



Appeal Decision

Site visit made on 30 January 2018

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2018

Appeal Ref: APP/H1840/W/17/3188879

Springfield Barn, Uphampton Lane, Uphampton WR9 0JP

- 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 B Gracey against the decision of Wychavon District Council.
 - The application Ref 17/00479/FUL, dated 6 March 2017, was refused by notice dated 10 May 2017.
 - The development proposed is change of use of the ground floor element of an established live work unit, from B1 to residential and retrospective permission for the erection of a single bay car port and store, aesthetic amendments to the front, side and rear elevations of the barn and internal reconfiguration of the ground floor.
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Decision

1. The appeal is dismissed insofar as it relates to the change of use of the ground floor element of an established live work unit from B1 to residential and to the installation of the glazing in the cart doors. The appeal is allowed insofar as it relates to the erection of a single bay car port and store, the remaining aesthetic amendments to the front, side and rear elevations of the barn and internal reconfiguration of the ground floor and planning permission is granted for erection of a single bay car port and store, the aesthetic amendments to the front, side and rear elevations of the barn with the exception of the glazing in the cart doors, and internal reconfiguration of the ground floor at Springfield Barn, Uphampton Lane, Uphampton WR9 0JP in accordance with the terms of the application, Ref 17/00479/FUL, dated 6 March 2017.

Procedural matters

2. In the grounds of appeal the appellant indicated that some of the physical works to the buildings took place in 2013 and thus, by implication, were lawful by passage of time. This appeal is not the mechanism to determine this and I will work on the basis that all the matters set out in the heading require planning permission.
3. Although not exclusively, the elements of the proposal relating to the use of the building relate mainly to the first main issue, and the operational development relates mainly to the second main issue. This decision should be read in that context.
4. I have not been provided with any details of the internal reconfiguration of the ground floor. However, the Council has not indicated any opposition to them in their own terms, and from what I have read, they appear independent of the use of the building.

Main Issues

5. The main issues are:

- whether this is a suitable location for an unrestricted permanent dwelling having regard to the development strategy for the area, including whether the location of the site is such that the need to travel would be minimised and the use of sustainable transport modes maximised; and
- the effect on the Uphampton Conservation Area (the UCA).

Reasons

Development strategy

6. The development plan for the area includes the South Worcestershire Development Plan (the DP). Policy SWDP1 of the DP sets out overarching sustainable development principles, including that the Council will take a positive approach to development that reflects the presumption in favour of sustainable development as contained in the National Planning Policy Framework (the Framework). Policy SWDP2 sets a development strategy and settlement hierarchy which from the top of the hierarchy in Worcester, goes through Urban areas to the Rural Areas in Category 1, 2 and 3 villages and finally lower category villages, of which Uphampton is one, as a category 5 village. Policy SWDP4 indicates that proposals must demonstrate they offer sustainable travel choices.
7. I will deal first with the need to travel. Whether occupied as a live/work unit or just as a dwelling the location of the appeal building is such that the need to travel would be approximately the same. The occupier of a live/work unit would have to travel to facilities. The only material difference between that situation and use as an unrestricted dwelling would be that the occupier would not need to travel any distance to work.
8. However, the use of the "work" element is not just restricted to the occupier of the residential accommodation on site. Others could come to the site for their employment, and given the size of the ground floor this would be expected. If permission were to be granted this would cease. The increase in movements by the occupier to go to their place of employment would be off-set by the decrease from those no longer travelling to the site to go to their employment.
9. I therefore conclude that the need to travel would be similar. As such the suitability of the local highways network for those using non-car modes would be similar and is neutral in the balance. As such I conclude that the proposal would therefore comply with Policy SWDP4 of the DP as set out above.
10. The parties agree that the appeal site lies outside the development boundary of Uphampton and thus within the open countryside for development plan purposes. The appellant argues that the development boundary does not follow a defensible boundary; however, this is to miss the point. The explanatory text to Policy SWDP2 of the DP explains that the specific role of each settlement in the hierarchy is based on a detailed assessment of the services and facilities that are available and that maintaining the identity and integrity of individual settlements is an important issue for local communities. It is not part of a Section 78 appeal to go behind the delineation of development boundaries in development plans. What is appropriate is to judge

the effects of the proposed development against the material policies and other material considerations.

11. Policy SWDP2 C of the DP sets out the range of development that is acceptable in the open countryside. This does not include the re-use of rural buildings as dwellings. While the building is currently partially in use as a dwelling this is part of a mixed use that also includes use for business purposes. As such the proposal goes beyond that permitted by the development plan and is thus contrary to the terms of the development plan
12. The appellant has referred to an appeal¹ in Pendock where an Inspector allowed a scheme for four houses outside but on the edge of the settlement. However, I note that Pendock is a category 3 village in the DP with a shop, post office, school and church, all of which are walkable from the site, while Uphampton is a category 5 village with a lesser range of facilities. To my mind this makes a material difference in considering the suitability of the appeal site for solely a residential use.

Effect on the UCA

13. The appeal site lies within but on the edge of the UCA. I have been provided with a map of the conservation area entitled "Uphampton Conservation Area Appraisal", and this notes the building is an unlisted building of local interest set in a prominent open space.
14. The appeal property is prominent when approaching the appeal site from the east along Uphampton Lane being located on rising land. As a brick built building it fits well within the street scene. I note that the red line of the appeal site sits closely around the building and this means that the proposed use would not have a material effect on the prominent open space.
15. The frontage to Uphampton Lane is made up of a hedgerow which means that views of the building are limited. However, the building can clearly be seen through the entrance gate and during winter months, as when I undertook the site visit, by way of glimpsed views through the hedgerow.
16. The building itself is relatively modern. In support of the appeal the appellant submitted a Heritage Setting Assessment which concluded that the building had been erected since 1972. This has not been disputed by the Council. The building therefore does not have any intrinsic historic value, but its design follows an historic vernacular approach.
17. The Council indicates that the building represents a non-designated heritage asset due to the positive contribution that makes to the UCA, and of course the UCA is a designated heritage asset. The definition of a heritage asset in the Framework includes assets identified by the local planning authority and includes local listing. As local listing is not the exclusive way of determining whether a building is a non-designated heritage asset I am satisfied that through the identification of the building as an unlisted building of local interest in the Conservation Area Appraisal, the building should be considered as a non-designated heritage asset.
18. The various physical works to the building need to be considered in turn. The largest is the construction of the car port on the side of the building connected

¹ APP/J1860/W/15/3135877

to a store which contains a shipping container. This is a sub-ordinate structure which appears as a later addition. The Council considers the essentially flat roof as an incongruous feature not normally found in a rural setting, but I saw a number of outbuildings to main buildings in the UCA and this element does not detract from character or appearance of the building or its contribution to the significance of the UCA.

19. Turning to the various alterations to the main building, these firstly related to the insertion of windows at the rear, and the two windows in the front elevation. When converting historic buildings to new uses attention should be paid to ensuring that they are appropriate to the building, but it must be remembered that this is essentially a modern building. I did not find any of these insertions to be intrusive. They appeared appropriate to the aesthetic and in keeping with the building.
20. However, the same cannot be said of the windows in the main "cart doors". Part of the overall aesthetic of the barn is that it follows a traditional vernacular approach. The insertion of large glazed elements is intrusive and does not follow the detailed design of the building. They are therefore incongruous to the building, harmful to both the building as a non-designated heritage asset and the UCA. Paragraph 132 of the Framework emphasises that great weight should be given to a heritage asset's conservation, and special attention should be given to the desirability of preserving or enhancing the character or appearance of the conservation area. However, in the terms of the Framework this would represent less than substantial harm.
21. Where there is harm to a designated heritage asset this should be weighed against the public benefits of the proposal, including securing its optimal viable use in line with paragraph 134 of the Framework. For a non-designated heritage asset a balanced judgement will be required having regard to the scale of any harm and the significance of the asset. I will do this in the planning balance below.
22. Overall, with the exception of the glazing panels in the main "cart doors", I am satisfied that the proposals do no harm, and thus preserve the character and appearance of the UCA and the non-designated heritage asset. As such it complies with Policies SWDP6 and SWDP24 of the DP which requires development proposals to conserve and enhance heritage assets in line with national guidance. It also complies with paragraph 132 of the Framework as set out above. However, the glazing in the cart doors harms the building as a non-designated heritage asset and is harmful to the UCA, and consequently conflicts with these policies.

Other matter

23. In support of the application the then applicant submitted a marketing report indicating that the writer considered that the only logical use of the building was as a dwelling. However, the author does not appear to consider the continuing use of the building as a live/work unit. I am therefore only able to give this very limited weight. That the appellant chose to wind up his business and retire knowing that the condition would restrict his use of the overall building was a matter of choice for him, and is of very limited weight when compared to the public planning considerations relevant to this appeal.

Planning Balance

24. The appellant has looked at the three dimensions of sustainable development as set out in paragraph 7 of the Framework. As regards the economic role the loss of the work element of a live/work unit would be harmful to the economy of the area, and the economic benefits of the construction works have already taken place. Socially the scheme would be neutral in that a dwelling already exists, the only difference would be its size, and I have no evidence to show that there is a particular need for larger dwellings in the area.
25. As far as the environmental role is concerned, the scheme is predominantly neutral with the exception of the introduction of the glazing into the cart doors on the front elevation. This is harmful to the character and appearance both of the UCA and the building as a non-designated heritage asset. No specific benefits attributable to the glazing in the car doors have been identified by the appellant. Looked at as an individual element the benefits of these windows do not outweigh the harm.
26. As set out above the proposed use would be contrary to Policy SWDP2 of the DP. I have looked at the various considerations put forward by the appellant and have found none that outweigh the presumption set out in paragraph 12 of the Framework that development that conflicts with a development plan should be refused unless other considerations indicate otherwise. I therefore consider that the proposed use would not represent sustainable development and this element of the appeal should be dismissed.
27. In respect of the physical alterations, these are not contingent upon the use. I have found that with the exception of the introduction of the glazing in the cart doors that they preserve the character of the UCA and the significance of the building as a non-designated heritage asset. The benefit of the glazing in the cart doors does not outweigh the harm caused. The appeal should therefore be allowed for these elements but dismissed for the glazing in the cart doors.

Conditions

28. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. However, as the acceptable operational elements of the development have been completed in a satisfactory manner in accordance with the submitted plans, I can see that there is no need for any of the three conditions suggested.

Conclusion

29. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

RJ Jackson

INSPECTOR