The Planning Inspectorate

Appeal Decision

Site visit made on 24 September 2012

by Geoffrey Hill BSc DipTP MRTPI

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

Decision date: 26 September 2012

Appeal Ref: APP/H1033/D/12/2180656
The Old Byre, White Knowle Farm, Hayfield Road, Chinley, High Peak, SK23 6EA

- 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 Mrs Julia Wild against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0125, dated 27 February 2012, was refused by notice dated 30 April 2012.
- The development proposed is the alteration of an existing window into double doors.

Decision

1. The appeal is allowed and planning permission is granted for the alteration of an existing window into double doors at The Old Byre, White Knowle Farm, Hayfield Road, Chinley, High Peak, SK23 6EA in accordance with the terms of the application, Ref. HPK/2012/0125, dated 27 February 2012, subject to the following conditions.

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg No: 100	Feb'12	Existing West Elevation – unchanged
Drg No: 101	Feb'12	Existing North / South Elevation – unchanged
Drg No: 102	Feb'12	Existing East elevation – unchanged
Drg No: 103A	Feb'12	Proposed East Elevation
Drg No: 106A	Feb'12	Floor Plans

    3) No works shall take place on site until details of the door joinery, including glazing bar details at 1:20, have been submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The planning application as originally made also included the insertion of a new roof light and an additional window. However, as agreed between the Local Planning Authority and the applicant, the scheme was subsequently revised only to relate to the description of development noted above.

3. The development which is the subject of this appeal would usually fall within permitted development allowed by the Town and Country Planning (General Permitted Development) Order 1995 – as amended. The present dwelling was created by the conversion of an agricultural building under planning permission 030860 of 22 October 1991. Condition 11 of that permission says:

> "*11. Notwithstanding the provisions of Class A, B, C, D, E, F, G. H of Part 1 and Classes A, B and C of Part 2 of Schedule 2 of the Town and Country Planning General Permitted Development Order 1988 (or any Order revoking or re-enacting that Order), no extension to the dwellinghouse, garages, looseboxes, sheds, greenhouses, oil storage tanks, satellite antennae, gates, fences, walls or other means of enclosure shall be erected*[1] *without the prior written consent of the Local Planning Authority"*

4. The reason given for the condition is:

> *"To enable the Local Planning Authority to retain control over any future development in the interests of safeguarding the amenities of the area".*

5. From this, it is not clear why planning permission is required for the proposed doors as Condition 11 of the 1991 permission only precludes the erection of extensions, roof alterations, ancillary buildings, gates and fences etc., without prior consent. However, no submissions have been made to contradict the view that insertion of new doors and widows is a matter covered by the planning condition. As planning permission has been applied for, I will go on to determine this appeal.

Main issue

6. The main issue in this appeal is the effect of the proposed new doors on the amenity of the area.

Reasons

7. The Old Byre is in a relatively isolated, rural location, with no other built development close by. From the Officers Report to Committee I note that this location is part of the Green Belt, and within an area covered by local landscape protection policies.

8. Policies GD4, H14 and OC4 of the adopted High Peak Local Plan all seek to safeguard the attractiveness of the rural area by, amongst other measures, ensuring new development, including alterations to existing buildings, are in keeping with the surroundings and the original building. No details have been set out in the appeal documents of what landscape features or characteristics in this locality contribute to its particular amenity value and which need to be especially safeguarded.

9. Although retaining the proportions and some of the characteristics of a vernacular agricultural building, The Old Byre is obviously now an active, occupied dwelling and the usual domestic paraphernalia associated with a dwelling can be seen around the property. There is a driveway, boundary hedges, and a garden with a patio area. The proposed works would not materially alter the proportions, scale and general appearance or massing of the building in the landscape. The doors would be constructed of matching materials and inserted within an existing window opening of the same width

[1] The word "erected" is assumed as the photocopy of the planning permission provided to me is unclear.

and lintel height, the cill level being dropped, and steps provided down to patio level. The doors would open out onto the patio area, which is paved and has low edging walls.

10. I note that there are public footpaths across nearby fields, from which users are able to appreciate the amenity value of the rural landscape and features within it. The Old Byre is such a feature. However, the footpaths are far enough away that there are no close views of the dwelling. The degree of physical change to the building would be small and barely noticeable – if at all - from viewpoints in the surrounding area, particularly having regard to the hedges, trees and shrubs in the garden. In this context, the present residential character of the property would not be unduly intensified or exaggerated by the proposed doors and there would be no unacceptable harm to the amenity of the area. Consequently, there would be no conflict with the adopted development plan policies and the appeal should be allowed.

Conditions

11. There is no reason to impose anything different from the usual three year time limit on the commencement of development. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. Local Plan Policy OC4 – which has been adopted since the initial conversion of the building was permitted - looks to ensure that the detailing of works to vernacular buildings is appropriate in the countryside. In which case it would be reasonable to require the approval of joinery details.

12. The planning application form specifies the type and colour of materials to be used for doors and windows hence it is unnecessary to attach a planning condition to control the materials used or the colour finishes.

Geoffrey Hill

INSPECTOR