



Appeal Decision

Site visit made on 22 June 2010

by **Julie Dale Clark BA (Hons) MCD DMS**
MRTPI

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

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Decision date:
10 August 2010

Appeal Ref: APP/B2355/A/10/2126708

High Valley Stables, Conway Road, Higher Cloughfold, Rawtenstall, Lancashire

- 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 K Howieson against the decision of Rossendale Borough Council.
- The application Ref 2010/0041, dated 20 January 2010, was refused by notice dated 7 April 2010.
- The development proposed is change of use of former equestrian building to dwelling.

Procedural Matters

1. Since the submission of this appeal a revised Planning Policy Statement 3 (PPS3) Housing has been published and the Regional Strategies have been revoked. The views of the Council and the appellant have been sought on these matters and their comments have been considered as part of my assessment of the appeal.

Decision

2. I dismiss the appeal.

Main issues

3. I consider that the main issues are:-
 - the appropriateness of the conversion of this rural building to residential use, having regard to local and national policies;
 - whether the introduction of a dwelling in the countryside would be consistent with local and national policies, having regard to the Council's ability to manage the supply of housing land;
 - the effect of the detailed design of the conversion on the character and appearance of the area;
 - the effect on protected species.

Reasons

4. The stables, ménage and septic tank were constructed sometime after planning permission was granted in 2002 although the plans submitted with the appeal documents for the approved stables differs from the building on site now. It seems the approved details comprised a mix of steel sheeting and stonework to
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the walls but the building now has stone walls with corrugated steel sheeting to the roof only. The stables and ménage are no longer in use and the building stands empty.

Appropriateness for conversion to a dwelling

5. National guidance in Planning Policy Statement 4: *Planning for Sustainable Economic Growth* (PPS4) supports the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development (policy EC6). However, whilst the re-use of buildings in the countryside for economic development purposes will usually be preferable, residential conversions may be more appropriate in some locations and for some types of building (policy EC12).
6. Policy DS.1 of the Rossendale District Local Plan (LP) establishes that the Council will seek to locate most new development within the defined urban boundary. Outside the urban boundary policy DS.5 restricts development to that needed for agriculture, forestry or other uses appropriate to a rural area or the rehabilitation and re-use of buildings which complies with policy DC. 1 (C.6 is also referred to but has not been saved and so no longer is relevant). DC.1 lists a general set of development criteria. The Council has adopted a Supplementary Planning Document (SPD) *Conversion and Re-Use of Buildings in the Countryside* dated February 2010 which expands on the Local Plan policies.
7. The SPD sets out criteria for conversion of rural buildings (in paragraph 4.1) and further criteria for conversion for residential use (in paragraph 4.2). Included is that every reasonable attempt has been made to secure business/commercial re-use and that these uses are not viable. Alternatively, if it can be proven that there is a need to provide accommodation for an agricultural or forestry worker there is no need to consider whether the building is suitable for a business use.
8. The SPD advises that evidence should be presented of the efforts that have been made to secure business re-use during the previous 12 month period. It suggests that evidence could include conversion costs for employment versus residential use; estimated yield of commercial uses and projected eventual income; marketing history of the building for employment uses of no less than 6 months; and a list of other vacant / available purpose-built and converted premises in the area with better proximity to local centres and services for both residential and employment uses.
9. A letter from a local estate agent states that the premises have been actively marketed for business / commercial use and for stabling since October 2009 (letter dated 14 January 2010). A later letter states that marketing continued for six months (letter dated 20 April 2010). The agent states that the access is via an unadopted track, it is remote from the town centre and the main commercial areas of the Borough and it has little to attract it for general business or commercial purposes, particularly when there are more accessible properties on the market in the areas town centres. As such no formal offers have been made.
10. The estate agent's first letter sets out that the site has been advertised in its Rawtenstall branch and 5 other north Manchester outlets, it has been listed on

the company's web site and associated portals including 'Rightmove', and advertised in the Rossendale Free Press. As no formal offers have been made for commercial or business use the agent considers that there is no commercial return and therefore conversion costs would be unviable. Together with the estate agent's letter, the appellant has included press adverts from a local paper dated 6 November 2009 and 5 March 2010 together with the sales particulars.

11. The sales particulars advertise the site as an equestrian centre including a modern barn, stabling for 11 horses, a ménage and 8 acres of grazing land. There is no mention of an alternative employment use. Furthermore, the estate agents second letter states that 10 people have inspected the site (one person twice) and lists the number of times that the web site has been visited and details downloaded. However, there is no analysis as to why the building was not suitable to those who visited it. Furthermore, the marketing report concludes that as there have been no offers for commercial or business uses there is no commercial return and any such conversion costs would be unviable. However, this is a modern building that could be suitable for a number of uses although I note that the location and access of the stables may prove restrictive for some commercial uses. Also, reference is made to better located sites but no information has been submitted about them.
12. In conclusion on this issue, I do not consider that the appellant's case is sufficiently robust. The SPD is a recently approved document and whilst it does not preclude conversions of rural building to residential use it is consistent with national policy that supports economic development. On the basis of the information before me I am not convinced that the most appropriate use of this rural building is residential.

Location of a dwelling / Housing land provision

13. The appeal site is located within the countryside and as discussed above policy DS. 5 restricts development outside the urban boundary although in some circumstances it accepts the re-use of buildings. The Council has also produced an Interim Housing Policy Statement, dated May 2010. This has been produced to provide guidance on how the Council intends to manage the release of housing land prior to the adoption of its Local Development Framework (LDF). This updates an earlier Interim Housing Policy Statement dated July 2008. The Interim Policy Statement follows the thrust of LP policy DS.5 in terms of restricting new residential development outside the urban boundary of settlements in Rossendale for agricultural or forestry workers and also for affordable or supported housing.
14. The appellant argues that the Council has not got a five year supply of housing land as required by PPS3. The actual provision required was set out in the North West of England Regional Spatial Strategy to 2021 but Regional Strategies have now been revoked. The Council indicates that it monitors its supply through the LDF Annual Monitoring Report and its housing targets have been consulted on as part of the Core Strategy consultation process.
15. However, whether the Council has a five year supply of housing land is not, in my view, a determining factor in this case, at this time. Whilst I have considered this as a material consideration, the proposal would be for just one

dwelling and I do not consider that it would undermine the Council's ability to plan, monitor and manage its supply of housing across the Borough in accordance with PPS3.

16. The site is outside the urban area and there is no suggestion that the dwelling would accommodate agricultural or forestry workers or provide affordable and/or supported housing. However, the Interim Housing Policy Statement accepts that small scale Greenfield proposals will be considered and supported on their merits in appropriate and sustainable locations. Although this site is outside a settlement, the Council has not argued its unsustainability. Furthermore, as discussed above, the Council's SPD accepts conversion of rural buildings subject to establishing that a non-residential use is not needed or unviable.
17. In conclusion on this issue, whilst the proposal would introduce a dwelling in the countryside I do not consider that it would be inconsistent with local and national policies in terms of the Council's ability to manage the supply of housing land. Furthermore, I do not consider that it would set any kind of precedent for new dwellings in the countryside.

Character and appearance of the area / Design

18. LP policy DC.1 establishes that, in general, the Council will expect all development proposals to provide a high standard of building and landscape design, contribute to environmental quality and not be detrimental to existing conditions in the surrounding area. A set of criteria are listed against which development will be assessed which includes amongst other things, visual appearance and relation to surroundings. The SPD for the conversion and re-use of buildings in the countryside provides some advice on details such as window openings.
19. The building was constructed relatively recently i.e. sometime after planning permission was granted for stables in 2002. It is a simple single storey stable building. The proposed conversion introduces a number of uniform window openings, most notably in the west and east elevations. The resulting building would appear as a fairly traditional bungalow with little reference to its original function. I accept that as a fairly modern building it lacks any special features that an older more traditional rural building may display and I also note that surrounding land levels restrict views of the building. However, given this rural location I consider that the character and appearance of the area would be harmed by introducing a building that paid little respect to its original function. As such this would conflict with LP policy DC.1 and the SPD.

Protected species / Bats

20. The Council has included the lack of an appropriate bat survey as a reason for refusal. Bats are a protected species under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994. Planning Policy Statement 9: *Biodiversity and Geological Conservation* (PPS9) sets out national policy for, amongst other things, protected species.
21. A report was submitted with the planning application but there is no indication as to the relevant qualifications of its writer and other than to state that there are no signs of bats it provides little information about the potential for their

presence. It mainly sets out the legislative position and general information about bats.

22. The appellant has not made it clear why an appropriate bat survey has not been submitted but on the other hand the Council has not indicated why in this case a bat survey is required. The Good Practice Guide to PPS9 provides guidance for species surveys which in some cases can be dealt with by a condition or a planning obligation accompanying a planning approval whilst in other cases a survey(s) is required prior to the determination of a planning application.
23. I have considered this issue in the light of Circular 11/95 *The use of conditions in planning permissions*. On the basis of the evidence before me, there is nothing that convinces me that the lack of an appropriate survey is a justifiable ground for refusal. In my view, a condition could ensure appropriate surveys and any resulting mitigation be carried out prior to the commencement of any work and at the right time of year, in accordance with PPS9. This would ensure that there would not be a harmful effect on protected species.

Other Matters

24. The appellant has submitted a considerable amount of information about other planning applications and appeals that have involved some of the issues I have raised above. I have considered these and all other matters raised but non cause me to alter my conclusion.

Conclusion

25. I have found that the issue of housing land supply and the Council's ability to manage it in terms of the location of development is not a determining factor in this case. I have also found no compelling reason why planning permission should be withheld due to the lack of an appropriate bat survey. I have found that due to little regard having been paid to the original function and appearance of the building, the design of the conversion would be harmful to the character and appearance of the countryside. Also, whilst I accept that some marketing has been carried out I do not consider that a sufficiently robust case has been put forward to allow the conversion of this rural building to a residential use as opposed to an economic one. As such I conclude that the proposal would conflict with local and national policies as set out above.

J D Clark

INSPECTOR

