
Appeal Decision

Site visit made on 11 October 2016

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/H1840/W/16/3152499

**Paris Barn, Bakers Lane, Ashton Under Hill, Evesham, Worcestershire
WR11 7SZ**

- 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 John Archer (Hopscotch Films) against the decision of Wychavon District Council.
 - The application Ref W/16/00037/CU, dated 7 January 2016, was refused by notice dated 4 March 2016.
 - The development proposed is the change of use from vacant to SUI Generis Mixed Use B1 & C3 (Live-Work unit).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There has been a recent Court of Appeal judgement in relation to the Written Ministerial Statement (WMS) of 28 November 2014 and alterations to Planning Practice Guidance for affordable housing contributions on smaller-scale development. Consequently, the Council are not pursuing their reason for refusal based on the need for an affordable housing contribution. Based on the judgement and WMS, there is no requirement for a contribution.

Main Issues

3. The main issues are (a) the effect of the proposal on the character and appearance of the area, with reference to the Cotswolds Area of Outstanding Natural Beauty (AONB), (b) the design and layout of a live-work unit and (c) planning balance.

Reasons

Character and appearance

4. The appeal site comprises a barn in a field and an existing farm track leading to it, along with a private lane, Dan Lane. The site lies within the Cotswolds AONB. Dan Lane serves a group of private properties and is in turn accessed off Bakers Lane, an adopted road, which leads to Ashton Under Hill.
 5. The Cotswolds AONB Landscape Strategy and Guidelines (CLSG) 2016, identifies the appeal site to be within Character Type 1: Escarpment Outliers. For this landscape type, the following key characteristics are identified: distinctive hills detached from the main Cotswold escarpment and rising above
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the neighbouring vale; varied and sometimes steeply sloping topography, dramatic panoramic views of upper slopes, areas of rough grassland and scrub on some sections of upperslopes; areas of woodland and hedgerow forming interlocking patterns; pastures and arable land on lower slopes divided up by hedgerows and dry stone walls; sparsely settled and footpaths linking up hill tops to vale villages. Furthermore, outliers are described as a distinctive, highly visible landscape that often retain a remote character and are highly sensitive to change.

6. The barn is located on a moderately to steeply sloping east facing ground with a single row of deciduous trees located to the north and the farm track to the south. On the south side of the appeal site, there are trees and vegetation, which extend along one side of the farm track. Although vacant, the stone constructed barn has an attractive old agrarian character and appearance. The barn is located remotely on land noticeably higher level than Dan Lane, Baker Lane and Ashton Under Hill. The surrounding land cover comprises moderately sized exposed fields, tree belts, copses, access tracks and clusters of houses in a steeply undulating landscape which accords in the main with the characteristics identified within the CLSG. Consequently, the landscape is of a rural nature and of a high quality.
7. The proposal would result in the removal of the corrugated metal barn roof and replacement with a clay tile roof. There would be replacement of unsightly dilapidated doors and use made of existing fenestration openings. The design and material qualities would not be poor and the curtilage of the new unit would be restricted to the immediate vicinity of the barn. Nevertheless, the site's appearance and character would be changed with the roof tiles, the addition of three windows, the extent of glazing including across the open barn entrances and hard-surfaced areas with parked vehicles. Additionally, there would be associated domestic paraphernalia, such as clothes lines, bins, garden features and play equipment, if children lived at the site.
8. The appellant has indicated that no garden planting, sheds, enclosures or extensive lighting are proposed and refuse bins could be sited unobtrusively. However, conditions would be necessary to control such works and I am not persuaded that future occupiers would abide by the assurances given here because inevitably circumstances may change, especially when they come to live and work in the completed development. Consequently I consider that the local planning authority would find it difficult to resist future proposals to vary any conditions concerning these works and therefore conditions restricting these works would be unreasonable. In any case, bins would still have to put out on collection day even if they were to be stored unobtrusively and although external lighting could be controlled, light from rooms and working areas from inside the converted building would still be noticeable. Associated with a live-work unit, there would also be noise, including from vehicles associated with the everyday living and business operation of the unit. Cumulatively, all these changes would adversely affect the rural character and appearance of the area.
9. Additionally, the farm track leading from Dan Lane to the barn would be widened and re-surfaced with crushed stone or similar material. Removal of raised ground within the field would be necessary to accommodate the widening. A new access track would also be constructed to bypass the junction of the farm track with Dan Lane, and a passing bay added along this lane. The length of the new track would be extensive, being equivalent to a significant

length of Dan Lane, and would be 3 metres wide. Given this new track would cross a sloping field, the necessary highway works, including excavation and track building, would be extensive. As a result, all these highway works would be noticeable. This would add to the overall suburbanisation effect arising from the proposal and would compromise the predominantly rural landscape character of the AONB.

