

## Appeal Decision

Site visit made on 8 September 2014

**by Tom Cannon BA DIP TP MRTPI**

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

**Decision date: 22 October 2014**

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**Appeal Ref: APP/L3245/A/14/2217153**

**Cramp Pool Farm, Cramp Pool, Shifnal, Shropshire, TF11 8PE**

- 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 Leslie Fairclough against the decision of Shropshire Council.
  - The application Ref 13/04524/FUL, dated 6 November 2013, was refused by notice dated 6 March 2014.
  - The development proposed is the change of use of agricultural building to residential dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The parties were given the opportunity to comment on the recent High Court decision on Redhill Aerodrome Ltd v SSCLG and others. No comments on the Redhill Judgement have been received from either party. On the 9 October, the Court of Appeal [2014] EWCA Civ 612 overturned the decision of Patterson J on Redhill Aerodrome Ltd v SSCLG and others.

### Main Issues

3. The proposal involves the change of use of an existing agricultural barn to a residential dwelling. The Structural Inspection Report concludes that the building is structurally sound and suitable for conversion, subject to the replacement of the roof and repair works to the walls of the structure. A large timber building to the rear of the barn and open sided lean to element would be demolished to allow for the development. Although the external walls would be clad in sandstone, no extensions are proposed to the existing structure.
4. Therefore, the Council accept, and I agree that the appeal development involves the re-use of a building which is of permanent and substantial construction and preserves the openness of the Green Belt and purposes of including land in the Green Belt. As such, it would fall under one of the exceptions listed in paragraph 90 of the National Planning Policy Framework (the Framework) and would not represent inappropriate development in the Green Belt.
5. Consequently, the main issues in this case are (i) whether the appeal proposal amounts to a sustainable form of development; and (ii) whether a financial contribution in respect of affordable housing is necessary.

## Reasons

### *Sustainability*

6. Cramp Pool Farm is located in the open countryside, to the north-east of Shifnal. It comprises of a two storey sand stone dwelling, various outbuildings and two former agricultural barns which have been converted to residential use, including the property occupied by the appellant, to the north-east of the appeal site. The building to be converted sits centrally within this small complex of buildings and is a concrete block structure with a corrugated sheet roof.
7. The proposed conversion would provide a spacious 3 bedroom property, which has been designed as an independent dwelling to reflect the specific needs of the appellant's father, who has Alzheimer's, and requires support from carers, to cook and provide physical care for him 3 times a day. Additional space would be provided to accommodate visiting family members and occasional overnight stays by carers.
8. The converted building occupies its own independent plot and is separated from the appellant's barn conversion by an existing track, fence and mature planting. An existing dwelling, which is not within the appellant's ownership, is also situated between the building to be converted and the appellant's property, adding to the sense of detachment. Although it has been suggested that the independent access serving the appeal site could be removed, with the proposed unit utilising an alternative means of access through the appellant's property, I have not been provided with details of how this could be achieved. Furthermore, the building is located some distance from the main driveway and parking area serving the appellant's barn conversion, increasing the disconnection between the two plots.
9. I acknowledge the benefits of providing suitable independent living accommodation for the appellant's father within close proximity of family members and the additional support they can offer. However, on the basis of the evidence before me, the scale of accommodation to be provided does not appear to be essential for his daily needs, with the two additional bedrooms required only on an infrequent basis. It is also unclear why three bathrooms and a study are required to serve his regular needs.
10. It has been put to me that the occupation of the proposed dwelling could be restricted by condition or legal agreement, initially to the appellant's father, and subsequently to other family members. However, the proposed conversion would remain long after the submitted personal circumstances cease to exist. I also do not have details of any personal circumstances which could apply to other family members, who may occupy the proposed dwelling in the future.
11. Consequently, the proposed residential unit would be both physically and functionally separate from the appellant's property, and would be of a scale which could not be reasonably considered to be ancillary to the existing dwelling. As such, I conclude that the appeal development would not represent an annex.
12. Policy CS5 of the Shropshire Local Development Framework: Adopted Core Strategy 2011 (CS) advises that, when considering applications for the conversion of rural buildings, equal priority will be given to certain uses, such

