
Appeal Decision

Site visit made on 7 December 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/J1860/W/16/3157178

Hillhampton Farm, Hillhampton, Great Witley, Worcestershire WR6 6JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr N Drew against Malvern Hills District Council.
 - The application Ref 16/00408/FUL, is dated 26 February 2016.
 - The development proposed is conversion of agricultural building to a single unit of residential accommodation.
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Decision

1. The appeal is dismissed and planning permission for conversion of agricultural building to a single unit of residential accommodation is refused.

Procedural Matter

2. As this appeal relates to a failure of the Council to give notice within the prescribed period of a decision on an application for planning permission, I have treated the Council's appeal statement as being what its reasons for refusal would have been. Had it been in a position to determine the application, the Council states that it would have refused planning permission on the following grounds:

The application site lies outside of any development boundary as defined by the adopted South Worcestershire Development Plan where new development in the open countryside is strictly controlled to specific uses, and where future occupants would be heavily reliant on the use of private transport to meet their day-to-day needs. Whilst the proposed dwelling would make a very small contribution towards local services and facilities and housing land supply, the council can demonstrate a deliverable 5 years supply of housing and the policies for the supply of housing are up to date. Furthermore, in this instance the agricultural building has not been demonstrated to be redundant and its conversion would not lead to an enhancement of its immediate setting. The proposal therefore presents a residential dwelling in the countryside which does not fall within any of the exceptions set out within policy SWDP2 or within paragraph 55 of the NPPF.

Further to this, no marketing exercise has been submitted in support of the application which demonstrates that employment, tourism, leisure and recreation uses of the building are unviable contrary to Policy SWDP12.

In addition, the dwelling would be set within an existing, operational agricultural holding and the adjoining parts of the building to the rear would remain in agricultural use. The proposal would not provide suitable levels of amenity for prospective future occupants of the dwelling, contrary to policies SWDP21 and SWDP31 and paragraph 17 of the NPPF.

Overall, the proposed residential conversion fails to represent a sustainable form of development and the harm caused by the proposal in this regard significantly and demonstrably outweighs any benefits of the scheme. It is therefore concluded that this application would be contrary to the advice contained in the National Planning Policy Framework including paragraphs 7, 17 and 55 and Policies SWDP 1, SWDP 2, SWDP4, SWDP12 and SWDP 59 of the adopted South Worcestershire Development Plan.

Main Issues

3. The main issues are:

- (i) whether or not the proposal would be in a suitable location for a dwelling, having regard to the principles of sustainable development;
- (ii) whether the proposed development would provide acceptable living conditions for future occupiers, with regard to noise and disturbance.

Reasons

Sustainability of location

- 4. Policy SWDP2 of the South Worcestershire Development Plan (the SWDP), sets out the principle of focussing most development on the urban areas, where both housing needs and accessibility to lower-cost public services are greatest. Furthermore, it provides strict controls over development in the open countryside, beyond any development boundary, restricting new dwellings to those for rural workers, rural exception sites, replacement dwellings and development specifically permitted by other SWDP policies.
- 5. That policy is broadly consistent with the National Planning Policy Framework (the Framework) which, in paragraph 55, sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It goes on to state that new isolated homes in the countryside should be avoided unless there are special circumstances. I have also had regard to bullet point 11 of paragraph 17 of the Framework which states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
- 6. The site is located within the open countryside, noticeably detached from the settlement of Great Witley, and where there are generally scattered dwellings in the surrounding area, including to the north-west and south of the site. There is a small hamlet of dwellings slightly further to the east of the site, which is distinctly separated from the site. There is also an extant proposal, following the Council's determination that prior approval is not required,

Ref 15/01767/PDU, for the conversion of the barn connected to the side of the appeal building to a dwelling. That has not yet been implemented.

7. It is disputed by the parties as to the degree by which the proposed dwelling would be separated from Great Witley. Notwithstanding this, there is nevertheless a fairly good degree of separation. Furthermore, the services and facilities within that settlement, including primary school, post office/shop, public house, garage and doctor surgery are located at varying additional distances from the nearest edge of that settlement. The distances, whilst walkable, would therefore be likely to discourage walking to and from those services and facilities on a regular basis. Furthermore, the stretch of intervening road, although including a footway, is generally unlit which would be likely to deter walking after dark. In any case, those local services and facilities are limited in terms of serving all of the day to day needs of any future residents of the proposed dwelling.
8. The distances to higher order settlements where the full range of services and facilities to serve everyday needs, such as secondary schools, the full range of shops and leisure facilities, would be significantly more distant. Additionally, although there is a bus service with bus stop close to the site, I have received no substantive evidence as to the frequency of that service in terms of whether it would be sufficiently reliable and regular as to provide a realistic alternative to private car use in most instances.
9. It is therefore highly likely that future occupiers would be greatly reliant on the use of a private car over walking or even cycling in most cases.
10. These factors combine to highlight that the proposed dwelling would be in a fundamentally isolated location in the countryside. Even if the adjacent extant conversion was implemented, that would not materially alter that situation.
11. Due to that degree of isolation, and it only being a single dwelling, it would be unlikely to materially enhance the vitality of the local rural community. Furthermore, I have received no substantive evidence to indicate that it would be needed to provide support to services in Great Witley or any other nearby villages. It therefore remains to consider whether there are any special circumstances.
12. The parties focus on whether or not the development would involve the re-use of a redundant building and lead to an enhancement to the immediate setting. I saw some evidence of the building's continued use to some degree, evidenced by various items of office equipment, furniture and related items and paperwork in one of the rooms. I acknowledge that does not necessarily mean it is not redundant in terms of actual need for the accommodation. However, in the absence of compelling documentary evidence to the contrary, I cannot be certain that it is completely redundant. Notwithstanding this, I have had regard to whether it would lead to an enhancement to the immediate setting.
13. The conversion of the building itself would involve minimal external alterations, comprising a new entrance door and two windows, but no other significant elevation changes, and so would not represent any such material enhancement in itself, even if in the context of the approved residential conversion of the adjacent part of the building. Landscaping works related to outdoor amenity and parking provision would be likely to ensure the tidying up of the area of land immediately to the north of the building which comprises a compacted

stone and rubble yard, and where there is currently two old mobile homes and various machinery, containers and other miscellaneous items.

14. However, that part of the site is currently well screened by trees, hedgerow and the adjacent buildings themselves and so has a discreet nature. Furthermore, in a farm setting, most of the items currently located there are not unexpected, as is the case with the general use as an agricultural yard area. I have also received no evidence to indicate that those items would not be relocated nearby on the appellant's wider land. For these reasons, I do not find that the proposal would lead to a material enhancement to the immediate setting that would amount to a special circumstance.
15. I have had regard to the appellant's claim that the proposal would enhance the setting for the adjacent unimplemented dwelling. However, in terms of the building itself, whether converted or not, the fundamental structure, form and materials of the buildings would remain compatible. Furthermore, that extant proposal makes provision for amenity space and formal car parking in front of it thereby creating the potential for an appropriately pleasant residential environment detached from the remaining yard area with some degree of buffer.
16. I have not received any substantive evidence relating to any other special circumstances, and have no basis to consider otherwise.
17. For the above reasons, I conclude on this issue that the proposal would not be in a suitable location for a dwelling, having regard to the principles of sustainable development. As such, in respect of this issue, it would be contrary to policy SWDP2 of the SWDP and paragraphs 17 (bullet point 11) and 55 of the Framework.

Living conditions

18. The proposed dwelling would be within the environment of a working farm, notwithstanding the potential presence of the adjoining dwelling if implemented.
19. I have had regard to that adjacent scheme not having generated any concerns during the prior approval notification process as regards noise and disturbance from farm activity. However, I note that the proposed dwelling would have east elevation habitable room windows facing the access driveway. That drive also serves as a main access for the wider farm land, including the remaining agricultural building to the immediate rear of, and attached to, the proposed dwelling. That building has a vehicular sized entrance on the east elevation aligned with the proposed dwelling's east elevation. The potential for exposure to noise and disturbance from farm activity relating to vehicle engine noise in particular, and during normal sleeping times, would therefore be likely to be greater in this appeal case, and to a harmful extent.
20. I acknowledge that the existing uses on the farm are limited in terms of the use of the glasshouses to the south of the building concerned, and that the adjoining building to the south is, as I saw, significantly under-utilised. However, I have not received any substantive evidence to indicate that that adjoining building or the wider area of land owned by the appellant, including land to the east and north-east of the site, could not be used as active

farmland in the future. Furthermore, although current activity is seasonal, that does not avoid the potential for disturbance within the on-season.

21. For the above reasons, I conclude on this issue that the proposed development would be likely to provide unacceptable living conditions for future occupiers, with regard to noise and disturbance. As such, it would be contrary to policies SWDP21 and SWDP31 of the SWDP which together, in respect of this issue, require development to integrate effectively with its surroundings in terms of form and function, and to avoid any significant adverse impacts from pollution on human health and wellbeing. It would also be contrary to the Framework which in paragraph 17 states, amongst other things, that planning should always seek to secure a good standard of amenity for all future occupants of land and buildings.

Other matters

22. I have had regard to whether or not the proposal represents part of a farm diversification project in respect of policy SWDP12 of the SWDP in terms of the Council's concern that an alternative use for employment, tourism, leisure and recreation uses of the building have not been firstly demonstrated to be unviable. However, even if the appellant is correct in his conclusions that it does not form part of such a project, I have found that there are compelling objections to the proposal in other respects.
23. I have also had regard to the appellant's claim that the proposed use would avoid the potential for unacceptable noise and disturbance to future residents of the adjacent unimplemented dwelling resulting from the retention of the non-residential use of the appeal building. However, I have no substantive evidence to indicate that the existing use of the appeal building or any other permitted uses would be of a nature to cause such a level of noise and disturbance that would be harmful. Furthermore, were planning permission sought in the future for a non-residential use of the appeal building, that would need to be considered on its merits taking account of whether or not it would be a likely to cause harm to the living conditions of any adjacent neighbours. It was also the case that the adjacent dwelling scheme was considered acceptable during the prior approval notification process in terms of the issue of noise impacts on future residents.
24. The appellant refers to the Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 in terms of demonstrating recognition by national policy makers that the reuse of redundant agricultural buildings as dwellinghouses is an acceptable form of development. Notwithstanding that development under Class Q is subject to various criteria and conditions, I have determined this appeal, which is not made under Class Q, on its merits based on all of the evidence before me.
25. The appellant highlights that no objections have been received from neighbours or statutory consultees, that the Parish Council supports the proposal, and that the Worcestershire Regulatory Services raises no objections from a nuisance point of view. However, I have determined this appeal on its planning merits taking into account all material considerations.

Conclusion

26. The Framework sets out that there should be a presumption in favour of sustainable development and indicates that to achieve that, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
27. The proposed dwelling would be likely to have small benefits in terms of adding a single dwelling to the local housing supply, and in providing short term construction jobs and increased business to local suppliers and associated services. Future occupiers would also be likely to support local services and facilities in terms of additional spending. However, such small benefits, due to only relating to a single dwelling, would be outweighed by my findings that it would not be in a suitable location for a dwelling, having regard to the principles of sustainable development and would be likely to provide unacceptable living conditions for future occupiers, with regard to noise and disturbance. It would therefore not be a sustainable form of development.
28. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR