



Appeal Decision

Site visit made on 11 July 2000

by **Anthony J Davison BA (Hons) LLB (Hons) MSc**
MBA FRTPI RIBA MLI
An Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

DoP	ED	DP	DC	BC	SS
Res'd 25 JUL 2000					File
Comments :					
PLANNING DEPARTMENT DBC					

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21 JUL 2000

Date

Appeal Ref: APP/A1910/A/00/1041403

Wilstone Great Farm, New Road, Wilstone

- 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 Arnold Homes Limited against the decision of Dacorum Borough Council.
- The application (ref: 4/01482/99/FUL), dated 17 August 1999, was refused by notice dated 26 November 1999.
- The development proposed is the change of use from office use to residential (studio unit).

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The conversion of the barn complex at Wilstone Great Farm into residential and office accommodation has been the subject of several planning applications. This appeal relates to part of a former cart shed, which was converted to business use in accordance with drawing No 2188 PD 6B and planning permission 4/00552/97/FUL. The Council's decision notice refers to condition 19 of planning permission 4/1310/95, which states that the office accommodation coloured green on drawing No 1994 PD 6C shall not be used for any purposes other than business use within the meaning of Class B1. However, drawing No 1994 PD 6C did not show the appeal building either in its present form or in business use and that condition related to another part of the complex altogether. The Council has subsequently drawn attention to a similar condition (condition 13) attached to planning permission 4/00552/97/FUL, which does refer to the appeal building but which, in effect, simply requires the building to be used for the purpose indicated on the application plan. I have therefore dealt with this appeal on the basis that the planning application is for the change of use of the building (as stated on the application form) rather than for the variation of a planning condition.
2. Wilstone Great Farm includes a number of Grade II Listed Buildings. Neither party has suggested that the appeal proposal, which relates to a building in the north west corner of the farm complex, would affect the Listed Buildings, and I am of the view that the proposed change of use would not give rise to issues relating to their setting.

Main Issues

3. I consider that there are two main issues. The first is the impact of the proposed change of use on the living conditions of adjacent residents, and those of prospective occupiers of the appeal building, in terms of privacy and noise and disturbance. The second is its effect on the local economy.

Planning Policy

4. The development plan includes the 1995 Dacorum Borough Local Plan. I also attach some weight to the Deposit Draft version of the new Dacorum Borough Local Plan 1991-2011, which is currently the subject of a public inquiry.
5. Policy 100 of the 1995 Local Plan says that permission for the conversion or reuse of redundant buildings in the countryside will be granted provided that certain conditions are met. The proposal must not result in the displacement of the existing use, there must be no substantive change to the character and appearance of the building (which must be of a substantial nature and worthy of retention) and the new use must be appropriate. Appropriate uses are defined by the policy as being those that are acceptable in the location (in accordance with other policies in the Plan), cause no significant adverse impact on neighbouring land uses and cause no adverse effect on the character and appearance of the building being retained. It adds that non-residential uses involving minimal disruption to the internal and external fabric of buildings are generally preferred.
6. The requirements of Local Plan Policy 100 are reflected in Policy 106 of the Deposit Draft Local Plan, which deals with proposals for farm diversification and the re-use of rural buildings. However, Policy 106 also says that permission will not be granted for residential use unless every reasonable effort has been made to secure business, recreation or tourism related use.
7. Although the Council has not drawn attention to any development plan policies relating to the protection of living conditions of the occupiers of dwellings, I consider this to be an important material consideration.
8. I have also had regard to national planning policy as set out in Planning Policy Guidance 7, The Countryside – Environmental Quality and Economic and Social Development (PPG7).

Reasons

The impact on living conditions

9. The appeal building is situated at the end of a row of garages and parking spaces within a former cart shed. There is likely to be a significant amount of pedestrian and vehicular movements, and associated activities such as car washing, in this area, which serves the existing residential units. I consider that this would be likely to have an unacceptable impact on living conditions of residential occupiers in terms of noise and disturbance in an otherwise relatively quiet area.
10. The general comings and goings of other residents in the area immediately around the proposed studio apartment would also lead to a lack of privacy for its occupiers. The appellants argue that privacy could be enhanced by appropriate boundary treatment and suggest that this could be dealt with by way of a condition. However they make no suggestions as to what form this boundary treatment might take and, given the cramped nature of the proposed accommodation, I am not persuaded that problems of privacy could be overcome in that way.
11. I have taken account of the concern expressed by some of the existing residents with regard to the effect that the change of use would have on their living conditions. However, I consider the building concerned to be too remote from the existing dwellings for it to have

any significant impact on them in terms of either noise and disturbance or loss of privacy. Nevertheless, I agree that the proximity of the proposed dwelling could inhibit the normal use of their parking facilities and this reinforces my belief that a residential use of the appeal building would be inappropriate.

12. My conclusion on this issue is that the proximity of the appeal building to the car park would be likely to result in noise and disturbance having an unacceptable impact on the living conditions of its prospective occupiers.

The effect on the local economy

13. Paragraph 3.15 of PPG7 says that residential conversions of buildings which have ceased to be used for industrial or commercial purposes can have a minimal economic impact. The appeal proposal would not involve the displacement of an existing occupier because I understand that it has never been let. Having regard to the small size of the appeal building, its isolation and its position in a residential car park, I am of the view that it is unlikely to be attractive to potential business occupiers.
14. In terms of Local Plan Policy 100, there is no dispute that the building is of a substantial nature and worthy of retention, and the appeal proposal involves no changes to its external appearance. Although I consider (for the reasons given above) that the appeal building is unsuitable for occupation as a separate dwelling, the rest of the complex is already in residential use. I therefore take the view that a residential use of the building is not inappropriate in terms of the definition of appropriateness contained in Local Plan Policy 100 and Policy 106 of the Deposit Draft Local Plan.
15. My conclusion on this issue is that the proposed change of use would be unlikely to harm the local economy and would not conflict with either Policy 100 of the 1995 Local Plan or with Policy 106 of the Deposit Draft Local Plan.

Other matters

16. I do not agree with the Council's view that, by introducing a degree of domestication to this part of the site, the change of use would in itself have a detrimental visual impact on the immediate area. There would be no change in its external appearance and the land around it is already domesticated in so far as it forms part of the residential use of the whole complex. Concerns about the introduction of rooflights in the future could be dealt with by means of a condition.

Conclusions

17. My overall conclusion is that, although the proposed change of use would not harm the local economy, it would result in a dwelling in which living conditions were inadequate in terms of noise, disturbance and lack of privacy.
18. For those reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

19. In exercise of the powers transferred to me, I dismiss the appeal.

Information

20. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.

AJ Danisan

Inspector

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TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01482/99/FUL

WILSTONE GREAT FARM, NEW ROAD, WILSTONE, TRING, HERTS
CHANGE OF USE OFFICE TO RESIDENTIAL (STUDIO UNIT)

Your application for full planning permission dated 17 August 1999 and received on 20 August 1999 has been **REFUSED**, for the reasons set out overleaf.



Director of Planning

Date of Decision: 26 November 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01482/99/FUL

Date of Decision: 26 November 1999

- 1. The proposed change of use would be directly contrary to Condition 19 of planning permission 4/1310/95, which was imposed in order to retain an element of business use on this site. The change of use is also contrary to national planning guidance contained within Planning Policy Guidance Note No. 7 and contrary to Policy 100 of the Dacorum Borough Local Plan (and Policy 106 of the Dacorum Borough Local Plan 1991-2011 Deposit Draft) which makes clear the preference for non-residential uses.**
- 2. The introduction of a residential use on this part of the site (formerly a cart shed) would result in an unacceptable level of domestication separate from the barns which are now in residential use, and the proposed change of use would have a detrimental visual impact both on the immediate area and in terms of the design and layout of the original residential conversion scheme which has now been carried out.**
- 3. The proposed residential use of this building would result in a substandard level of amenities for the new occupants in terms of lack of privacy and general noise and disturbance from the adjacent parking area.**