

Appeal Decision

Site visit made on 8 December 2015

by David Murray BA (Hons) DMS MRTPI

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

Decision date: 04 January 2016

Appeal Ref: APP/L3245/W/15/3132598

The Bungalow, Haven Hills Road, Brockton, Shifnal, Shropshire, TF11 9NP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr T Gall against Shropshire Council.
 - The application Ref. 15/00467/FUL, is dated 29 January 2015.
 - The development proposed is the conversion of existing stables to a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I have used the Council's description of the proposal as it is more precise and as the term bungalow, as set out in the application forms, is not a use.
3. The Council says that it issued a decision on the application on the 14 October 2015 but by that time the appellant had already lodged an appeal against non-determination.
4. Much of the appellant's case is about the length of time that the Council took to decide the application and allegations of negligence and incompetence but there is no application for costs before me. Further, although the appellant had not received a decision by the target date, I do not consider that the Council's action gives rise to unreasonable behaviour to the extent that I should initiate a costs assessment.

Main Issues

5. The main issues are:
 - Whether the proposal constitutes 'inappropriate development' in the Green Belt;
 - The effect on the openness of the Green Belt,
 - The effect on the character and appearance of the area;
 - Whether the site lies in a sustainable location;
 - If 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

Background

6. The appeal site lies in open countryside which forms part of the Green Belt. There are two existing bungalows, one of which is owned by the appellant, off a shared drive and this would provide access to the stable block the subject of the appeal. This is a single storey structure constructed in concrete blocks and with a low pitched roof in corrugated sheeting. The stable is a relatively modern building and the Council says that planning permission was granted for it in 2008. It is proposed to alter the building and construct new external brickwork walls outside of the existing blockwork and replace the roof covering, and then convert it to use as a single bedroom dwelling. It is intended to be occupied by the appellant's parents who need to be supported close-by on site. The appellant says that it is intended to have the new bungalow legally tied to the existing bungalow so that it cannot be sold separately in the future.

Policy basis

7. The development plan for the area comprises the Council's adopted Core Strategy (2011) (CS); saved policies in the Bridgenorth District Local Plan (2006) and the recently adopted Site Allocation and Management of Development – Development Plan Document (SAMDev). However the Local Plan was adopted prior to the National Planning Policy Framework and while the relevant policy S3 accorded with the then applicable PPG2¹, I can not now put much weight on this policy as the PPG has been superseded. The CS was also adopted prior to the Framework and I will consider whether any specific policy accords with the national policy as it arises. The SAMDev was adopted on the 17 December 2015 but I have not been advised as to whether any relevant policies contained within.

Whether 'inappropriate development' and the effect on openness

8. The Council refers to the tests set out in CS policy CS5 which allows the conversion of buildings in the countryside to small scale economic development, affordable housing or other uses appropriate to a countryside location. The policy goes on to state that open market residential conversions will only be permitted where, inter alia, there is respect for the heritage asset and high standards of sustainability are achieved. In terms of Green Belt, the policy refers to the now cancelled PPG2. However, this policy introduces tests that are not consistent with the Framework, which generally permits the re-use of redundant or disused buildings in the countryside provided there is an enhancement to the immediate setting of the building. Further, in terms of Green Belts, the Framework sets down different criteria for their protection from inappropriate development. As the Framework is more recent, much greater weight has to be given to its provisions and I will consider the appeal on this basis.
9. Paragraph 90 of the Framework sets out forms of development that are not inappropriate in the Green Belt and this includes the re-use of buildings that

¹ Planning Policy Guidance 2 - Green Belts

are of permanent and substantial construction. Bearing in mind that the existing stable is no more than 7 years old, I have doubts about it being regarded as having a permanent construction. Also the simple stable building is constructed from only a single skin of concrete blocks with a roof of profiled sheeting. In my judgement this does not constitute 'substantial construction' within the context of Green Belt policies. Further, the proposal involves substantial alterations to the structure to make it 'liveable' including the wrap-around exterior brickwork wall to make a cavity wall building; the projecting bay windows and other fenestration in new openings; and new roof materials. As a matter of fact and degree, taking into account the age of the stable, the degree of addition and alteration required for habitable use make it an unsuitable building for conversion.

10. It also seems to me that the simple stable building was acceptable as a modest building for outdoor recreation and set in an open field, without having a harmful effect on the openness of the Green Belt. As such it would have accorded with the provisions of paragraph 89 of the Framework in terms of new buildings that are not inappropriate in the Green Belt. However, its conversion to a dwelling would give rise to a more intensive, residential use, with an increase in the residential curtilage of a further dwelling, new driveway and turning area and its attendant vehicles and domestic paraphernalia. This domestication of the building and the land around it would have a harmful effect on the openness of the Green Belt and this harm could not reasonably be overcome or controlled by conditions.
11. I conclude that the proposal would be 'inappropriate development' which would also harm the openness of the Green Belt and would add to the encroachment of development into the countryside. The proposal therefore conflicts with one of the purposes of including the land in the Green Belt. These factors mean that the proposal does not accord with the provisions of the Framework about the protection of the Green Belt.

Effect on character and appearance

12. In addition to the effect on the Green Belt, the general effect on the character and appearance of the area has to be considered. In the proposal the general bulk of the building would be similar to the existing stables. Further, while a hedge immediately to the rear of the building would be removed in order to open up the aspect from the rear windows, there are other hedges along the boundary with the road frontage which help screen the building and these could be retained by condition. I am therefore satisfied that, Green Belt issues apart, the proposal would not harm the general character and appearance of the area.

Sustainable location

13. The Council says that the site does not lie in a sustainable location and therefore the development does not constitute sustainable development as set out in the Framework. From my observations at the site visit, I agree that the site lies in a remote position away from a settlement with services and facilities. Nor did I see any local means of public transport that would provide a reasonable means of accessibility for the occupiers other than by car. I conclude that the location of the building means that its siting would be isolated and the nature of the conversion to a dwelling mean that it would not
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fall within any of the special circumstances set out in paragraph 55 of the Framework.

Overall balance

14. Bringing together my conclusions on the main issues, I have found that the proposed change of use would be 'inappropriate development' in the Green Belt as the stable block is of relatively recent construction and requires considerable modification and additional building works to make it liveable for the residential use. Further, the domestication and the further expansion of the residential curtilage and provision of a driveway and turning facilities will increase the impact that the building has and cause a reduction in the openness of the Green Belt.
15. Although the proposed residential use would not have a harmful effect on the general character and appearance of the area, I have also found that the site lies in a rural area remote from essential services and facilities. It has not been demonstrated that the occupiers of the dwelling would have reasonable accessibility to these facilities other than by car and I find that the proposed dwelling would not lie in a sustainable location.
16. Balanced with these factors are the benefits that the appellant puts forward in that the proximity of the stable block to his own property would enable him to provide support to his parents with them living close-by. However, these personal circumstances could apply in many other circumstances and sites and are not unique to the appeal site. Accordingly, I conclude that the proposal being inappropriate development in the Green Belt and the harm caused by the effect on openness and the site's location are not clearly outweighed by other considerations and so very special circumstances do not arise.
17. Overall, I find that the proposal does not constitute 'sustainable development' and does not accord with the Framework when this is read as a whole.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR
