

Appendix A

Appeal by Mr and Mrs Linathan

Extension of barn to form dwelling annex at Oak Tree Barn,
Bolsover Road, Woodthorpe, Chesterfield.

CHE/23/00287/FUL

1. Planning permission was refused on 31st July 2023 for an extension of Oak Tree Barn to create a dwelling annex. The reasons for refusal were:

a. The proposed development is not proportionate to the existing dwelling on the site and is too large a footprint, resulting in what would effectively be a new dwelling in the countryside. The proposal is therefore contrary to Policies CLP2 and CLP3 of the Chesterfield Borough Local Plan 2018 - 2035 in that it would not constitute sustainable development, does not need to be in this location to meet a specific need and would not have reasonable access to a key range of service. The circumstances of the applicant are not considered sufficient to justify an exception to these requirements. The above policies are consistent with guidance within the National Planning Policy Framework, 2021.

b. The proposed glazed link is considered to be poorly designed and not in keeping with the character of an agricultural barn conversion. As such it would be contrary to Policy CLP20 of the Chesterfield Borough Local Plan 2018 - 2035 which requires all development to identify and respond positively to the character of the site and surroundings and respect the local distinctiveness of its context, respect the character, form and setting of the site and surrounding area by virtue of its function, appearance and architectural style, landscaping, scale, massing, detailing, height and materials.

2. An appeal against the decision has been determined by the written representation appeal method and has been dismissed.
3. The main issues were the effect of the proposed development upon the character and appearance of the area; and whether the proposed development would

represent a self-contained dwelling and, if it would, the suitability of the location for a new dwelling, with specific reference to the spatial strategy in the development plan.

Character and appearance

4. The appeal site contains a relatively small barn that has been converted to a dwelling. The appeal site is near to the farmhouse and a collection of former agricultural buildings that have also been converted to homes. These are arranged in a small cluster. These buildings typically have a functional and traditional style of architecture that reflects their original use. The surrounding land is primarily fields. This means that the appeal site is in a rural landscape.
5. The existing buildings typically feature stone elevations and smaller windows, with some walls having limited amounts of fenestration. This retains a rustic and solid agricultural character to the structures despite them having been converted to dwellings. The proposed development includes a predominantly glazed conservatory, which would have a discernible mass. This style of architecture would contrast with the style of architecture that is a feature of the existing buildings.
6. In addition, the proposed conservatory would be of a similar height to the proportions of the existing building and the proposed extension. Therefore, it would not be a subordinate addition, even allowing for its footprint. Owing to the glazed sections, the conservatory's building materials would be significantly different from those utilised nearby. Therefore, the development would jar with the existing building's architecture rendering the development discordant.
7. In result, the proposed development would introduce a more overtly domestic form of architecture that would conflict with the retained agricultural style of the converted buildings to the east.
8. The development would be located on the edge of the cluster of existing buildings, which would render it visible from several vantage points in the surrounding area. This

includes viewpoints in Bolsover Road and views over the relatively limited boundary treatments. Therefore, the discordant form of architecture would be harmfully apparent to those passing the site.

9. The inspector acknowledged that the design of the extension, as opposed to the conservatory, and the alterations to the existing dwelling would respond to the traditional agricultural style of architecture that is a feature of the cluster. However, this would not overcome the adverse effects that would arise from the design of the conservatory.
10. The inspector therefore concluded that the proposed development would harm the character and appearance of the area. The development, in this regard, would conflict with Policy CLP20 of the Chesterfield Borough Local Plan (2020) (the Local Plan). Amongst other matters, this seeks to ensure that developments promote good design that positively contributes to the distinctive character of the Borough.

Whether a self-contained dwelling and suitability of the site

11. The proposed development has been described on the planning application and appeal documentation as an annexe. The submitted plans show that that the annexe would feature, amongst other items, four bedrooms. However, it would be physically connected to the existing dwelling. In addition, both the existing dwelling and the annexe would feature separate doors into the conservatory.
12. In assessing whether the proposal would be a self-contained dwelling, the development, whilst large, would be an extension of the existing building. Furthermore, owing to the physical link between the existing and proposed developments, there would be an internal area that could be shared by existing and future occupants. This means that the occupiers of both the existing home and the annexe would be able to freely move between each element of the resultant building and socialise or undertake activities together inside the building.

13. The occupants of the proposed annexe would also be reliant upon facilities currently exclusively used by the residents of the existing dwelling. These include the garden area, car parking and the driveway. There are no proposals to provide additional facilities, or to subdivide the site. In result, the proposed development, even though it would be of a relatively large size, is not intended to support a separate household. Therefore, the proposed development would not represent a new self-contained dwelling.
14. Consequently, as the development is not a self-contained dwelling in the countryside, Policies CLP2 and CLP3 of the Local Plan would not be breached.
15. Had the inspector been minded to allow this appeal, a further application for planning permission would be required should there be a future aspiration to convert the annexe to a self-contained dwelling. This would provide an opportunity to assess a dwelling against the requirements of the cited policies. Had the scheme been otherwise acceptable consideration could also have been given to imposing a condition to require its use for ancillary purposes.
16. The inspector therefore concluded that the proposed development would not represent a self-contained dwelling and therefore it would not be at odds with the spatial strategy for new homes in the countryside.
17. Although the proposed development would not be a self-contained dwelling, it would have an adverse effect upon the character and appearance of the surrounding area. Consequently, the scheme would conflict with the development plan taken as a whole. There are no other material considerations which indicate the decision should be made other than in accordance with the development plan.