



Appeal Decision

Site visit made on 18 January 2016

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 4 February 2016

Appeal Ref: APP/V2255/W/15/3135870

Moth's Field, Denstroude Lane, Dunkirk, Kent CT2 9LA

- 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 J Amos against the decision of Swale Borough Council.
 - The application Ref 15/504285/FULL, dated 13 May 2015, was refused by notice dated 8 September 2015.
 - The development proposed is conversion of barn building to residential dwelling with associated car parking and residential curtilage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal for the conversion of the building to a dwelling is justified in relation to relevant planning policies for the countryside.

Reasons

Justification in relation to relevant planning policies

3. The appeal relates to a recently constructed barn situated on an agricultural smallholding on the south side of Denstroude Lane opposite two semi-detached cottages. The building, which is not yet completed, is about 10 m x 20 m in size, about 3.4 m to the eaves and about 7 m high to the ridge. The proposal is to convert the barn into a three bed dwelling with integral garage, involving a series of window and door openings together with roof lights.
4. The site lies in the open countryside some distance from the nearest hamlets of Dunkirk, Dargate and Hernhill. In such areas policy E6 of the Swale Borough Local Plan 2008 (the Local Plan) seeks to protect the quality, character and amenity value of the countryside, and restricts new housing development to certain limited circumstances. One of these is potentially relevant to the appeal, namely the re-use or adaptation of an existing rural building in accordance with policy RC6.
5. However, in this case the building was only recently permitted for agricultural use and has not yet been completed nor used for its intended purpose. Two nearby landowners have refused consent for a connection to mains electricity across their land, the nearest possible connection would be prohibitively expensive and the use of a generator or solar panels would be uneconomic. On-site electricity is essential for keeping livestock on the smallholding.

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6. The appellant has thus been prevented from using the barn for agricultural purposes as intended. However, it remains unexplained why construction of the barn was commenced before a suitable electricity connection had been secured. Permission for the barn was granted on 6 June 2012 and the details of materials and landscaping were submitted on 10 October 2012. Work to construct the barn commenced on 10 November 2012¹, but this was after initial discussions with neighbouring landowners over an electricity connection had revealed the lack of agreement². In any event, the decision to proceed with construction was at the appellant's own risk, and therefore the inability to use the building for agricultural purposes can only be given limited weight in the determination of this appeal.
7. Policy RC6 of the Local Plan allows the conversion of rural buildings for residential purposes in certain circumstances, but not if there is an adverse effect on the countryside or an unsustainable travel pattern would result. The first criterion has added importance because the site lies within the defined Blean Woods Special Landscape Area (SLA). The National Planning Policy Framework (NPPF) states in paragraph 55 that new isolated homes in the countryside should be avoided unless there are special circumstances, which include, inter alia, where the development would reuse redundant or disused buildings and lead to an enhancement to the immediate setting.
8. The barn is designed for agricultural use and is not at all out of place in a rural area. However, it is large and if converted would become a substantial residential property in contrast to the modest vernacular semi-detached cottages nearby. The amount of fenestration inevitably involved, including the first floor gable end windows and roof lights, even if reduced by condition, would significantly change the character of the building, giving it a domestic appearance. This, together with the creation of a residential curtilage with landscaped garden and other domestic features such as sheds, clothes drying and play equipment would not enhance the setting of the building and would lead to a marked loss of rural character. Despite a tree screen along the road frontage the building is visible from both directions along the lane and from a public footpath which runs next to the smallholding.
9. In addition, contrary to the appellant's view, the building is relatively isolated from nearby hamlets and about 4 km from the villages of Boughton and Blean with their wider range of services and facilities. There is no public transport nearby. Consequently, the occupants of the new dwelling would inevitably have to rely on private transport and the proposal would not therefore represent a sustainable pattern of development.
10. For these reasons the proposal is not justified in relation to relevant planning policies for the countryside. It would cause significant harm to the character and appearance of the countryside and would not enhance the immediate setting of the building. Furthermore, it would not comprise a sustainable pattern of development. This would be in conflict with policies H2, E6, E9, E19 and RC6 of the Local Plan which seek to restrict new houses outside defined built-up areas, protect the quality, character and amenity value of the landscape, particularly in the Blean Woods SLA, secure development that is sympathetic to its context and resist the conversion of rural buildings which would adversely affect the countryside or lead to unsustainable travel patterns.

¹ Invoice from Blatch and Green dated 20 August 2013

² Emails dated 21 and 22 October 2012

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It would also conflict with paragraph 55 of the NPPF which seeks to avoid new isolated homes in the countryside unless there are special circumstances which are not met in this case.

Other matters

11. The Council accepts that at present it cannot demonstrate a five year supply of deliverable housing sites and consequently the housing supply policies of the Local Plan are out of date. However, the proposal would only make a small contribution to this supply, a single dwelling, and this factor can therefore only be given limited weight in this appeal given the objections that have been identified.
12. A recent appeal decision to approve a detached dwelling outside the settlement boundary at The Firs, Dunkirk Road South, Dunkirk is quoted as a precedent³. However, the site forms part of an existing large garden and there are other properties along the road. In contrast, the appeal site comprises an agricultural smallholding in open countryside with only a pair of semi-detached properties in the vicinity.
13. I have carefully considered all the other arguments raised in favour of this appeal. These include the negotiations that took place over the design of the barn (although that was in the context of its use for agricultural purposes), the small number of vehicle movements that would arise (potentially less than an agricultural use), the potential for enhanced landscaping, the proposed reduction in the hard surfaced area, and the additional security that would result from occupation, avoiding the potential misuse of the site. However, none of these benefits or arguments outweigh the objections that have been identified in respect of the main issue.

Conclusion

14. It is recognised that the appellant has been frustrated in his efforts to use the building as intended and the proposal would have a number of benefits including the provision of a new dwelling. However, the adverse impacts of converting the barn in relation to the character and appearance of the countryside and the unsustainable nature of the development significantly and demonstrably outweigh the benefits when assessed as a whole.
15. Having regard to the above, the appeal should be dismissed.

David Reed

INSPECTOR

³ APP/V2255/W/15/3004335