



Appeal Decision

Site visit made on 20 March 2018

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 16 April 2018

Appeal Ref: APP/H1840/W/17/3190839

**Land adjoining the Coventry Arms, Upton Snodsbury, Worcestershire
WR7 4NN**

- 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 & Mrs T Gale against the decision of Wychavon District Council.
 - The application Ref 17/00279/FUL, dated 7 February 2017, was refused by notice dated 10 November 2017.
 - The development proposed is described as the change of use of two barns known as The Chimes Retreat and The Cider Mill, land adjoining The Coventry Arms, Upton Snodsbury to residential use.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of two barns known as The Chimes Retreat and The Cider Mill, land adjoining The Coventry Arms, Upton Snodsbury to residential use at The Old Cottage, Bants Barns, Worcester Road, Upton Snodsbury, Worcester WR7 4NN in accordance with the terms of application Ref 17/00279/FUL, dated 7 February 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Ref 171174; 1:100 elevation and floorplans of The Cider Mill; 1:100 elevation of Chimes Retreat; 1:50 floor plans of Chimes Retreat.

Procedural Matter

2. The Council changed the address of the proposal from that contained on the application form to 'The Old Cottage, Bants Barns, Worcester Road, Upton Snodsbury, Worcester WR7 4NN'. The appellant has also used this address on the appeal form. Consequently, I have used this address in the determination of this appeal.

Main Issue

3. The main issue is whether the proposal would be in a suitable location, having regard to the location of the appeal site is outside of the development boundary, the spatial policies of the South Worcestershire Development Plan (SWDP) and the housing objectives of the National Planning Policy Framework (the Framework).

Reasons

4. The appeal properties and the associated site curtilage comprise of two former barns which have been converted to ancillary accommodation associated with the dwelling at 'The Old Cottage' which is a Grade II Listed Building. The site lies within a cluster of converted and existing agricultural buildings and is located to the rear of the currently closed Coventry Arms Public House. The Public House forms the visual transition point from open countryside to the west to a more developed entrance to Upton Snodsbury to the east.
5. The appeal site lies outside of the settlement boundary of the village as defined in the SWDP. Consequently, for planning policy purposes, it lies within the open countryside. Policy SWDP 2 resists most forms of development, including market housing, outside of development boundaries but does note a number of exceptions. The proposal would fail to meet any of the noted exceptions.
6. The appeal site does not have the characteristics of open countryside. It forms part of a cluster of buildings within the visual entrance to Upton Snodsbury. The character and appearance of the appeal site are clearly distinct from the open countryside to the west and is more closely associated with the spread of development along Stratford Road leading to the more densely urbanised form of the village centre. Given that the properties already exist and that no other external changes are proposed, the proposal would not harm the character and appearance of the locality nor would it result in any further built development within the countryside.
7. The appellant indicates that Upton Snodsbury is defined as a category 2 village in Policy SWDP 2. These villages provide some local services and facilities and are defined as being suited to accommodate market housing needs. An existing surfaced pavement connects the appeal site to the centre of the village which contains, amongst other facilities, a shop, post office, school, village hall and church. All of these are easily walkable from the site. In addition, there are bus stops in close proximity of the site. Although there would undoubtedly be some use of the private car, the proposal is not of a size that would jeopardise the overall development strategy and settlement hierarchy of the SWDP and the defined need to focus most development in urban areas.
8. I have taken into account the guidance provided in paragraphs 47 of the Framework which seeks to significantly boost the supply of housing. In addition, paragraph 55 states that housing in rural locations should be located to enhance or maintain the vitality of rural communities and not occupy an isolated location. The proposal would be consistent with the guidance provided in these paragraphs.
9. Although the appeal properties lie outside of the settlement boundary, the proposal would amount to a small-scale housing scheme utilising existing buildings that is reasonably well related to the village. It would make a modest contribution to housing supply and assist in supporting local services and facilities and local economic activity. In addition, as the properties are already there, no harm would be caused to the character or appearance of the surrounding area. As such, the proposal would accord with the overarching sustainable development principles of the SWDP as a whole, as contained in Policy SWDP 1, which are consistent with the Framework.

10. Whilst I recognise that there would be a breach of SWDP 2 in terms of the position of the properties outside of the development boundary, I am mindful of the guidance provided in paragraphs 47 and 55 of the Framework as outlined above. Considering the SWDP as a whole, the proposal is in a suitable sustainable location for residential use. In addition, I do not consider that there would be any conflict with Policy SWDP 1 which seeks, amongst other things, to ensure that proposals reflect the presumption in favour of sustainable development contained in the Framework. In the absence of any material harm, the benefits that exist outweigh the conflict with Policy SWDP2. As such, I consider that the proposed change of use would be in accordance with the development plan as a whole.

Other matters

11. The appeal site lies within the setting of The Old Cottage which is a Grade II Listed Building. A further listed building, Court Barn (Grade II), is located to the north of the site. Although the Council has raised no concerns regarding the impact of the proposed development on the designated heritage assets, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposal on such assets.
12. In applying the statutory test as set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had regard to the desirability of preserving or enhancing the designated heritage assets. The proposals would not result in any new built development or external changes to the existing buildings comprising The Chimes Retreat and The Cider Mill. I also note that the Council's Conservation Officer raised no objections to the proposed change of use which would have no detrimental impact on the setting of either The Old Cottage or Court Barn. Therefore, I am satisfied that the proposal would preserve those interests.
13. Both parties have drawn my attention to other appeal decisions within the District for residential development outside of settlement limits. Whilst these demonstrate a varied approach to the consideration of proposals outside development limits, I do not have full details of the nature of the proposals or the circumstances and material considerations that were relevant to their determination. Consequently, I cannot be sure that these are wholly representative of the circumstances in this appeal. In any case, these have not led me to a different conclusion on the main issue of this appeal which I have determined on its own merits.

Conditions

14. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.

Conclusion

15. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR