



## Appeal Decision

Site visit made on 22 June 2020

by **Gareth Wildgoose BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2020

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**Appeal Ref: APP/M2325/W/20/3247500**

**Swallows Rest Barn, Thistleton Road, Thistleton, Preston PR4 3XA**

- 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 Ms P Stevens against the decision of Fylde Borough Council.
  - The application Ref 19/0876, dated 20 November 2019, was refused by notice dated 7 February 2020.
  - The development proposed is 'change of use of part of existing stables to create one, three-bed dwelling with attached stables including associated external alterations to building, front porch extension and construction of entrance gate across access from Thistleton Road'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development provided by the application form has been updated by subsequent documents. I have adopted the description of development given by the appeal form accordingly as it is precise and accurate with respect to the proposal before me.
3. A caravan was located within the appeal site at the time of my visit. However, there is no evidence before me with respect to its planning status and as it is not included on the submitted plans it does not form part of this appeal.

### Main Issues

4. The main issues are:
  - whether the development proposed would be consistent with the objectives of local and national planning policies relating to housing in rural areas, and;
  - the effect on the character and appearance of the area.

### Reasons

#### *Housing in rural areas*

5. Swallows Rest Barn consists of an existing building that is currently in use as stables and lies within a parcel of land that is subdivided from largely open land to the rear. It has its own gated vehicular access from Thistleton Road which adjoins the shared boundary with Swallows Rest, a residential dwelling that forms part of a cluster of buildings with Smithy House Farm in an otherwise open rural setting. The site and neighbouring buildings lie within a Countryside

Area as designated on the Policies Map of the Fylde Local Plan to 2032 (LP), adopted October 2018, and are separated from the main village envelope of Thistleton and its Conservation Area by open fields to the north.

6. Policy GD4 of the LP indicates that development in the countryside will be limited to a specified list of development types under Parts a) to f). The applicant has not sought to justify compliance with Part a) in so far as it permits development that is needed for agriculture, horticulture or forestry; or other uses appropriate to a rural area, including uses which would help to diversify the rural economy. The proposal also does not seek to justify that it is essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside as listed at Part d). Furthermore, the proposal would not fall wholly within Part c) which permits extensions to existing dwellings and other buildings, as it includes a change of use of part of the building together with the proposed addition of a porch / boot room to the front.
7. There are similarities in the above criteria of Policy GD4 of the LP with paragraphs 79 and 83 of the National Planning Policy Framework (the Framework) relative to circumstances where isolated new homes in the countryside are permitted and its encouragement for sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. In that regard, to my mind, the proposed dwelling would not be an isolated new home in the countryside for the purposes of assessment against Policy GD4 Part e) as it is not remote from the built envelope of Thistleton and it is in close proximity to Swallows Rest and Smithy House Farm. Nonetheless, it is reasonable that the Framework in seeking recognition of the intrinsic character and beauty of the countryside in its paragraph 170, allows for restrictions on residential development in locations that are not isolated in rural areas such as that proposed. The approach of Policy GD4 is, therefore, consistent with national policy.
8. When taking account of all of the above and the evidence before me, Part b) of Policy GD4 is of most relevance to the proposal in this case. In that respect, Part b) permits the re-use or rehabilitation of existing permanent and substantial buildings, whilst paragraph 7.15 of the LP refers to 'the re-use of substantial brick or stone buildings, which are structurally sound...'. The Council have expressed specific concerns that the existing building fails to meet the definition in Part b).
9. At the time of my visit, the single storey building was partly in use as stables, with commensurate form and openings on the front, rear and side elevations, together with some visible areas of storage and a WC. The main structure of the existing building comprises a steel portal frame with four bays, a red brick retaining wall to the front elevation, a breeze block retaining wall at the rear gable end, breeze block infill retaining walls to the lower sections of each side elevation, and a concrete slab base. The pitched roof structure has a corrugated sheet covering which overhangs the side walls and includes rooflights at regular intervals. It is supported by the portal frame and rafters with apex connections and timber purlins running between. Vertical timber cladding boards on the side elevations are mounted closely together on rails that are attached to the main portal frame to provide some weatherproofing above and beyond the retaining walls and below the roof. The existing building has main openings with sliding doors on the front and rear elevations, together

with further openings in the timber boarding on the side elevations and an additional timber lean-to used for storage attached to the northern side.

