

<b>3.2 REFERENCE NO - 18/503875/FULL</b>			
<b>APPLICATION PROPOSAL</b> Conversion of barn to residential dwelling and holiday let, including demolition of existing lean-to and erection of replacement single storey extension.			
<b>ADDRESS</b> Park Farm Throwley Road Throwley Faversham Kent ME13 0PG			
<b>RECOMMENDATION - Refusal</b>			
<b>REASON FOR REFERRAL TO COMMITTEE - Support from Parish Council</b>			
<b>WARD</b> East Downs	<b>PARISH/TOWN COUNCIL</b> Throwley	<b>APPLICANT</b> Mr & Mrs D. Bridgford <b>AGENT</b> Vernacular Homes Ltd	
<b>DECISION DUE DATE</b> 17/09/18	<b>PUBLICITY EXPIRY DATE</b> 17/08/18		
<b>RELEVANT PLANNING HISTORY for this barn</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
SW/88/273	Change of use to small joiner/carpentry workshop	Approved	08/04/1988
<b>RELEVANT PLANNING HISTORY for Park Farm – the adjacent house</b>			
16/504981/FULL	New study in loft space of detached garage incorporating new dormer windows, rooflights and external stairs	Approved	16/08/2016
SW/95/506	Front extension to form playroom	Approved	25/07/1995
SW/90/119	Erection of detached garage	Approved	08/03/1090
SW/89/1486	Erection of single and two storey extensions and detached garage	Approved	01/12/1989
SW/85/937	Extension to living room, kitchen and bedrooms	Approved	12/03/1986

**1.0 DESCRIPTION OF SITE**

1.01 Park Farm itself is a very isolated farm house set within the Kent Downs Area of Outstanding Natural Beauty (AONB) and accessed from a long private track. Nearby are just a small bungalow and the traditionally designed barn the subject of this application. The site itself is well of the road but a public bridleway runs directly alongside the house and barn. The house itself has been considerably extended, and also features a modern detached garage/outbuilding to the south of the property. The barn is located to the north of the farmhouse and there is evidence that at one time a very large modern style agricultural building was erected over what appears to have been an enclosed yard set between the two buildings; effectively linking them together. The farmstead arrangement has changed over the years with the changing fortunes of the farm, the large linking building has been removed, and now all that remains is the house and barn. The barn, with its smaller lean to extensions on the north and west elevations, sits some 25m from the house, with access and a large area of hardstanding to its northern side.

- 1.02 The L shaped barn is large in size (approximately 22m x 17m overall), has a first floor level across part of the main barn and in the smaller southern wing, and was used by the previous occupants of Park Farm as domestic storage and as a home office. Access to the barn is via the track from the road, around the house and onto a track (now largely overgrown through disuse) that also serves as part of the public bridleway.
- 1.03 The planning history of the barn itself shows that in 1988 a previous occupant of the farmhouse applied for planning permission to use the barn as a joinery/carpentry workshop, an application supported by the Kent Committee of the Council for small industries in rural areas (COSIRA). That application was approved.

## **2.0 PROPOSAL**

- 2.01 The current proposal is for the demolition of the weatherboarded single storey extensions on the north and west elevations of the barn, and for the conversion of the main range of the barn (including the erection of a single storey extension) to a single 3 bedroom dwelling with a significant amount of double height space (over half the floor area); and for the conversion of the far smaller southern wing of the barn to provide a 2 bedroom holiday cottage.
- 2.02 Access to the new dwelling and the holiday cottage is shown to be to the south east of the site via what is described in the application as “existing gateway access” and then via a 50m long access track to a parking area 35m from the barn, with the creation of a pedestrian footpath from there to the barn.
- 2.03 The application is supported by a Planning, Heritage, Design and Access Statement; a confidential Appendix relating to possible holiday let income; a heavily redacted letter said to be from a Chartered Surveyor; and an Ecological Survey. From these I draw the following points;
- The barn is part of the garden of Park Farm and was used by previous owners as a shed, storage for a light aircraft, as a model railway room, and as a home office
  - The applicants consider the building too large for their needs
  - The eastern wall is in danger of collapse; the proposals include repairs
  - Conversion to a dwelling represents the only possible viable use of the building
  - Part of the building will be used as a holiday let
  - The NPPF supports isolated new homes in the countryside in specified circumstances including where that would re-use a redundant or disused building and lead to an enhancement to the immediate setting, or where it would represent the optimal use of a heritage asset and secure its future
  - If the building were not in the AONB it would benefit from Permitted Development rights for conversion to a dwelling
  - Planning policy favours commercial uses of such buildings unless undesirable or unsuitable, but an industrial use would be unsuitable and impractical, and office use would generate high traffic volumes and have adverse landscape impact. Any such use would lack the necessary parking provision
  - Even full conversion to holiday let use assuming all year round occupancy at premium rates would be financially questionable
  - A marketing exercise at a nearby barn showed that there was strong economic argument to pursue single unit residential use on that barn
  - The proposals will improve the appearance of the barn, which is part of a traditional farmstead layout

- The proposals are similar to those recently approved nearby at Church Farm for demolition of a large barn and conversion of smaller barns to a dwelling and holiday accommodation
- The conversion will not overlook Park Farm itself
- A survey in February 2018 showed potential for bats, great crested newts and reptiles to use the barn/site and further investigative surveys are suggested

### **3.0 PLANNING CONSTRAINTS**

3.01 Area of Outstanding Natural Beauty KENT DOWNS

### **4.0 POLICY AND OTHER CONSIDERATIONS**

4.01 The National Planning Policy Framework (NPPF) JULY 2018: Paragraphs 8 (three overarching objectives for sustainable development), 11 (presumption in favour of sustainable development), 78 and 79 (rural housing), 83 (supporting a prosperous rural economy), 124 (good design), 170 and 172, (conserving and enhancing the natural environment) and 175 (habitats and biodiversity) are all relevant here.

4.02 Policies ST1, ST3, DM3, DM9, DM14, DM24 and DM28 of Bearing Fruits 2031 Swale Borough Council Local Plan adopted 2017 are relevant. Policy DM3 in particular seeks to restrain residential use of rural buildings where this will reduce the potential for rural employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable.

4.03 Supplementary Planning Guidance (SPG): The Conservation of Traditional Farm Buildings This document reflects the rich heritage of agricultural buildings in Swale, not all of which may be suitable for modern agricultural methods. It seeks to guide developers into uses that preserve the importance of such buildings both in terms of use and design. At paragraph 3.3 it suggest new uses that enable the existing structure and detailing to remain as undisturbed as possible, and to encourage uses other than residential use. In terms of design, the advice is to keep as much as possible of the original structure as the main purpose of conversion is to ensure preservation of such structures.

### **5.0 LOCAL REPRESENTATIONS**

5.01 The Faversham Society considers that the application is acceptable because it would restore the building in a sensitive way; because planning permission is only required because the site in the AONB; and because conversion to a house maintains the appearance of the building by the inclusion of external shutters to minimise the extent of visible glazing.

### **6.0 CONSULTATIONS**

6.01 Throwley Parish Council supports the application stating that they have examined the above application and fully support the conversion and see this plan as an excellent proposal to clear up a rather dilapidated collection of buildings.

6.02 Swale Footpaths Group notes that the adjacent public bridleway would not be affected

6.03 The Environmental Health Manager has no objections to the proposal in principle but would recommend a condition restricting construction hours.

## 7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application papers for applications 18/503875/FULL, SW/88/273, 16/504981/FULL, SW/95/506, SW/90/119, SW/89/1486 and SW/85/937.

## 8.0 APPRAISAL

- 8.01 The main considerations in determining this application are the acceptability of conversion of a former agricultural barn to residential accommodation in this isolated location, along with the provision of a 2 bedroom holiday let and the impact of the works and future use on protected species, the amenity of the adjoining house, and impact on the character and appearance of the countryside and the AONB.

- 8.02 Local Plan policy states that development proposals will be supported in accordance with the settlement hierarchy criterion which is set in Policy ST3. This site falls within tier 6 where;

*“All other settlements and sporadic buildings are considered to sit within the open countryside where the primary objective will be to protect it from isolated and/or large scales of development.”*

Policy ST3 also states that;

*“At locations in the open countryside, outside the built-up area boundaries development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.”*

- 8.03 Additionally Policy DM3 (The rural economy) states that;

*“Planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable”*

- 8.04 These policies do not seek a blanket ban on housing in the countryside or other development either, but they seek to ensure a thriving rural economy by ensuring that the priority for the reuse of rural buildings should be for business uses or community uses. This approach is entirely consistent with section 6 of the NPPF entitled ‘Supporting a prosperous rural economy’ in which para 83 states;

*“Planning policies and decisions should enable:*

- *the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *the development and diversification of agricultural and other land-based rural businesses;*
- *sustainable rural tourism and leisure developments which respect the character of the countryside; and*

- *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*
- 8.05 In addition the Council has an adopted Supplementary Planning Guidance (SPG) entitled ‘The Conservation of Traditional Farm Buildings’ which lists potential uses for disused agricultural buildings, and suggests the following *“a community building, agricultural or other use, craft work shop/studio, farm shop, light business use, professional practice, recreation building, restaurant or tourist accommodation”*.
- 8.06 The SPG remains a material consideration and was adopted as part of the new Swale Borough Local Plan. It makes clear that the best and least intrusive use for a former agricultural building is the use for which it was intended. It accepts that this is not always possible, and looks to other uses that would have less impact upon the character of the countryside than a residential use. Commercial uses or open plan office uses for example, can often utilise existing layouts and openings without the need for significant alteration. In addition residential uses tend to have more impact upon the rural landscape due to the demand for gardens, parking, garaging and other domestic paraphernalia.
- 8.07 The applicants have employed a variety of arguments to suggest why this proposal is the most suitable, indeed the only, viable future for the building. I will first respond to that echoed by the Faversham Society – that is that IF the building were not in the AONB it would benefit from Permitted Development rights for conversion to residential use. This is a distraction from the real issues here. The building IS in the AONB and such rights do not apply here. There is no fall-back position that merits consideration and I advise Members to give this matter very little weight.
- 8.08 In an attempt to demonstrate that the barn would have no demand for rural employment and/or be used for community facilities, and that its use for such would be undesirable or unsuitable, the application provides confidential (heavily redacted) information which appears to be from a firm of Chartered Surveyors (unnamed). This provides general advice on how the building might suit office uses, but provides no likely rental values, costings or construction work and does not indicate that such use would not be viable. It does suggest that a significant volume of traffic might be generated, but it also assumes “normal” office employment densities, which seems unrealistic for such a location.
- 8.09 An uninsulated industrial use for building was considered and comments are made suggesting that industrial work here would be a fire hazard and would not be financially viable (although no build costs, ongoing costs or likely rent etc are provided to substantiate this claim) and that parking facilities would radically change the landscape. The submission ignores the large area of hardstanding adjacent to the north side of the barn as possible parking provision. It is further claimed that such low key uses would not result in the building being secured for the future and the deterioration of the building would continue. The submission acknowledges that local policy encourages market testing but argues it has been done for a listed barn at Bells Forstal and as such there is *“no sense in repeating the same marketing exercise”*
- 8.10 This information has been reviewed and considered in light of the above policy context and I consider that the submission does not meet the criteria of the policy by demonstrating that there is no demand for an alternative use to residential. I consider the financial viability argument is lacking in detail for all suggested options and would

appear to disregard all options other than residential with its quick return on any investment, as not being “viable” but I do not consider this is sufficient for it to be considered as the optimal viable use of the building.

- 8.11 The inclusion of holiday let accommodation is in line with local policy. However, even the confidential holiday let information does not include costings for the conversion and/or running of the accommodation; but the applicants suggest that even fully occupied with premium rates (as might be commanded here in view of the rural location close to Canterbury and the coast) such use would be less viable than conversion to one dwelling and a small holiday let – which presumably is viable. In fact the isolated location appears similar to other multiple barn conversions for holiday accommodation, and there is no evidence that such a development which is estimated to bring in many thousands of pounds per year per unit of accommodation would not work well here, or fail to cover conversion and running costs. I consider that there is insufficient evidence that alternative realistic uses at this site have been investigated to any significant degree to enable any firm conclusion relating to viability to be arrived at.
- 8.12 The explanation that previous marketing has been undertaken on a different barn in a different location is not sufficient. The submission makes no reference to any previous planning history for the site when in fact planning permission was granted in 1988 for this building to be used as a joinery and carpentry workshop and evidence suggests this was used for this purpose for a number of years. This indicates the building’s inherent suitability for a rural workshop use. No marketing with this kind of use has recently been undertaken.
- 8.13 I note the parallels the applicants make with the recently approved scheme at Church Farm, Throwley Road (17/505796/FULL) where Members approved the conversion of a barn to create a 2 bedroom house and the conversion of an adjacent shed to provide a farm office and an additional bedroom for a bed and breakfast business, along with the replacement of the large agricultural building with a smaller building to house a workshop and animal pens. As is always the case it is very difficult to draw parallels between applications as the site specific circumstances are never the same. At Church Farm, the demolition of a very large building which dominated the site, and was in close proximity to the Grade 1 listed Church of St Michael and All Angels Throwley and to three Grade II listed monuments in the church yard and the Grade II listed Church House was a clear and substantial benefit of the proposal, which Members felt sufficient to justify the decision. I do not see any such benefit arising from the current proposal.
- 8.14 I also do not consider the advice as set out within the NPPF lends support to the scheme. The NPPF, whilst clearly promoting the need to provide a wide choice of quality homes, does not allow this at all costs. The golden thread running through the document is the presumption in favour of sustainable development. Paragraph 55 (now encompassed within paragraphs 78 and 79 of the NPPF July 2018) still retains the principle of housing being located where it enhances or maintains the vitality of rural communities. Thus it raises the question as to whether a new house at his location would enhance or maintain the vitality of rural communities, given this proposal is so small in size its contribution would be negligible and further as it is disconnected from any of the local settlements this cannot be considered the case here. Thus it falls at the first hurdle in terms of consideration of this as a sustainable development.
- 8.15 The applicant argues that whilst the NPPF (paragraph 79) requires planning policies and decision to avoid isolated homes in the countryside they consider that two points

made are supportive in that the scheme will “*represent the optimal viable use of a heritage asset and would secure its future*” and “*where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting*”

- 8.16 My view is that, the fact that the residential conversion provides the quickest return on an investment does not represent its optimal viable use particularly given the need for very substantial alterations to the building required for such a use, and the lack of convincing investigation into alternative options. The applicants argue that the proposal will *lead to an enhancement to the immediate setting*. However the removal of the weatherboarded, modern additions on the north and west elevations, given its current state, could be removed at any point and would benefit the appearance of the barn. Also the area is not unattractive, it has a character and appearance one would expect to find in such an isolated rural location. The areas of hardstanding or any other elements on the site or the barn are within the applicants’ ownership and if deemed to be unattractive or requiring remedial works could also be removed or carried out at anytime. The deterioration in the appearance of the site and its buildings should not be linked to the development of the barn.
- 8.17 In my view the current case has close parallels with a recent case dismissed at appeal in Swale for conversion of a barn to a dwelling. This considered the relationship between the creation of an isolated dwelling, the re-use of a rural building and the advice in paragraph 55 (now 79) of the NPPF. The conclusion was the creation of a new dwelling in an isolated position was not the optimal use for the building because that does not mean the most attractive from a commercial point of view. I have attached the full decision as an Appendix to this report and Members will note that the decision is taken in the light of policies of the recently adopted Local Plan.
- 8.18 Furthermore, the proposed access arrangements, whilst making use of an existing gateway, appear to require the creation of a significant length of new roadway and parking area, despite a suitable existing access, gateway and hardstanding areas being available. The new driveway is described as “Existing Track” there is little to see on the ground and the new driveway will appear intrusive and unnecessary which will not conserve the natural beauty of the AONB.
- 8.19 The application includes a single storey extension to the west elevation of the barn (where there is a current extension which is to be demolished) to accommodate the residential use which, given the size of the barn does not seem to me to be necessary, and is contrary to the Council’s SPG which remains a material consideration and was adopted as part of the new Swale Borough Local Plan 2017. The value of the barn is in its agricultural appearance and I am concerned the an extension and the insertion of additional fenestration proposed here dilutes this character and appearance and would lead to a domesticated appearance contrary to adopted SPG and design and policy.
- 8.20 I acknowledge there would be limited benefits of the proposed development, in that it would result in one additional dwelling to the local stock and have associated economic, social and area enhancement benefits. However as a single dwelling, these benefits would be very modest so I can afford them very little weight in favour of the proposed development. Thus I consider this is not sufficient to outweigh the significant harm in relation to the settlement strategy, accessibility to services and impact on the vitality of the area. The site is located some distance from any local service areas or town centres and prospective residents and visitors/holiday makers would not easily be able to normal everyday services such as school, shops, doctors,

pubs. In addition, the site is located along unlit narrow country lanes without footpaths. This would result in any potential occupants likely having to rely on a car to access any services and amenities for everyday living. This proposal to change the use of this agricultural barn to a residential dwelling would conflict with the development plans aim of restricting unsustainable and undesirable development in rural areas and despite the small proposed holiday let accommodation would not help to secure a thriving rural economy.

- 8.21 I see no likelihood of the proposals significantly prejudicing the amenities of Park Farm itself due to the distance between the buildings.
- 8.22 Finally, the Ecological Survey was undertaken in February 2018 which is not a time of year recommended for bat or great crested newt surveys. Thus the survey recommends further work in respect of bats, newts and reptiles. Accordingly, at this time it is not possible to know whether protected species are likely to be affected by the conversion, or what mitigation measures might be possible. Until those matters are known my view is that it would be safe for the Council to grant planning permission as not all material planning considerations can be considered. It is not advised to grant planning permission with a condition requiring an ecological survey to be carried out, which the application appears to anticipate. Paragraph 175 of the NPPF advises that where significant harm to biodiversity cannot be avoided or compensated for, planning permission should be refused. Natural England's Standing Advice on determining applications is that if a survey is inadequate planning permission should be refused. In this case, the survey is inadequate, and this represents a sound reason to refuse the application.

## 9.0 CONCLUSION

- 9.01 Whilst I appreciate, that the building in question appears to be of some age it is by no means in its original condition and I do not consider it stands up to the test of conversion to residential use for the sake of its own preservation. Additionally, there is not sufficient evidence to support residential use as being its optimal viable use, or that it is required to enhance its immediate setting. As a separate dwelling, in this isolated, unsustainable rural location it remains unacceptable in principle.

## 10.0 RECOMMENDATION –REFUSE for the following reasons:

- (1) The proposal to convert the existing barn to a residential dwelling fails to demonstrate that the building could not reasonably be put to an alternative use for community or economic purposes to revitalise the rural economy, such uses being in accordance with the Development Plan and the NPPF. In addition the creation of a new dwelling situated outside any built-up area boundary in the countryside and in a remote and wholly unsustainable location, with limited facilities will result in an unsustainable manner with consequent heavy reliance on private transport and would represent an undesirable encroachment of development in the countryside in a manner harmful to the character and amenities of the area. As such the proposal is contrary to policies ST1, ST3 and DM3, of Bearing Fruits 2031 Swale Borough Local Plan 2017 and the associated SPG on the Conservation of Traditional Farm Buildings.
- (2) The proposal to create a significant new area of hardstanding to provide access and car parking areas will be harmful to the visual amenities of the area and detrimental to conservation to the natural beauty of the Kent Downs AONB contrary to policy DM24 of Bearing Fruits 2031 Swale Borough Local Plan 2017.



- (3) The applicants' ecological survey does not adequately confirm that protected species will not be adversely affected by the development, nor can appropriate mitigation measures yet be proposed to deal with them. As such the development is contrary to policy DM28 of Bearing Fruits 2031 Swale Borough Local Plan 2017.

**The Council's approach to this application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

It is noted that the applicant/agent did engage in any formal pre-application discussion.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

## APPENDIX 1




---

## Appeal Decision

Site visit made on 14 November 2017

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: **1<sup>st</sup> December 2017**

---

**Appeal Ref: APP/V2255/W/17/3177416**

**Brook Hall House, Waterham Road, Hernhill ME13 9JH**

- 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 Martin Parsons against the decision of Swale Borough Council.
  - The application Ref, 16/507606/FULL dated 7 October 2016, was refused by notice dated 21 December 2016.
  - The development proposed is conversion of existing outbuilding into 1No dwelling house.
- 

### Decision

1. I dismiss the appeal.

### Procedural Matters

2. The judgment in the High Court case of Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin) was issued after the site inspection but before the Decision was written. The judgment concerned the definition of 'isolated homes in the countryside' as referred to in paragraph 55 of the National Planning Policy Framework. Since the exceptions set out in the bullet points to that paragraph had been referred to by both of the parties in submissions to this appeal, opportunity was given for further submissions in light of the judgment.
3. A listed building consent application had been made for the works, on the basis that the building is curtilage listed along with the main house and this was also refused (Ref: 16/507607/LBC) but no appeal has been made on that refusal. Whilst the Council's Questionnaire to this planning appeal states at 13.a. that the development does not involve the demolition, alteration or extension of a listed building, this is plainly not the case. On the evidence, the building should be regarded as a curtilage listed building and hence a designated heritage asset.

### Main Issues

4. With the above in mind, the main issues are;
  - The effect of the proposal on the aims of policy on development in the countryside.
  - The effect of the proposal on the significance of listed buildings.

---

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/V2255/W/17/3177416

---

## Reasons

### Policy

5. Although referred to in the reasons for refusal as an emerging Plan, the Swale Borough Local Plan 'Bearing Fruits 2031' was adopted on 26 July 2017 and is therefore now part of the Development Plan. Policy ST1 seeks to deliver sustainable development that supports a prosperous rural economy, especially for sustainable farming and tourism and which accords with the Local Plan Settlement Strategy, which is set out in Policy ST3. That Strategy states that in the open countryside development will not be permitted unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. The supporting text provides for some minor development for the social, economic or environmental health of a community, but this is not necessary to meet the Local Plan housing target.
6. The rural economy is the subject of Policy DM3 which states that planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities unless the site/building is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable. The wording continues that proposals should firstly consider the appropriate re-use of existing buildings, and result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area, among other matters. Valued landscapes are to be conserved and enhanced under Policy DM24, and Policy DM32 concerns the preservation of listed buildings.
7. Policy CP2 promotes sustainable development, with new development being located in accordance with Policies ST1 to ST7 which minimises the need to travel for employment and services and facilitates sustainable transport. Policy CP3 on delivering a wide choice of high quality homes makes clear that development proposals will, as appropriate, be steered to locations in accordance with Policy ST3.
8. The Council has published Planning and Development Guideline 3 'The Conservation of Traditional Farm Buildings' stated to have been adopted for development control purposes in December 1992. The council draw attention to the possible uses that such buildings could be put to; 'a community building, agricultural or other use, craft work shop/studio, farm shop, light business use, professional practice, recreation building, restaurant or tourist accommodation'. The Guidelines do acknowledge however that the most attractive alternative to agricultural use, from a purely commercial point of view, might be a residential use, but continues that this is seldom the best way to conserve the building in anything like its original form.
9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
10. The Framework sets out the core planning principles that include recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, as well as the conservation of heritage assets.

---

<https://www.gov.uk/planning-inspectorate>

2

Appeal Decision APP/V2255/W/17/3177416

---

Paragraph 55 makes clear that new isolated homes in the countryside should be avoided unless there are special circumstances. Paragraph 132 of the same document states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

*Development in the Countryside*

11. The Local Plan has only recently been found sound and been adopted and although the housing figures may have only a short life before being re-assessed as asserted by the appellant, the conclusion now is that the Council are able to demonstrate a 5 year supply of housing land as required by the Framework. The proposal is, as a result, not able to rely on paragraphs 49 and 14 of that document, although windfalls would be required, subject to compliance with the Development Plan.
12. The appellant has made a case in favour of permission by way on an exception in paragraph 55 of the Framework. The recent court case referred to under 'Procedural Matters' concerned a site that was within a village that did not have an adopted village envelope, and hence the site was within the countryside. The judgement was that the proposal in that case was not for a new isolated home in the countryside and the avoidance of such development in principle, together with the exceptions, did not apply.
13. The present appeal case concerns a building that is isolated from any settlement or significant cluster of built form, albeit associated with an existing home. There are a very limited number of other buildings nearby and the character of the surroundings, whilst heavily influenced by the main road, is of a remote rural area. The proposal should, as a matter of fact and degree, be considered as being for a new isolated home in the countryside, and consequently, the applicability of the exceptions should also be considered.
14. In fact only 2 of the exceptions at paragraph 55 could possibly apply to this case and that concerning redundant or disused buildings does not apply as the building is in a beneficial use as domestic storage. The other is where such development would represent the optimal viable use of a heritage asset.
15. The Council is critical of the location of the proposal for residential use, and its access to services, employment and the like. The location is adjacent to a busy main road, but the access onto and off it from Waterham Road is with the eastbound carriageway only and this fast dual carriageway road is not at all conducive to pedestrian use.
16. The appellant refers to a 'Spar' shop at the services to the east and it was noted that this is on the same side of the main road as the site. Access by car could be made by way of the poor turning onto the main road, but more safely by way of the longer Highstreet Road route, and the latter would be the best walking route. That shop would provide a range of day-to-day essentials, but with little choice and many weekly needs would be a car journey away. The site is not well-located and does not have ready access to a range of services other than with the likely use of a private vehicle. As a result, due to the location of the site the proposal does not accord with Policy CP2/6 on sustainable forms of transport, as the occupiers would be significantly reliant on a private vehicle for most journeys.

