and substantial construction as a form of development which is not inappropriate in the Green Belt. This is provided it preserves its openness and does not conflict with the purposes of including land within the Green Belt.

4. The appeal building is a timber framed, timber clad, "L" shaped stable block which stands on a single course of brick on a concrete pad. At the time of my visit the stabling was empty. The structure is basic, as is to be expected for this type of building, and it is not fully weatherproof as noted in the submitted

structural report[1]. The building is ultimately one which is delivered and constructed in kit form and is utilitarian. If redundant for agricultural or equestrian purposes it is such that it could be relatively easily removed, or relocated.

5. The structural report is brief and is mainly descriptive with a small number of points relating to its proposed residential use. I note that Building Control concur with the report findings, however, they also note that it is very likely that strengthening works to the structure are required. I acknowledge that many elements of work would be required for most, typical, rural buildings but within the structural method statement, discussing the existing construction, I find that most matters are stated to be subject to structural engineer's confirmation. The provision of internal strengthening works, irrespective of whether they are defined as development or not, is intrinsically linked to whether the building is capable of conversion as part of the proposal in this case.

6. I note reference is made to an appeal allowed against Cheshire East Council[2]. That appeal related to a retrospective change of use of stables to a single dwelling under the previous National Planning Policy Framework 2012. I have before me the decision notice only and no further information. The construction of the stables was not, at any point, described within the appeal decision. I can, therefore, place little weight upon that appeal within this determination when considering the building's structure.

7. I am not convinced, on the evidence before me, that the building is of permanent and substantial construction and it is highly likely the works required would go beyond that of a genuine conversion. The proposal would, therefore, fail to fall within the exception listed in paragraph 146 d) of the Framework which results in the proposal being inappropriate development in the Green Belt.

Effect on Openness

8. Openness is an essential characteristic of the Green Belt. Impact is implicitly part of the concept of openness of the Green Belt. The absence of visual intrusion does not mean there is no impact on the Green Belt as a result. Whether any change would cause harm to the openness can depend on factors such as the scale of the development, the locational context and its spatial or visual implications. The development involves limited external alteration and does not involve any extension to the existing building. The use of the building as a residential dwelling would, however, result in a domestic curtilage around the building.

9. The submissions state that the existing building has been utilised in connection with the residential use of High Bent with horses and livestock kept as pets and not in connection with any agricultural activity or equestrian business. Any commercial activity, such as letting the stabling out for livery, would require planning consent. The traffic movement and parking associated with the existing building's activity is, therefore, minimal. Whilst I note the statements state that the land edged red is part of the residential garden associated with

[1] Rev C – 23 October 2017
[2] APP/R0660/W/14/3000860

High Bent, I found no evidence, during my site visit, of use of the site for domestic activities. I have no evidence before me that the appeal site has a lawful residential use as part of the curtilage of High Bent.

10. Indeed, in the appeal against Cheshire East Council the Inspector noted that a *small* [my emphasis] residential curtilage would not have a significantly greater impact on openness. The proposed curtilage within this appeal is very large, given the size of the proposed dwelling, and the creation of a more formal garden area with domestic paraphernalia I find would fail to preserve the openness of the site compared to its current use. The scale of the proposed curtilage would be a notable encroachment into the countryside.

11. As outlined above, I do not find that the appeal building is of permanent and substantial construction. Furthermore, I do not find that the proposal would preserve the openness of the Green Belt and find it would encroach into the countryside. The proposal would fail to fall within the exception outlined in paragraph 146 d) of the Framework. The proposal would therefore be inappropriate development within the Green Belt which is, by definition, harmful and which carries substantial weight.

12. The proposal would be contrary to CS Policy SS6c which requires strict control be exercised over inappropriate development within the Green Belt allowing only for exceptions as defined by Government Policy. This would in turn result in conflict with CS Policy H1 which requires new housing development to have regard for the area strategies in CS Policy SS6.

Conversion and Countryside Policy

13. Regardless of the weight attached to the Policy requirement for the building to be 'worthy' there is still a requirement for it to be suitable in physical terms. Given my findings, that the building is not of permanent and substantial construction, the proposal would fail to meet the criteria in CS Policy R2 as it is not suitable in physical terms for conversion and I find the building is not good enough, physically. Furthermore, no marketing exercise has been submitted to evidence that the building would be unsuitable for a commercial use. Given the building is an "off the peg" standard timber stable building it is not a building of particular merit to be safeguarded.

14. The proposal would be contrary to CS Policy R1 which prioritises re-use of rural buildings for commercial enterprise, where sustainable, and providing the proposed use does not harm the building's character and/or the character of its surroundings. CS Policy SD1 aims to make sustainable use of resources through conversion or reuse of rural buildings in accordance with CS Policy R2, however, the proposal would conflict with CS Policy R2 which requires buildings to be suitable and worthy in physical terms with evidence that agricultural or commercial use is not viable.

15. CS Policy SS6c outlines the strategy for other rural areas, within which the appeal site is located. The proposal would fail to meet essential local needs, or sustain the rural economy, through the allowance of the conversion of existing rural buildings due to the conflict found with CS Policies R1 and R2. There would be further conflict with CS Policy SS6c due to not meeting an exception in the Green Belt as defined by the Framework.

16. The appellant submits emerging Local Plan[3] Policy H1 as having significant weight due to the emerging plan being at an advanced stage. The emerging policy removes the requirement for marketing to demonstrate that the building is unsuitable for a commercial use. Despite this some of the exact wording of adopted CS Policy R2 is carried forward into emerging Policy H1 5 d) in that the building must be suitable in physical terms for conversion. I therefore find the proposal would be also contrary to emerging Policy H1 5 d) due to not being of permanent and substantial construction even if limited weight was given to the marketing requirement within adopted CS Policy R2.

Character and Appearance

17. The building, following conversion, would retain the appearance of a stable/livestock building. During my site visit I noted that the property styles along The Hollands are varied albeit none I saw were timber clad, they are mainly two storey and of stone construction. Despite this I do not find that the presence of what would be a timber clad bungalow to have such a significant impact upon the character of the area, in terms of the buildings appearance, to warrant refusal. It would not be out of keeping within the rural area, and would not appear as an incongruous feature within the landscape.

18. The character of the area is rural, and the dwellings are well spaced out. The increase in domestic paraphernalia and parking associated with the new dwelling would result in a more intensive use of the site. The conversion of any building to a dwelling will lead to creation of domestic curtilage around the building as discussed earlier within this decision. On this occasion, even with a consideration of conditions to control further structures and permitted development rights on the dwelling, the size of curtilage proposed will further carve up the landscape when considering the well-spaced nature of existing dwellings along The Hollands.

19. The scale of the proposed curtilage will be a notable encroachment into the countryside and will harm the character and appearance of the surroundings due to the presence of paraphernalia and cars parked. The impact would be greatest in longer views across the landscape to the West.

20. The proposal would conflict with the development principles in CS Policy SS1 which seek to deliver development which maintains the distinctive character of the Staffordshire Moorlands. There would also be conflict with CS Policy DC1 which requires new development to respect the site and its surroundings though its scale, character and appearance and CS Policy DC3 which requires development to respect and enhance local landscape character.

21. The proposal would also be contrary to paragraph 127 c) of the Framework which requires development to be sympathetic to local character and history, including the surrounding built environment and landscape setting and paragraph 30 which requires development to take opportunities for improving the character or quality of an area.

Access to Shops and Services

22. Sustainable development is at the heart of the Framework, however, the starting point for determination is the Local Plan. The proposal is not one

[3] Staffordshire Moorlands Local Plan 2016 – 2031

which falls to be considered under permitted development. The building could not be utilised, commercially, for four separate site users without planning consent. As discussed above, the existing traffic movement associated with High Bent is that of a single residential dwelling.

23. Whilst the traffic movements for a proposed single residential dwelling of this size would be limited and the Framework does acknowledge, in paragraph 103, that opportunities to maximise sustainable solutions will vary between rural and urban areas; access to services for this site is very limited. To meet daily needs, leisure requirements etc. future occupants would need to go beyond the area, and this is unlikely to assist in maintaining the local community.

24. In the appeal allowed against Cheshire East Council I find that appeal was evidently located where a variety of forms of transport were available to access services and facilities in nearby towns and villages. Most notably it is stated that a bus stop was within walking distance. Within this appeal, I have no evidence before me, given the location of the development, that there are any immediately accessible footpaths, cycling paths or public transport options and it is most likely that future occupiers of the proposal would be very much reliant on the private car for day to day needs.

25. The proposal would be consistent with CS Policy T1 in so far as the highway network can accommodate the traffic generated by the development and appropriate parking standards can be met. Despite this it would not be sustainable in terms of location contrary to paragraph 78 of the Framework.

Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations

26. It is noted that the submissions state the conversion is a requirement for the appellant to move into to meet needs into old age and to enable her to stay in the area. The personal preference of the appellant unfortunately carries little weight in favour of this appeal and does not amount to very special circumstances to justify the proposal. Whilst the Framework does place weight on utilising previously developed or brownfield land, this is except where this would conflict with other policies in the Framework as per footnote 44. In this case, there is conflict with Green Belt policy.

27. The Council cannot currently demonstrate a five-year housing land supply which means that paragraph 11 of the Framework is engaged. The proposal would result in the provision of a dwelling as a social benefit but the contribution to housing supply would be limited. The short-term economic benefits from construction works, and then longer-term benefits of Council Tax, would be benefits in favour of the proposal but which would again be limited for a single dwelling. The proposal would re-use a building, which would have environmental benefits, but the proposal would fail to protect the natural environment due the landscape impacts identified.

28. Paragraph 11 d) states that planning permission should be granted unless i) the application of policies in the Framework that protect areas provides a clear reason for refusing the development proposed. Footnote 6 confirms Green Belt as one such policy. Given my findings, that the proposal is inappropriate development within the Green Belt, this is a clear material consideration that indicates planning consent should not be allowed for the proposal.

29. Paragraph 144 of the Framework requires that substantial weight be given to any harm to the Green Belt and this case the harm is by reason of inappropriateness and loss of openness. There is further harm found through the impact upon the character and appearance of the area and the reliance of future occupiers on the private car. The proposal would provide some limited benefits, discussed above, but these do not clearly outweigh the totality of the harm and very special circumstances do not exist.

Conclusion

30. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. I find the proposal to conflict with both the adopted CS and the emerging LP and conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR