



Appeal Decision

Site visit made on 26 July 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st August 2022

Appeal Ref: APP/R3325/W/22/3292505

Barn at Mill Farm, Mill Lane, Dinnington, Somerset TA17 8SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr and Mrs Lane against the decision of South Somerset District Council.
 - The application Ref 21/02841/PAMB, dated 14 September 2021, was refused by notice dated 10 November 2021.
 - The development proposed is prior approval for the conversion of an agricultural building into two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site from the Appeal Form, which more clearly describes the site than that used on the Application Form.
3. Planning permission reference 18/00421/FUL (the previous permission) was granted in September 2018 for alterations, extension and conversion of a barn adjacent to the appeal barn, to form a dwelling. It also permitted the erection of a garage and new agricultural building partly on the site of the appeal barn. Amongst other things, condition 4 of the previous permission states that existing buildings shown on approved drawing P-101B, including the appeal barn, shall be demolished prior to the dwelling it approved being first occupied.
4. The appellant seeks to convert the appeal barn into two dwellings under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). The application includes details of both the change of use and the building operations proposed.

Main Issues

5. The Council's Officer Report describes the design and external appearance of the building as being acceptable. However, the Council has subsequently acknowledged that this was an error, and the Decision Notice refers to the design of the proposal as being out of keeping with the character of the area.
6. Therefore, the main issues are:

- Whether the previous permission precludes the appellant from exercising permitted development rights under Schedule 2, Part 3, Class Q of the GPDO in respect of the appeal barn, or would be undesirable under Part 3 Class Q, Paragraph Q.2.(1)(e) and
- The effect of the design of the proposal on the character and appearance of the area.

Reasons

Whether permitted development rights can be exercised

7. Some demolition of the buildings shown on drawing P-101B has already taken place, excluding the appeal barn which remains in situ. The time limit for commencement of the previous permission has lapsed but, as a result of the demolition, the appellants believe that the previous permission has been implemented, and I see no reason to disagree.
8. The previous permission does not remove permitted development rights under Schedule 2, Part 3, Class Q of the GPDO and condition 4 only requires demolition of the appeal barn before occupation of the dwelling it approved. Few, if any, works to the building approved for residential use have taken place, and occupation of the dwelling has not occurred. As a result, the requirements of condition 4 have not been engaged.
9. The appeal proposal and the previous permission, as approved, cannot be both undertaken together because they partially cover the same land. However, were I to give prior approval for the appeal proposal, it would be open to the appellant to decide which permission to progress, or to seek to amend the previous permission to allow both schemes to take place.
10. It would be for the Council to determine any future application, but I consider that, of itself, the previous permission does not preclude the appellant from exercising permitted development rights under Schedule 2, Part 3, Class Q of the GPDO in respect of the appeal barn. For the same reasons, the proposal would not be undesirable under Part 3 Class Q, Paragraph Q.2.(1)(e).

Character and Appearance

11. The barn is located in remote countryside, with an attractive rural, agricultural character. It consists of a modern, utilitarian agricultural structure and the intended design is for a building with a contemporary, simple design reflecting its existing form. To some extent, a changed domestic appearance is inherent to the residential use of such buildings envisaged by the GPDO.
12. However, the proposal includes a great amount of glazing, covering much of the long eastern elevation, together with part of the side elevations. The large extent of the glazing, together with its uniform form, means that it would appear excessive and monolithic. This aspect of its design would jar with the agricultural appearance of the building and of the wider area. Moreover, the effect of the glazing on the eastern elevation in particular would be prominent from both Mill Lane itself and from a public footpath leading from Mill Lane.
13. I therefore consider that the design of the proposal would have a harmful effect on the character and appearance of the area.

Conclusion

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

O Marigold

INSPECTOR