

APPEAL BY MS ALEKSANDRA TOSEVA AGAINST THE DECISION OF THE BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR A BARN CONVERSION TO FORM TWO MARKET DWELLINGS, REGULARISATION APPLICATION FOR ROOF HEIGHT, ONE ADDITIONAL WINDOW AND ALTERATION TO HEIGHT OF 6 WINDOWS (ORIGINAL PLANNING APPROVAL 13/00755/FUL) AT MOSS HOUSE FARM, EARDLEYEND ROAD, NEWCASTLE-UNDER-LYME

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| <u>Application Number</u> | 17/00326/FUL |
| <u>LPA's Decision</u> | Refused under delegated authority 6th October 2017 |
| <u>Appeal Decision</u> | Appeal dismissed |
| <u>Date of Appeal Decision</u> | 11th June 2018 |

The Appeal Decision

The Inspector identified the main issues to be:

- Whether the development as proposed is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the development.

In dismissing the appeal the Inspector made the following comments:-

Inappropriate development

- The appeal site comprises a former agricultural barn located in the Green Belt. Following an appeal, planning permission was granted in August 2014 for the conversion of the part of the barn that is the subject of this appeal to two dwellings (Ref. 13/00755/FUL) and planning permission was granted by the Council for the adjacent linked barns to be converted to holiday accommodation (Ref. 13/00754/FUL). The Council had no concerns regarding the structural condition of the barn with the application supported by a structural report.
- Policies of the Local Plan allow for the conversion of rural buildings for living accommodation subject to various criteria including that convincing evidence must be produced that the superstructure of the buildings is of permanent and sound construction and that reconstruction, extension or substantial alteration is not required. Paragraph 90 of the Framework states that the re-use of buildings is not inappropriate in the Green Belt provided that the buildings are of permanent and substantial construction.
- It is clear from evidence and from a site visit that a significant proportion of the barn has been reconstructed with all the external walls and the roof having been rebuilt and therefore, the barn was not of permanent and substantial construction prior to the re-building works.
- The development is inappropriate development in the Green Belt which is by definition harmful to it. Substantial weight is attached to this harm to the Green Belt.
- Regard has been had to the two cases referred to in the appellant's rebuttal statement but neither is considered directly comparable to this appeal case and therefore limited weight is attached to these cases.

Other considerations

- It is acknowledged that the appearance of the partly reconstructed barn as shown on the submitted plans would be similar to the appearance of the barn as previously

approved however this would not be a benefit but rather would be a neutral factor and limited weight is attached to this consideration.

- The appellant states that the retention of the building as proposed would be a significant improvement in visual terms when compared with the alternative of a partly constructed building with no useful function should the elements of rebuilding be required to be removed by way of enforcement action. She also states that this would also be likely to have an adverse impact on the successful use and beneficial occupation of the approved holiday lets. Whilst it seems likely that some changes would be required to the building following the dismissal of this appeal, it is unclear exactly what changes would be necessary, whether the Council would pursue enforcement action and if so, the implications of any such action. Consequently it is considered that there is insufficient evidence to demonstrate that refusal of permission for the development proposed would result in visual harm or that it would prejudice the provision of the previously approved holiday accommodation and therefore limited weight is attached to this consideration.
- Whilst the provision of two dwellings would make a modest contribution to the Council's housing supply and that residential use of the barn would contribute to the local economy through additional retail and leisure spending, moderate weight is attached to this consideration.
- The circumstances surrounding the application including the works carried out by a previous builder, the delays experienced in discharging conditions attached to the previous permission and to the apparent structural deterioration of the building over time do not justify the granting of permission for inappropriate development in the Green Belt and limited weight is attached to his consideration.

Conclusion

- The development is inappropriate development and substantial weight is attached to this harm to the Green Belt.
- The development would bring some moderate social and economic benefits by contributing to the Council's housing supply and to the local economy and the resultant barn would be similar in appearance to that previously approved. There is insufficient evidence to demonstrate that visual harm would result should permission be refused for the development proposed and only limited weight is attached to the circumstances leading to the application that is the subject of this appeal.
- The other considerations in this case do not clearly outweigh the harm that has been identified and consequently the very special circumstances necessary to justify the development do not exist.
- The development is contrary to relevant paragraphs of the Framework and the Local Plan which seek to protect the Green Belt and to ensure that buildings that are to be converted are of permanent and substantial construction and do not require reconstruction.
- The appeal should be dismissed.

Recommendation

That the appeal decision be noted.