
Appeal Decision

Site visit made on 5 July 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 8 September 2016

Appeal Ref: APP/L3245/W/16/3149229
Wood Farm, Myddlewood, Myddle SY4 3RY

- 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 Steve Hammond against the decision of Shropshire Council.
 - The application Ref 16/00244/FUL, dated 20 January 2016, was refused by notice dated 11 March 2016.
 - The development proposed is described as 'change of use of agricultural land to residential curtilage, erection of fencing and hedging to separate 3 residential curtilages, and construction of 2 car ports'.
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Decision

1. The appeal is allowed. Planning permission is granted for the change of use of agricultural land to residential use, erection of fencing and hedging to separate 3 residential properties, and construction of 2 car ports at Wood Farm, Myddlewood, Myddle SY4 3RY in accordance with the terms of the application, Ref 16/00244/FUL, dated 20 January 2016, subject to the attached schedule of conditions.

Procedural Matters

2. The term 'curtilage' used in the description of the proposed development is not a 'use' of land. Therefore, I have employed alternative terminology in this decision.
3. The Council discusses at some length matters of prior approval. It states that there has not yet been a material change of use in relation to the existing buildings. The appellant advises that residential conversion work is under way which I also observed on my site visit. I have no reason to consider that this will not be completed in a timely manner, leading to residential occupation, such that consideration of the appeal on its own merits in relation to 'domestic use' is reasonable.
4. The Council also argues that the prior approval regulations under Class Q include specific limits. This is so, but is solely in the context of what is achievable under prior approval and does not preclude further planning applications in connection with buildings converted via that procedure. Again, it is reasonable for such applications to be considered in the context of the surroundings and nature of the site to which they relate, rather than assume harm from the outset on the basis of the Class Q limits, which do not apply to the subsequent planning application.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host site and the surrounding countryside.

Reasons

6. Wood Farm is located in the Shropshire countryside west of the village of Myddle. It comprises a two storey detached farmhouse and a collection of agricultural outbuildings, mainly of red brick construction with pitched slate roofs. It is encompassed by fields and there are various other farms and residential dwellings in the surrounding agricultural landscape. Two of the outbuildings, being a former dairy and a two-storey granary with single storey stable block attached, have recently gained approval for residential use. The appeal site itself consists of two areas of land, the first being a larger area adjacent to the former dairy and granary/stable buildings and the second a smaller area to the north of the farmhouse.
7. Given that background, it is a reasonable expectation for such individual residential dwellings to have the benefit of a decent-sized garden, storage/tool shed and appropriate car parking facilities, ideally covered, in this rural location. The proposed change of an area of land adjacent to those two buildings to residential use would enable that provision whilst the further area to the north of the farmhouse would replace the car parking area that it is losing.
8. The farmhouse, immediately to the west of the appeal site, is already a residential dwelling with a large domestic garden to the rear. There are a number of other residences in the surrounding area which also have defined garden areas similar in scale to the proposal. So it would not appear out of character in its size. Further, I note from the appellant's Planning, Design and Access Statement, that the area of land on which the gardens are proposed has not always been open land but was once occupied by agricultural buildings which were subsequently removed. Thus the proposed development is not into virgin countryside. According to the appellant, the total area proposed for the change of use is about 0.15 hectares being approximately 5% of the available grazing land and I agree that this would be unlikely to significantly affect the viability of the agricultural use of the remaining farmland.
9. Within that context, the proposal and appeal site is an 'appropriate' site for development within the terms of Policy CS5 of the Local Development Framework: Adopted Core Strategy (March 2011) ('the Core Strategy') which seeks to control development in the countryside and green belt. I also note that CS5 contemplates the conversion of rural buildings albeit in limited circumstances. I consider that the proposed change of use would enhance the quality of the residential dwellings already approved.
10. The proposed erection of fencing and hedging is not specifically referred to in the Council's reasons for refusal and the Officer's report welcomes the proposals. I also conclude that they are necessary and acceptable.
11. The design of the proposed car ports to be constructed in timber with roofs of reclaimed slate and open frontages is not unsympathetic to the overall character of the site and its surroundings. Some of the original buildings, such as the calving shed to the rear of the granary, were of timber construction as is

the existing storage shed. The car ports are to be located some way from the dairy and granary buildings to the north and south respectively. They should be partially screened by the existing hedgerows and proposed boundary treatments. Whilst there is existing parking provision, car ports would potentially reduce the number of parked vehicles visible on the appeal site from the surrounding countryside.

12. A public right of way runs through Wood Farm but I do not consider that the proposed changes would appear significant to existing or potential users. Further, the inclusion of integral garden/tool sheds and the car ports themselves should provide storage for much of the 'domestic paraphernalia' that the Council expresses concern about in its reasons for refusal. It would also offer storage for bikes, the use of which would contribute towards the health and well-being aspirations of Policy CS6 of the Core Strategy.
13. Therefore, whilst I note the Council's concerns about the size and appearance of the car ports, garden areas and associated hard standing, I conclude that the proposal will not harm the character and appearance of the existing buildings at Wood Farm or the surrounding countryside. It follows that it does not conflict with the objectives of Policies CS5, CS6 and CS17 of the Core Strategy or MD2 and MD12 of the Site Allocations and Management Development Plan (adopted 17/12/2015) ('the SAMDev Plan') which, amongst other things, aim to protect the countryside and ensure that the scale and design of development reflect and respect local character. I do not see the direct relevance of Policy MD7b of the SAMDev Plan as it deals primarily with permitted development rights, replacement buildings and other agricultural buildings and structures. Consequently, I conclude that the proposal is not contrary to it.
14. With regard to the National Planning Policy Framework's sustainable development imperative, referred to by the Council in their reasons for refusal, the proposal would provide some economic benefit during the construction of the car ports and fencing in employment terms. In the absence of harm to the natural environment it is also in accord with the environmental strand of paragraph 7.

Conditions

15. I have had regard to the various planning conditions that have been suggested by the Council, amending them as necessary in the interests of clarity. For the avoidance of doubt it is appropriate that there is a condition requiring the development to be carried out in accordance with approved plans, though for the sake of certainty I have added the relevant drawing numbers to the Council's suggested condition. A condition in respect of hard and soft landscaping is necessary to ensure the provision, establishment and maintenance of an acceptable standard of landscape in accordance with approved plans. In view of the location of the development within the countryside it is appropriate to limit permitted development rights to maintain the scale, appearance and character of the development and to safeguard the living conditions of adjoining occupiers. I have also included a condition regarding materials to safeguard character and appearance.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathan Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development shall be carried out strictly in accordance with the following approved plans: Location Map; Drawing nos. 14.28_SK01_P (Proposed Site Plan – For Change of Use); 14.28_SK01_P (Proposed Site Plan - For Change of Use Detailing); SK02_P1 (Proposed Workshop/ Car Ports No.1); SK03_P1 (Proposed Workshop/ Car Ports No.2).
- 3) All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation/use of any part of the development hereby approved. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with the same or comparable species, of a size and number as originally approved, by the end of the first available planting season.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any Order revoking or re-enacting that Order with or without modification) no development covered by Parts 1 and 2 shall be carried out without planning permission granted by the Local Planning Authority.
- 5) No development shall commence until details / samples of the materials to be used in the construction of the car ports and fencing hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.