as affordable housing to meet local need (including agricultural workers dwellings). As the appeal development does not relate to an agricultural or other essential rural worker, the provision of an independent dwelling restricted to occupation by the appellant's family, will only represent affordable housing to meet local need, if it accords with the qualifying criteria for 'single plot exceptions sites' in the Shropshire Local Development Framework Type and Affordability of Housing Supplementary Planning Document 2012 (SPD).

13. On the basis of the evidence before me, I am unable to establish if the appellant's father is in housing need, or whether he has been unable to identify or afford a suitable alternative home currently available for sale in the local area. Furthermore, although I appreciate the benefits that may be derived from the appellant's father living near to his family, it does not appear from the information provided that he would be dependent on them for his daily care. Therefore, the qualifying criteria for 'single plot exception sites' in the SPD has not been fulfilled and the appeal development would represent an 'open market residential conversion' rather than an affordable house to meet a local need.
14. In such circumstances Policy CS5 of the CS states that open market residential conversions will only be permitted where they respect the heritage asset involved, high standards of sustainability are achieved, and a financial contribution towards the provision of off-site affordable housing is provided. Conversions should also take account of and make a positive contribution to the character of the building and the countryside. This policy is broadly consistent with the Framework's objective to promote sustainable development in rural areas, by locating housing development where it will enhance or maintain the vitality of rural communities, with isolated homes to be avoided, unless there are special circumstances, including where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
15. The appeal building is modern and has no heritage interest. Although the structure would be faced with sandstone and clay roof tiles used to match adjacent properties, due to its extensive footprint and shallow roof pitch, the proposed dwelling would have the appearance of a suburban bungalow. It would therefore conflict with the simple agricultural form of the existing structure, be out of scale and character with other more traditional sandstone buildings at Cramp Pool Farm, and fail to enhance its countryside setting.
16. The site is located in the open countryside over 1 kilometre from the nearest settlement of Shifnal, which is accessed via narrow country lanes with no street lighting or footpaths. I also did not see any evidence during my site visit of any bus routes nearby which connect the site to Shifnal and larger settlements in the area. As such, future occupiers of the dwelling would be reliant on the private car to access essential facilities. These factors weigh against the sustainability credentials of the development.
17. The scheme may provide some minor social and economic benefits to the local community, if local tradesmen are employed in the construction of the dwelling, and the occupiers utilise goods and services in the area. Although I have not been provided with sufficient detail to be able to establish whether or not the Council has a 5 year supply of deliverable housing, the provision of an additional dwelling will also contribute towards housing supply in the area. This would represent a further economic and social gain. I also accept that the

personal circumstances of the appellant's father also weigh in favour of the proposed.

18. However, in considering what is sustainable development the Framework should be taken as a whole. In this case, the benefits of the appeal scheme are substantially and demonstrably outweighed by the adverse environmental harm that would result to the character and appearance of the building and countryside, and the sites unsustainable, isolated location. For these reasons, the appeal proposal does not amount to a sustainable form of development and would be contrary to Policies CS1 and CS5 of the CS and the overarching sustainability objectives of the Framework.

*Affordable housing*

19. Policies CS5 and CS11 of the CS require all open market dwellings to provide a contribution towards the provision of local needs affordable housing. Whilst the appellant has expressed a willingness to enter into a Section 106 Legal Agreement to this effect, I do not have a completed planning obligation before me. Therefore, as a financial contribution for affordable housing is required to make the development acceptable, the appeal proposal conflicts with Policies CS5 and CS11 of the CS.

**Conclusion**

20. Accordingly, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*T Cannon*

INSPECTOR