---

<https://www.gov.uk/planning-inspectorate>

3

Appeal Decision APP/V2255/W/17/3177416

---

17. The Council's clear preference is a tourism use and that would be in line with Policy ST1 and the traditional farm building Guidelines. Having mind to the proximity of the principal listed building and the nature of the surrounding area, that appears a more appropriate use than an employment one, which could involve more parking and activity that could undermine the tranquillity and rural isolation that is a significant aspect of the setting of the listed house particularly that part further from the main road. In the event, it is only a tourism use that has been addressed to any level of detail by the appellant with regard to viability.
18. Turning then to the viability appraisal for a tourism use, the capital costs may well be correct, as at least the total figure is broken down, whilst the revenue relies on 100% occupancy of each of the supposed 3 units. Such a high occupancy rate in this location does appear unrealistic, and although the building and its immediate setting is undoubtedly attractive, the surroundings militate against a premium rate being charged. However, there is little to compare the rate assumed with other premises on offer in the likely catchment area. The outgoings appear unusually high and are not justified.
19. No further information has been provided on which to judge the visual effect of such a tourism use, other than the appellant's assertion that it would be more harmful. The effect on the landscape quality, and the character and appearance of the area would likely differ between a tourism use and a residential one, particularly as it is clear from the appellant's submissions that a realistic occupancy rate for tourism would be less than as a full-time dwelling. The use of the curtilage and any items such as domestic paraphernalia could be more harmful with a residential use, but it is possible that there would be less parking and less vehicular movements. On balance the effect on the character and appearance of the area from the building becoming a full-time home as opposed to a tourism use would be only marginally more harmful, and weight applies to the present use and the activity that this must cause.
20. Taking all of the foregoing into consideration, it is not possible to conclude that the residential use as a new isolated home in the countryside would represent the optimal viable use of the heritage asset, as required by paragraph 55. Whilst it may well be the most advantageous financially, there are real doubts over the figures that purport to show the unviability of the tourism use, particularly the seemingly high running costs, and there is no evidence of market testing or compelling proof that the location is unsuited to such a use.
21. As a result, the exception in paragraph 55 has not been proved and the policies that seek to avoid the development of new homes in the countryside and which are in favour of sustainable locations should prevail. The proposal is contrary to the aims of Policies ST1, ST3, CP2 and CP3, as well as Paragraph 55 of the Framework.

#### *Listed Building*

22. The proposed residential use has been sufficiently detailed for this planning appeal, and the development would have little if any adverse effect on the external features of the curtilage listed building. The tightly drawn red-line site area with a post and rail fence and hedging delineating the proposed new curtilage would appear as an acceptable feature within the setting of the principal listed building and could be secured by condition.

---

<https://www.gov.uk/planning-inspectorate>

4

Appeal Decision APP/V2255/W/17/3177416

---

23. It is not possible to conclude whether or not the Council's preference for a tourism use would be more or less intrusive to the listed buildings due to there being no drawings of the works necessary, but subject to the grant of listed building consent, for which full internal details would be expected, the effect on designated heritage assets of the proposed residential use would be acceptable. The provisions of the test in the 1990 Act as well as the Framework are met and the proposal would accord with Policy DM32 and the guidance on traditional farm buildings.

#### **Planning Balance and Conclusions**

24. Those matters counting against the proposal are the countryside location and the poor accessibility with a likely reliance of vehicular journeys contrary to the Development Plan policies previously cited. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
25. Whilst an employment use appears unsuitable having regard to Policy DM3 and the heritage considerations, the viability evidence submitted against the policy-compliant tourism use is lacking in detail. The material consideration of the paragraph 55 exception, indicating a residential use contrary to the recently adopted Development Plan, should not prevail on that evidence. It is not possible to conclude that residential use is the optimal viable use of a heritage asset, as that phrase should not be taken to mean the most attractive alternative from a purely commercial point of view.
26. On the evidence presented, the case for residential use in the countryside as an exception to Development Plan and national policies of restraint, has not been made and for the reasons given above it is concluded that the appeal should be dismissed.

*S J Papworth*

INSPECTOR



18/503875/FULL - Park Farm, Throwley Road  
Scale: 1:1415  
Printed on: 1/10/2018 at 11:50 AM by JosephM