10. In the appellant's Landscape and Visual Assessment (LCA), the appellant indicates that there are no significant impacts predicted as a result of the proposals, either upon character or specific views experienced by nearby residents or uses of the Public Rights of Way network. In terms of appearance, the topography and tree cover surrounding the appeal site would limit the visibility of the development, including highway works, from viewpoints beyond the private track and Dan Lane.
11. Nevertheless, there is a public footpath along Dan Lane. The converted barn and its curtilage would be a significant distance from this but combined effects of the highway works and changes to the barn including its curtilage would be great having regard to visual intrusion, including lighting and noise, for the reasons indicated. Given the purpose of footpaths is for outdoor recreation, I attach great importance to the sensitivity of change for walkers along Dan Lane. Consequently, there would be significant harm arising from the development from the public footpath because of the changes to the appearance of the AONB and additionally its landscape.
12. In conclusion, the development would harm the special landscape and scenic beauty in the Cotswolds AONB. Accordingly, the proposal would conflict with Policies SWDP 23 and SWDP 25 of the South Worcestershire Development Plan (SWDP) 2016, which collectively and amongst other matters, requires development not to have a detrimental effect on the natural beauty of the AONB, to conserve and enhance the special qualities of its landscape and take account of the latest Landscape Character Assessments and Guidelines. As the barn or surroundings have not been justified as heritage assets, I have found Policies SWDP 6 and SWDP 24 not to be applicable. Similarly, SWDP Policy 12 is not applicable as the scheme is not part of a farm business diversification. Finally, the intrusiveness of the development would conflict with guidelines 1.2 and 1.3 of the CLSG. These indicate that conversion of isolated farm buildings should be avoided, the undeveloped/unlit character of the hillside be protected and inappropriate new uses expanding domestication should be avoided.

Live-Work Unit

13. Under Policy SWDP 8, proposals for live-work accommodation will be permitted subject to satisfying certain criteria. The residential use floorspace should be ancillary with no more than 40% floorspace and employment floorspace being at least 60%. The residential and employment uses should be entirely separate with individual entrances and toilet facilities. Furthermore, all units should have access to superfast broadband or equivalent infrastructure.
14. The proposed floorspace would be 58% residential and the remainder 42% employment so conflicting with the use split requirements. Although I understand the configuration of the building necessitates a shared access, the lack of separate access facilities remains a conflict with the policy as worded. An optional bedroom is also shown within the employment use part of the building so reducing the work part of the unit further. The broadband speed

within the post code area is lower than the Government's definition of superfast broadband. In the absence of any other recognised superfast broadband definition or any indication of a faster broadband for this site, the proposal would fail in this regard. For all these reasons, the proposal would conflict with Policy SWDP 8.

Other matters

15. There is some dispute as to whether satisfactory provision has been made for Barn Owls which have been recorded within the barn. Two boxes are proposed within the trees to the side of the barn. Both parties have referred to guidance set out by the Barn Owl Trust, with the Council pointing to conflict due to possible effect of disturbance. Had this appeal turned on this issue, further comments from parties would have been sought on whether there would be an adverse effect on the protected species.

Planning Balance

16. Policy SWDP 1 indicates that when considering development proposals, the local planning authority will take a positive approach that reflects the presumption in favour of sustainable development detailed in the National Planning Policy Framework (the Framework).
17. There would be some economic benefits arising from the construction of the scheme, future residents supporting local services and facilities, and the employment part of the live-work unit. However, this would be limited by reason of the single unit being proposed. In this regard, the development would fail to meet the criteria for a live-work unit in conflict with Policy SWDP 8 so reducing the business benefit. In the social dimension, one live-work unit would provide only a small contribution to the supply of housing and would not be located in an accessible location in relation to services and facilities given its remoteness.
18. Environmentally, the proposal would re-use a building and would stop it falling into disuse and disrepair. However, even taking this into account, the overall benefits of the proposal would not be so great as to outweigh the significant impact on the special landscape and scenic beauty of the Cotswolds AONB. Paragraph 115 of the Framework states great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. It would conflict with Policies SWDP 23 and SWDP 25 by reason of the harm to the AONB. Consequently, the development would not be sustainable conflicting with Policy SWDP 1.
19. By virtue of these policy conflicts, the development would be contrary to the development plan as a whole. There are no other material considerations sufficient to outweigh the development plan conflict identified.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR