
Appeal Decision

Site visit made on 16 January 2018

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2018

Appeal Ref: APP/J1860/D/17/3184139

The Stables Bungalow, Monsell Lane, Upton Upon Severn WR8 0QN

- 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 and Mrs Baldwin against the decision of Malvern Hills District Council.
 - The application Ref 17/00244/HP, dated 13 February 2017, was refused by notice dated 23 June 2017.
 - The development proposed is 3 bay oak framed garage with ancillary accommodation/domestic office to first floor.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal reference in the above heading indicates that the proposal was to be considered under the Householder Appeal Service (HAS) procedure. However, the appellants had provided reports on heritage and ecology matters as part of the appeal. In the interests of fairness and natural justice, I afforded the Council and interested parties the opportunity to consider and respond to these documents. Consequently, this required the appeal to be taken out of the HAS procedure for determination under Part 2 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009.
3. In accordance with the information provided by the appellants at application stage, the Council considered the application on the basis that it would provide ancillary accommodation to the Stables Bungalow rather than to The Eades. I have determined the appeal on the same basis.

Main Issues

4. The Council considers that the ecology report addresses the third reason for refusal of the application and is content that relevant ecological matters are capable of being covered by planning conditions. From all that I have read in addition to my on-site observations, I have no reason to take an alternative view.
5. The main issues are therefore (i) whether the proposal would preserve or enhance the character or appearance of designated heritage assets and the effects on the character of the surroundings more generally; and (ii) whether it

would accord with local and national policies for development in the countryside.

Reasons

Designated heritage assets

6. The Eades is a grade II listed building and the Stables Bungalow, is curtilage listed because its construction pre-dates 1947.
7. The open fronted and simple form of the proposed building, along with its timber cladding would give it the general appearance of a domestic outbuilding. However, because of its substantial size and the height of its steeply pitched roof, it would not appear as a subservient ancillary building to the modestly sized, low rise Stables Bungalow's grounds. I note that an extant planning permission exists for the enlargement of the bungalow but at my site visit, there was no clear indication of its impending construction.
8. The appellants' Heritage Statement (July 2017) confirms that the Stables Bungalow (referred to as Stable Cottage) including the cartshed, contribute to the setting of The Eades as surviving elements of the agricultural functions and structures within the estate. The proposed building would appear somewhat randomly located within the grounds of The Eades and add to the proliferation of later outbuildings around the Stables Bungalow. It would represent a further encroachment into this distinct part of the estate thereby disrupting and harming the historical relationship and legibility between the bungalow and the main house.
9. Consequently, the proposal would run counter to policies SWDP 6, SWDP 21 and SWDP 24 of the South Worcestershire Development Plan (2016) (SWDP) that seek to prevent such harm. Whilst this would not reach the high hurdle of substantial harm for the purposes of paragraph 133 of the National Planning Policy Framework (the Framework), it would result in less than substantial harm that requires clear and convincing justification. Framework paragraph 134 says that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme, including securing its optimum viable use.
10. As the provision of the proposed building would be solely in connection with the Stables Bungalow's domestic arrangements, there are no clearly identifiable public benefits arising from it. Accordingly, the proposal would conflict with the Framework.
11. In terms of wider character, the proposed building would be visible in views from along a short section of Monsell Lane and would be afforded some screening by existing trees, hedgerows and garden plantings around the Stables Bungalow. However, during the winter months when there would be less foliage, the building would have a presence in views from Monsell Lane. Nevertheless, in my view, and notwithstanding my conclusions on the first main issue, it would not have anything more than a minimal effect on the character of the wider surroundings. In this specific respect, it would be acceptable.

Development in the countryside

12. The appeal site lies within the garden of the Stables Bungalow that in turn, is located within the larger estate grounds of The Eades. It lies outside a settlement boundary as defined in policy SWDP 2 and is therefore in the countryside. It is clear from the wording of policy SWDP 2 that a proposal for a new building with the potential to be used as independent residential accommodation is not permitted unless by other SWDP policies. None have been drawn to my attention.
13. In this case, the proposed building would comprise an open structured garage with space above for ancillary accommodation/office use and a shower room. It would be separately accessible via the shared driveway between The Eades and the Stables Bungalow. However, in the absence of a kitchen, it would not comprise the facilities generally necessary to provide for independent living. Even if it did, that does not mean it would become a separate planning unit¹.
14. There is no empirical evidence that the building would be used by anyone unconnected with the Stables Bungalow. Consequently, in my view, no separate planning unit would be created. In any case, a suitably worded condition could be imposed in the event that permission was granted, to require the building's occupation to be solely for the purposes ancillary to the Stables Bungalow. I therefore find no conflict with policy SWDP 2.

Conclusion

15. I have not found that the proposal would harm the wider surroundings or that it would comprise an unacceptable development in the countryside. However, given the clear identified harm to designated heritage assets, the appeal does not succeed.

Hayden Baugh-Jones

Inspector

¹ See *Uttlesford D.C. v Secretary of State for the Environment & White* [1992]