



Appeal Decision

Site visit made on 8 January 2019

by **Sarah Manchester BSc (Hons) MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 18th February 2019

Appeal Ref: APP/T2350/D/18/3212869

The Tithe Barn, Station Road, Rimington BB7 4DR

- 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 Woolfall against the decision of Ribble Valley Borough Council.
 - The application Ref 3/2018/0480, dated 16 May 2018, was refused by notice dated 15 August 2018.
 - The development proposed is change of use of agricultural area to allow for the extension of the residential curtilage and first floor extension to the dwelling.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor extension to the dwelling. The appeal is allowed insofar as it relates to the change of use of agricultural area to allow for the extension of the residential curtilage, and planning permission is granted for change of use of agricultural area to allow for the extension of the residential curtilage at The Tithe Barn, Station Road, Rimington BB7 4DR in accordance with the terms of the application ref 3/2018/0480, dated 16 May 2018, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following 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: PHA/HW/20 – Proposed Residential Curtilage Extension, dated May 2018.
 - 3) Prior to their installation, details of the alignment, height and appearance of all boundary treatments, fencing and walling to be erected shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Application for costs

2. An application for costs was made by Mr & Mrs A Woolfall against Ribble Valley Borough Council. This application is the subject of a separate Decision.

Procedural matter

3. The Council has confirmed that it has no concerns with respect to the proposed change of use of agricultural land and I agree. I find the change of use of

agricultural land to residential curtilage to be acceptable and clearly severable both physically and functionally from the first floor extension to the dwelling. Therefore, I intend to issue a split decision in this case and grant planning permission for the change of use of agricultural land to residential curtilage.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the area.

Reasons

5. The Tithe Barn is a detached part 2 storey and part single storey dwelling, located in a prominent corner position on a wide road junction of Station Road and Rimington Lane, at the south-west edge of the rural settlement of Rimington. Properties in the area are varied in terms of age, design and style, and the area has the character and appearance of a mixed age rural settlement in the countryside.
6. The appeal site forms part of a small group of properties, with Bustards Farm and The Barn. Bustards Farm is a traditional old stone dwelling with a long front elevation adjacent to Rimington Lane. The Barn is a conspicuously large part 2 storey and part single storey dwelling, on the opposite side of Station Road from the appeal property. It appears to be a converted barn, with more recent and overtly modern additions and alterations.
7. The 2 storey part of the property is a converted stone barn with a pitched slate roof. The position of the original barn door results in an uneven spacing of windows along the front elevation which is emphasized by the 3 prominent dormer roof extensions. The ground and first floor windows are aligned vertically, but appear different from one another. Those on the first floor extend upwards from the front elevation and into the dormers, disrupting the eaves line, and additionally have solid stone side jambs. The single storey part is an extension to the north elevation, set back from the front elevation of the main property. It has a simple pitched roof finishing just below the first floor window in the 2 storey gable end. The windows are wider than those of the main dwelling and have stone mullions.
8. The proposed development is a first floor extension and the change of use of agricultural land to residential. The proposed extension would be built above the existing single storey extension, and set back from the front elevation of the main property. It would be located on the northern elevation of the dwelling, and is currently screened from views from the west along Rimington Lane by trees. It is however visible when approaching from the village and from Station Road. It would have a pitched roof to match the host dwelling, with a rooflight in the front slope. The ridge line would be set below that of the existing 2 storey roof. The eaves height would be greater than that of the front elevation of the 2 storey element. The first floor windows are proposed to match the existing single storey windows and the existing doorway would be removed and infilled.
9. As a result of its height, width and depth, the proposed 2 storey extension would be a bulky addition to the converted barn, and would not be in keeping with the traditional rural agricultural character and appearance of the host property.

10. By virtue of their additional width and stone mullion design, the windows in the proposed extension would be noticeably different from the windows of the 2 storey dwelling. At first floor level, they would also be noticeably dissimilar from the dormer windows as a result of the different design, shape and relationship to the eaves line and roofscape. The different size and style to both the ground and first floor windows of the original barn conversion would result in a discordant and inconsistent appearance, and the proposed extension would be more prominent as a result of the difference.
11. The proposed extension would be set back from the front elevation, and the height of the ridgeline would be set below that of the original barn. However, the eaves would be noticeably taller than those of the host property and this would result in the appearance of a foreshortened roof and discordant roofscape when viewed from the street. This would be conspicuous and visually obtrusive.
12. Furthermore, the rooflight in the proposed extension would be set centrally above the stone window mullion, in contrast to the rooflight positioning within the existing 2 storey roof which is offset from the windows. It would also be misaligned horizontally with the rooflights in the former barn roof. The mismatch in rooflight position and height would also be discordant.
13. The rear elevation of the proposed extension would be flush with the rear of the main property. Notwithstanding the lower ridgeline and set back front elevation, as a result of its substantial width and height, when viewed from the north the proposed gable end would obscure the original 2 storey gable. It would be a prominent addition to the original dwelling that would not be in keeping with the character and appearance of the host property or the street scene.
14. Therefore, the above findings lead me to conclude that the proposed extension would introduce incongruous and discordant features that would be out of keeping with the original character and appearance of the property, and would therefore be harmful to the character and appearance of the area.
15. There is some dispute between the parties in respect of the date of the original conversion and the extent to which the appeal property now resembles the original barn. Irrespective of the date of the original conversion, my impression is that much of the exterior of the building remains characteristic of the former barn. The barn door has been partially blocked up, but the original lintel remains and the barn door treatment is sympathetic and characteristic of converted barns. The modest ground floor windows relative to the size of the building also appear characteristic of former barns and are therefore in keeping with the former use of the building. The submitted plans additionally indicate that the elevation and roofscape to the rear of the property retains the character and appearance of the former barn. The prominent dormer extensions are admittedly a later domestic addition, and are not sympathetic or in keeping with the original barn. However, they do not obscure the agricultural origins of the building, and are not a justification for proposed development which would be similarly out of keeping and would detract further from the traditional character and appearance of the property.
16. Likewise, the presence of more modern dwellings elsewhere in the area is not a justification for allowing an incongruous extension to a traditional building. Similarly, unsympathetic alterations to other traditional properties in the area

are not an adequate reason to allow a proposed development that would result in further and cumulative harm to the traditional agricultural character and appearance of the area.

17. I therefore conclude that the proposed first floor extension would harm the character and appearance of the host property and the area. It would be in conflict with Policy DMG1 of Ribble Valley Borough Council Core Strategy 2008 – 2028 (December 2014). This requires amongst other matters that the design of development should be of a high standard, sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials, with particular emphasis on visual appearance and the relationship to its surroundings.
18. The proposed change of use of agricultural land to allow for the extension of the residential curtilage relates to a narrow parcel of land adjacent to Station Road extending beyond the existing garden. The proposed change of use would not result in any harmful effects and is not therefore in conflict with the development plan.

Other matters

19. The appeal scheme is a resubmission of a preceding application (ref. 3/2018/0223) that was withdrawn following advice from the Council. The proposed development has been significantly amended in an attempt to overcome the Council's concerns. However, this has not had any bearing on my assessment of this appeal, which I have considered on its own merits.
20. There has been a significant amount of correspondence between the appellant and the Council in respect of development proposals at the appeal property, and several amendments to the scheme were made as a result. While the appellant's aspirations may have been ultimately frustrated, it seems clear that the Council were actively seeking to work with the appellants to find solutions that would deliver an acceptable form of development in this location.

Conditions

21. In the event that the appeal was allowed, the Council has suggested planning conditions. I have assessed these against the tests set out in paragraph 55 of the National Planning Policy Framework. In addition to the standard condition limiting the lifetime of the planning permission, I have also specified the plans in the interests of certainty. A condition requiring details of boundary treatments to be approved is necessary in the interests of the character and appearance of the area.

Conclusion

22. For the above reasons, I conclude that the appeal should be dismissed insofar as it relates to the proposed first floor extension but allowed insofar as it relates to the extension of the residential curtilage, subject to conditions.

Sarah Manchester

INSPECTOR



Costs Decision

Site visit made on 8 January 2019

by Sarah Manchester BSc (Hons) MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 18th February 2019

Costs application in relation to Appeal Ref: APP/T2350/D/18/3212869 The Tithe Barn, Station Road, Rimington BB7 4DR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr & Mrs A Woolfall for a full award of costs against Ribble Valley Borough Council.
- The appeal was against the refusal of planning permission for a proposed change of use of agricultural area to allow for the extension of residential curtilage and first floor extension to dwelling.

Decision

1. The application for an award of costs is dismissed.

Reasons

2. The application is seeking to recover costs that have been incurred as a result of the unreasonable behaviour of the Council. Planning Practice Guidance advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby causes the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicants consider that the Council acted unreasonably by failing to deal with the proposed change of use of the agricultural area. They have also raised concerns about the Council's assessment of the planning history and the context of the proposed first floor extension.
4. In respect of the proposed change of use and extension of residential curtilage, the Planning Officer's report clearly indicates that this is not expected to result in any impact on the living conditions of the occupants of neighbouring properties, nor is considered to have any effect on the character and appearance of the area. The Council did therefore comment upon and address the proposed change of use in determining the application.
5. As can be seen from my appeal decision, I agree with the Council that there were sufficient grounds for refusing planning permission on grounds relating to the character and appearance of the host property and the area. I have taken into consideration the degree to which the dwelling resembles the original barn, and the dispute in terms of the precise timeline of the conversion and subsequent alterations, in the assessment of the impact of the proposals on the character and appearance of the appeal property. I do not consider that the Council acted unreasonably in this respect, thus the appeal could not have

been avoided and the applicants did not incur unnecessary or wasted expense in the appeal process.

Conclusion

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated in this case.

Sarah Manchester

INSPECTOR