
Appeal Decision

Site visit made on 8 November 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 16 December 2016

Appeal Ref: APP/W1850/W/16/3154677

Windy Oaks Farm, Birchwood, Storrige, Malvern WR13 5EZ

- 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 David Adams against the decision of Herefordshire Council.
 - The application Ref 160462, dated 9 February 2016, was refused by notice dated 8 April 2016.
 - The development proposed is the conversion of an agricultural building to 3 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council have drawn my attention to the Cradley Neighbourhood Development Plan. However, given the early stage of its preparation I give it little weight.

Main Issue

3. The main issue is whether the proposal would provide a suitable site for housing, having particular regard to national and local policies on the re-use of rural buildings.

Reasons

4. There is no dispute between the two main parties that the appeal site is not within a settlement for the purposes of the Herefordshire Local Plan Core Strategy (the CS) and as such it is to be treated as within the countryside. The site is within the Malvern Hills Area of Outstanding Natural Beauty (AONB).
 5. I note that the nearest bus stop is around 1 kilometre away at the junction of Birchwood Lane and the A4103. However, I have no evidence before me as to the frequency of the bus services. Furthermore, the route to the bus stop is a narrow minor unlit rural road with some steep sections and no footway. It is therefore unlikely that future occupiers would walk to the bus stop or the services and facilities in nearby settlements.
 6. As such I am satisfied that occupiers of the appeal proposal would be reliant on the use of the private car for essential day-to-day activities and that in relation to accessibility to services and facilities it can be treated as isolated. This assessment is supported by the exclusion of the site from any selected village where development may take place.
 7. CS Policy RA3 applies in rural locations outside of settlements and it states that residential development will be limited to proposals which satisfy one or more
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of a number of criteria. One of the criteria relates to the sustainable re-use of a redundant or disused building where it complies with CS Policy RA5 and leads to an enhancement of its immediate setting. This policy is reflective of paragraph 55 of the National Planning Policy Framework (the Framework) which cautions that new isolated dwellings should be avoided unless there are special circumstances. Such circumstances include, amongst other things, where development would re-use a redundant or disused building and lead to an enhancement to the immediate setting.

8. CS Policy RA5 permits the sustainable re-use of redundant or disused buildings which otherwise contributes to residential development where; (1) the design would respect the character and significance of any disused building together with its setting, (2) the design would make adequate provision for protected species, (3) the proposal would be compatible with neighbouring uses, and the building (4) is of permanent and substantial construction capable of conversion without major or complete reconstruction, and (5) is capable of accommodating the new use without need for substantial alteration or extension, ancillary buildings, or areas of hard standing.
9. The appeal building is a large structure with the lower part of the walls consisting of block work and the upper part of timber cladding and a cement fibre roof. The Council have not disputed that the building is redundant or disused and I have no detailed evidence before me on this matter. I note from the planning history that the agricultural occupancy condition on Windy Oaks Farm has been removed and that approval was granted on appeal¹ for the change of use to a flexible commercial use (B1) of the appeal building. The change of use does not appear to have been implemented.
10. I also note that an interested party has stated that it is perfectly feasible for the barns and farmyard to re-enter productive agricultural activity were the appellant to allow that to occur and that he is not aware of any marketing of the building. The appellant has stated that the buildings were put to auction in the spring of 2014 but failed to receive any bids. Consequently, the evidence as to whether the building is redundant is inconclusive.
11. I noted at my site visit that the building does not appear to be in use for an agricultural purpose and that there was a touring caravan and motorhome being stored in part of the building. However, this use appears to be temporary and only occupies a small amount of the overall building. As such, I consider that the building is effectively disused.
12. The existing building is not of high quality design as it is a modern utilitarian, agricultural building. The proposed changes to the appearance of the building would include a large number of additional openings for windows and doors. It would also appear that the south west and north east elevations as shown on drawing no 3236-03A would be transposed. As such, the proposal would require the large openings on these elevations to be substantially moved. The large number of new openings would significantly change the appearance and character of the building. Its current utilitarian form would be replaced by a domestic façade and as such the proposal would not respect the character of the building.

¹ APP/W1850/W/15/3005208

13. The proposals do include the provision of bat and bird boxes and I am satisfied that if I was minded to allow the appeal that a condition would ensure that the proposal would make adequate provision for protected species.
14. I note that an interested party has stated that the proposed dwellings would jeopardise an adjacent livery business due to pressure from future occupiers in relation to noise and smell. However, I have no evidence before me to demonstrate that the operation of the livery business adversely affects the existing neighbouring occupiers. As the existing livery use does not appear to have given rise to complaints in relation to its operation it is reasonable to consider that the proposal would be compatible with the neighbouring uses.
15. The building is of permanent and substantial construction. No technical evidence has been submitted, but at my site visit I noted that the building appears to be in reasonable condition and capable of conversion without major or complete reconstruction.
16. The proposal does not include any extensions to the building or ancillary buildings and any parking requirements can be facilitated within the existing substantial hardstanding. However, the large number of new openings and the transposing of the large openings do equate to substantial alteration. Consequently, taking into account all of the above, the proposal would not comply with CS Policy RA5.
17. I acknowledge that the removal of the utilitarian ancillary buildings and the proposed hedgerow, as shown on drawing no 3236-03A would be an improvement to the immediate setting. However, this has to be balanced against the creation of three private amenity areas and the introduction of any associated domestic paraphernalia. Combined with the alterations to the external elevations of the building the proposal would erode the utilitarian, agricultural character of the building and its setting. As such, I consider that overall the proposal would have a neutral effect upon the countryside and the AONB. Consequently, it would not lead to an enhancement of the immediate setting as set out in CS Policy RA3 or paragraph 55 of the Framework and thus, there are no special circumstances in this regard. It follows that the proposal would be in conflict with CS Policy RA3 and paragraph 55 of the Framework.

Other Matters

18. The Council acknowledge that it cannot currently demonstrate a five year housing land supply and it has recently published an Interim Position Statement upon Housing Delivery. The document states that it "positively encourages developers to come forward with proposals for suitable and sustainable housing developments to meet the county's needs". Where the Council are unable to demonstrate a five year housing land supply, paragraph 49 of the Framework makes it clear that relevant policies for the supply of housing should not be considered up-to-date. CS Policies RA3 and RA5 are policies for the supply of housing and as such I give them limited weight. However, paragraph 49 also states that all housing applications should be considered in the context of the presumption in favour of sustainable development.
19. In terms of the three dimensions to sustainability set out in paragraph 7 of the Framework, the proposal would make a limited contribution to the local economy including the provision of construction jobs, some additional local spend and New Homes Bonus and community charge receipts. Prospective occupiers would provide some support for local services. However, the

contribution 3 new dwellings would make to the vitality of the rural community and the support they would give to services in nearby towns and villages would not be significant. 3 dwellings would be provided which would make a small contribution to the housing supply in an area with an acknowledged shortfall and would be a social benefit.

20. With regard to the environmental dimension I have found that future occupiers would tend to be highly dependent on travel by the private car consequently I consider that the environmental dimension of sustainable development would not be met. Given that the 3 roles of sustainability are mutually dependent and should not be undertaken in isolation, I conclude that the proposal would not comprise sustainable development.
21. The appellant has stated that the planning permission for the change of use of the appeal building to Class B1 is a material consideration in this case as a fallback position. I acknowledge that the traffic movements associated with that use would be similar to those of the proposal. However, the appellant has also stated that the Class B1 use has not been proceeded with and I have no evidence before me to indicate that there is a significant probability that this use would be implemented should this appeal be dismissed. This limits the weight that I can attach to it as a fallback position and as such I give it little weight.
22. The appellant has also cited application of permitted development rights set out in Part 3, Class Q, of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 to convert an agricultural building to a dwelling house. However, as acknowledged by the appellant, as the site is within the AONB the proposal would not be permitted development and as such it has little weight as a fallback position.
23. An adjoining occupier has raised the issue of drainage and I noted on my site visit the significant difference in levels between the appeal site and the neighbouring occupier's dwelling. However, I consider that if I was minded to allow the appeal this issue could be addressed by way of a condition.

Conclusion

24. I conclude that the proposal would result in 3 new homes in the countryside in an unsustainable location, with a heavy reliance on the private car, for which there are no special circumstances. Whilst the relevant policies of the development plan for the supply of housing are out of date, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework as a whole.
25. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR