



Appeal Decision

Site visit made on 6 March 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2024

Appeal Ref: APP/Z0923/W/23/3323242

Spout House, Sandwith, Cumbria CA28 9UG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Roy Fowler against the decision of Cumberland Council.
 - The application Ref is 4/23/2046/0F1.
 - The development proposed is Conversion of a domestic garage/store to a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for Conversion of a domestic garage/store to a dwelling at Spout House, Sandwith, Cumbria, CA28 9UG, in accordance with the terms of the application, Ref 4/23/2046/0F1, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Although Copeland Borough Council has been replaced by Cumberland Council, this has not changed the status of the adopted local plan for the area.
3. The Council has advised that the emerging Copeland Local Plan 2021-2038 Publication Draft January 2022 (ELP) has been subject to an independent examination by an Inspector. The ELP is therefore at an advanced stage and so some weight can be given to these policies.

Main Issues

4. The main issues are (a) whether the building is suitable for conversion, with particular regard to its construction and appearance, and (b) if it is suitable for conversion, whether this would be an appropriate location for the proposal, given its level of accessibility.

Reasons

Whether the building is suitable for conversion

5. The appeal site lies within the village of Sandwith, which is not identified within the settlement hierarchy of Policy ST2 of the Copeland Local Plan 2013-2028, Core Strategy and Development Management Policies, Adopted December 2013 (LP), and so it is within the open countryside. ELP Policy DS3PU does not propose any change to this status. In the open countryside, LP Policy ST2 restricts development to that which has a proven requirement for such a location, including the conversion of rural buildings to residential use. ELP Policy DS4PU seeks to restrict development outside of settlement boundaries defined in the settlement hierarchy, an exception being the conversion of rural buildings to residential use.

6. LP Policy DM15A and ELP Policy H17PU are specific to the conversion of rural buildings for residential use. Both support the conversion of rural buildings in the open countryside, subject to a number of criteria. The Council indicates that the appeal scheme conflicts with LP Policy DM15A d), which requires that the building proposed for conversion in its existing form, is of a traditional construction and appearance and the proposed conversion works conserve the essential character of the building and its surroundings. The Council also highlights conflict with ELP Policy H17PU a), which requires that the building proposed for conversion is redundant or disused, is of a traditional design and the proposal would not have an adverse effect on the historic environment, the character of the local landscape or its setting.
7. The Council's Officer Report indicates that criteria d) of LP Policy DM15 seeks to ensure that traditional rural buildings are retained due to their attractiveness, craftsmanship, historic interest and as a reminder of the areas agricultural heritage. However, from the documents available to me, it does not appear that this interpretation is provided in the wording of the policy itself, or within its supporting text. Nor have I been provided with a definition of what constitutes traditional construction or appearance. As such, this is a matter of planning judgement.
8. The appeal scheme relates to a domestic outbuilding that adjoins other similar outbuildings. It has a simple form, with the appearance of a domestic garage. External materials include rendered walls and a tiled roof, with the external area bound by a low stone wall. Internally, I noted the use of blockwork to some walls, but other walls were not exposed and so their materials could not be identified. The adjoining outbuilding has a slate roof and has stone to the east elevation, while its western elevation is externally rendered.
9. The Council suggests that the building dates from the late 20th century, following the grant of planning permission for a garage in blockwork, render and concrete tiles. These materials are consistent with some of those I was able to observe at my site visit. However, the grant of planning permission is not a guarantee of its implementation, and I have not been provided with the approved plans relating to this planning permission¹ so as to allow a comparison of the approved scheme and the building in situ. Nor have I been provided with any other evidence of its implementation.
10. A Visual Structural Inspection report by a civil and structural engineer has been provided, which suggests that the building is over 100 years old, formed in random stone and block masonry, with a traditional timber roof. The appellant's planning statement also indicates that the building is of traditional construction, albeit quoting somewhat contradictory information in terms of the use of brick. The Council's Officer's Report (OR) indicates that the agent for an earlier application for permission to convert the building, confirmed that the building had been repaired with blockwork, render, and a tiled roof.
11. While some modern materials are apparent, the full extent of their use is not clear. The building retains a consistent form with adjoining outbuildings, which appear to be of some age, noting the stone and slate materials evident. The structural report has been prepared by a qualified professional and so I find the conclusions relating to the age of the appeal building and the traditional timber roof to be persuasive. As such, the evidence before me is not conclusive that

¹ Reference 4/95/0276/0.

this is a building of entirely modern construction. It appears capable of being an older building of traditional construction and materials that has undergone some renovation.

12. The proposed conversion would retain the simple form of the existing building, which is consistent with those it adjoins. Proposed changes to the external fenestration would not notably alter the appearance of the existing building and these changes are not inconsistent with the appearance of surrounding development. When viewed in context with the surrounding built form in this part of the village, the proposed conversion would not be out of character in terms of either its form, design or materials. Consequently, the proposal would conserve the character of the existing building and its setting, as required by criteria d) of LP Policy DM15A. It would not adversely affect the historic environment, the character of the local landscape or its setting as required by criteria a) of ELP Policy H17PU.
13. Based on the available evidence, I consider that the building is suitable for conversion, with particular regard to its construction and appearance. The proposal would comply with LP Policies ST2 and DM15A, the purposes of which have been set out above.
14. As I have concluded that the proposal would not be contrary to LP Policy DM15A based on the specific circumstances of this case, allowing the appeal would not set a precedent for the conversion of any form of building within the area, and it would not be at odds with the Council's development strategy.
15. While not afforded full weight at this stage, the proposal would also comply with ELP Policies DS4PU and H17PU. Although ELP Policy H13PU is referenced in refusal reason 2 of the Council's decision notice, this policy relates to the subdivision of properties within settlement boundaries, and it is silent in relation to traditional construction and design in conversions. Therefore it is not directly relevant to this main issue.

Accessibility

16. With regards to the level of accessibility of this location for the provision of new housing, I have considered the findings of an appeal² relating to a proposal for up to five dwellings on land adjacent to Spout House Stables at Sandwith. Within that decision, it was concluded that future occupants would not have reasonable access to day-to-day services and facilities without a likely high dependency on the private car. That appeal was dismissed.
17. While I do not disagree with those findings relating to the level of accessibility of the village, there are material differences between that previous proposal and the appeal scheme before me. In particular, the former related to new build dwellings, whereas this appeal relates to the conversion of an existing building. Consequently, differing policy considerations apply, most notably LP Policy DM15A, which is of direct relevance to the conversion of a rural building for residential use.
18. With regards to the first main issue, I have concluded differently to the Council and found that the appeal building would be suitable for conversion to residential use. LP Policy DM15A contains specific locational criteria for rural buildings proposed for residential conversion, namely criteria e) which specifies

² Appeal Ref: APP/Z0923/W/22/3305468

that such buildings should be located within or adjacent to a village or existing group of buildings. As the appeal building is located within the village of Sandwith, the locational requirements of LP Policy DM15A are met, and so the proposal would be an appropriate form of development in the countryside.

19. I appreciate that, given the limited range of services and facilities in the village, it is likely that future residents would be reliant on the private car to meet a high proportion of their day-to-day needs. Therefore, there would be conflict with LP Policies ST1 and DM22, insofar as they seek to ensure that new development is accessible, enabling everyone to have good access to jobs, shops, services and recreational and sports facilities, and encouraging development that minimises carbon emissions and the need to travel.
20. However, LP Policy ST1 recognises that environmental objectives can be achieved in a number of ways, including the re-use of existing buildings, which is consistent with Paragraph 124 of the Framework. Further, while Framework paragraph 108 requires active management of growth in order to support opportunities to promote walking, cycling and public transport, Paragraph 109 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
21. Thus, while there would be a reliance on the private car to meet the day to day needs of future occupiers resulting in an identifiable conflict with LP Policies ST1 and DM22, there are other policy provisions of direct relevance, namely LP Policy DM15A, and the locational criteria therein, which provides that this location is suitable when considering proposals for the residential conversion of rural buildings. I therefore conclude that this would be a suitable location for the conversion of a rural building to residential use, with regard to the level of accessibility of the area.
22. The Council's reason for refusal on this matter includes reference to LP policy ST2 and ELP Policies DS3PU and DS4PU. However, as I have not identified any conflict with LP policy DM15A, or ELP Policy H17PU, consequently I do not find any conflict with these strategic policies.

Other Matters

23. The Council indicates that it is able to demonstrate a five-year supply of deliverable housing sites. Nevertheless, it remains a government objective to significantly boost the supply of homes. In this context, the provision of an additional dwelling would make a small but positive contribution to housing supply.

Conditions

24. I have considered the conditions put forward by the Council with reference to the Framework and Planning Practice Guidance. The appellant has had the opportunity to comment.
25. I have imposed a condition which concerns the statutory time limit. In the interests of certainty, I have also imposed a condition concerning the approved plans. A further condition is imposed to secure the implementation and retention of the parking provision as approved, in the interests of highway safety.

26. The appeal scheme was accompanied by a Survey for Bats, Barn Owls and Breeding Birds prepared by Steve Wake, dated November 2022. This recorded some bat activity in the local area, albeit it did not suggest that bats were using the building itself. I have imposed a condition to secure the recommendations/mitigation measures of this survey, to ensure any harm to protected species or their habitat is avoided.

Conclusion

27. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

S Brook

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block Plan, Proposed Floor Plan and elevations drawing number 1 of 2, Block Plan and existing elevations drawing 2 of 2.
- 3) Prior to the first occupation of the development hereby approved, the parking area and driveway as shown on the approved Block Plan and existing elevations drawing 2 of 2, must be fully constructed and made available for use. The parking and driveway shall remain available for use, at all times thereafter.
- 4) The development hereby approved shall be undertaken in accordance with the recommendations/mitigation measures contained within the Survey for Bats, Barn Owls and Breeding Birds, prepared by Steve Wake, dated November 2022. The recommendations/mitigation measures shall be retained thereafter.