10. In seeking to justify compliance with Policy GD4 of the LP. The appellant has provided a 'Structural Condition Survey for Conversion to Dwelling' which was prepared by a Chartered Civil Engineer. The report provides a description of the building, an assessment of its structural condition at the time of an internal and external visual survey on 11 November 2019 and an appraisal of its suitability for conversion relative to the proposals before me as appended to the document. The report concludes that the building is in a reasonable structural condition and is considered suitable for conversion relative to methods and options it sets out.
11. Having regard to the above and based upon observations during my visit, there were no obvious differences of the condition of the building relative to those noted in the structural report. I observed that the steel portal frame was in good condition with only limited rust and that brick and blockwork walls are aligned with no noticeable weaknesses or evident structural movement. The timber purlins and cladding were in reasonable condition with no evident rot. The visible sections of the concrete floor also appeared to be in good condition.
12. Turning to the proposal itself, the building has been in-situ for a significant number of years based on the planning history and has a degree of permanence when taking account of the current condition of its steel frame and floor slab, together with the extent of retaining walls to the gable ends and the presence of infill retaining walls to the side elevations. Furthermore, I am aware that buildings with sections of timber cladding are not an uncommon form of residential accommodation. However, in this case, the proposal would involve the removal of the existing timber cladding on the side elevations and its roof covering, which based on the materials identified in the application form, would be replaced with new timber cladding and a tile roof. As part of the alterations, the structural condition survey also indicates that it is likely that the existing timber purlins would need to be replaced with metal Z purlins.
13. To my mind, the extent of such works to the side walls and roof structure reflects significant reconstruction which taken together indicates that the existing materials used are not substantial or structurally suitable for conversion to a residential use. Such a finding is also supported by my own observations during my visit of warning signs on the side of the existing building indicating a "fragile roof". The report also mentions the possibility of the need for additional foundations if the existing concrete slab is not structurally adequate, which further calls into question the structural suitability of the existing building for the proposed conversion.
14. With regard to the above, extensive internal works are also proposed. Those works would include an inner skin to the existing external blockwork to provide an insulated cavity wall and use of blockwork or structurally insulated panels to form new internal and loadbearing walls. The additions would be structurally independent of the existing steel trusses to take the loading from a new floor and ceiling structures, including a new first floor area. Such internal works may be capable of falling within Section 55(2)(a) of the Town and Country Planning Act 1990 so as not to be taken to involve development of land. However, the structural condition report suggests that the works would need to be carefully sequenced to avoid adding loading to the existing structure. Recommendations

- and precautions of that nature in terms of internal works proposed to take place as part of a conversion of the building only serves to support my judgment that, as a matter of fact and degree, the existing upper sections of side walls and roof structure fall below the threshold of a reasonable definition of a substantial and permanent construction. Consequently, when taken as a whole, I consider that the existing building does not fall within the requirements of Policy GD4 Part b) of a permanent and substantial building so as to be suitable for re-use or rehabilitation as residential accommodation.
15. Further to the above, even if the proposal is alternatively considered as akin to the construction of a new dwelling within the portal frame structure and walls to be retained, it would fall outside of 'minor infill development' for the purposes of Part f) of the policy. In that respect, whilst a new single dwelling would reasonably fall within the definition of 'minor' development, the building is located to the north of Swallows Rest but otherwise surrounded by open fields to all other aspects with other buildings some distance beyond. Consequently, the proposal would not infill a gap in a group of buildings or in an otherwise built-up frontage, and therefore, is not infill development as required by Part f) of Policy GD4 of the LP.
16. In reaching the above findings, I have taken into account that a letter from the structural engineer accompanying the appeal refers to similar buildings in Lancashire for which he prepared reports where planning permission has been granted for conversion to residential use. However, the specific details of those projects are not before me and therefore, I cannot be certain that the circumstances which led to planning permission being granted were the same as the existing building and the proposal. The Council has provided copies of appeal decisions<sup>1</sup> elsewhere in the country which they consider justifies their own conclusions, but I note that the condition of those respective buildings and proposed alterations were different to the proposal before me. Consequently, those examples drawn to my attention are not an influential factor on the outcome of this appeal which I have necessarily considered on its own merits having regard to the specific evidence before me and my own observations.
17. Having regard to all of the above, I conclude that the proposal is not consistent with the objectives of policies relating to housing in rural areas, given its failure to meet the requirements of Policy GD4 of the LP and therefore, conflicts with it. The proposal also, therefore, conflicts with Policies S1 and DLF1 of the LP insofar as those policies also restrict development in rural areas to those which would meet the requirements of relevant policies such as Policy GD4.

#### *Character and appearance*

18. The existing building currently has an uncomplicated form and appearance which reflects its rural function and it sits comfortably within its countryside setting between open fields to the north and the group of residential buildings associated with Swallows Rest to the south. The proposal intends to use similar timber cladding to those on the existing side walls and a tile roof in seeking to maintain the rural character of the building. Furthermore, the overall form of the main building would be retained which would ensure that some appreciation of its original rural character and function would be maintained.

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<sup>1</sup> Appeal Refs: APP/Y3940/A/10/2129919 & APP/L3245/W/15/3132598

19. Notwithstanding the above, the submitted plans include the replacement of the existing opening on the front elevation with a large window. An adjacent single storey gable fronted extension would also be added to provide an entrance porch and would replace a more modest existing kennel lean-to structure comprising mesh style walls and monopitch roof. In addition, a further large window with significant proportions and a vertical emphasis would be added to the northern side elevation. Those alterations to the front section of the building and the extension, when taken together, would significantly alter its appearance through the introduction of prominent and discordant features which would visually contrast with and erode the rural simplicity of the remainder of the building that is to be retained as stables.
20. The aforementioned extension and alterations would be visible from public vantage points along Thistleton Road at the access point and through gaps in hedging when approaching from the north. From those perspectives, although the setback position of the building from the road edge reduces its prominence, the proposed alterations and extension would appear incongruous in the rural setting. This would be particularly evident given the visual contrast of the profile of the porch extension and a large suburban style window on the northern side elevation when compared with the rural simplicity and character of the smaller openings and timber lean-to to be retained. The resultant visual effect would appear incompatible and would unacceptably erode the character and appearance of the existing building in its rural setting, despite the proposed use of matching brick and tile materials for the extension. The possibility of additional landscaping within the site, including construction of entrance gates, would have the potential to soften and reduce the prominence of the alterations and extension on the front elevation and any domestic paraphernalia when approaching from the access. However, the confined space between the northern side elevation and the boundary with the adjacent field, limits the potential for landscaping to that aspect. I, therefore, consider that the provision of additional landscaping would not overcome the harm identified.
21. In reaching the above findings, I have taken into account that the building lies adjacent to Swallows Rest, an existing residential property, which is visible as a backdrop to the site above a mix of boundary hedging and fencing. However, the presence of nearby residential dwellings does not justify the harm that would arise from the development proposed. There are other examples of conversions of rural buildings along Thistleton Road further to the north and beyond the open fields, including some examples of large windows with significant proportions and a vertical emphasis. However, the full circumstances which led to those developments being accepted are not before me. In any case, the examples that I observed formed part of full conversions of rural buildings with an associated harmony and coherence of fenestration design that differs from the proposal before me. Consequently, the examples of other rural building conversions nearby are not justification for the harm that would arise from the proposal.
22. I conclude that the development would have an unacceptable and harmful effect upon the character and appearance of the area. The proposal, therefore, conflicts with Policy GD7 of the LP insofar as it seeks, amongst other things, that the design, materials, architectural character and proportion of development relate well to the surrounding context and local distinctiveness. It would also be contrary to the Framework which seeks recognition for the intrinsic character and beauty of the countryside.

## **Other Matters**

23. The appellant has not sought to dispute housing supply matters and in the absence of any contrary evidence, I have no reason to conclude that the Council could not demonstrate a deliverable five-year supply of housing. Nonetheless, the development would make a positive contribution to the supply of housing in Fylde. Furthermore, the proposal would also have benefits to the local area through support for local services and facilities. There would also be temporary economic benefits with respect to the necessary construction works associated with the development. However, the benefits in those respects can be afforded only limited weight based on the scale of development proposed and do not outweigh the harm and conflict with LP policies previously identified.
24. The proposal would utilise an existing access point which is a safe and acceptable highway solution for any limited increase in traffic and parking demand that could arise from the use of part of the existing building for residential purposes. The position of the proposed gates and gravel surfacing, together with the turning and parking areas within the site would provide suitable arrangements to avoid any impact on highway safety. Furthermore, the separation distance to Swallows Rest and shared boundary treatments are sufficient to ensure a suitable living environment for the occupiers of the neighbouring property and the development in terms of light, outlook and privacy. It has also been drawn to my attention that there are no objections from consultees and that any potential impacts in terms of ecology and biodiversity or drainage could be suitably overcome by conditions. However, the absence of concern in those respects does not justify the harm and associated conflict with the LP and the Framework that I have identified.
25. With regard to the relationship between the proposed dwelling and the stables to be retained, the Council have indicated that the close proximity between the uses would ordinarily have the potential for an unacceptable impact on the living conditions of future occupiers of the dwelling due to odours and other disturbance. In this case and based on the evidence before me, I have some reservations about the suitability of such matters being overcome by imposing a condition for the occupation of the residential accommodation to be tied to the equestrian use, given the absence of evidence of a demonstrable need for accommodation for a rural worker to support it or to secure the welfare of the horses to be stabled. However, it is not necessary that I pursue that matter further as I have found the proposal to be unacceptable for other reasons which necessitate dismissal of this appeal.

## **Conclusion**

26. For the reasons given above and taking all other matters into consideration, I conclude that the appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR