The Planning Inspectorate

Appeal Decision

Site visit made on 9 July 2018

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2018

Appeal Ref: APP/J1860/W/18/3195619
The Vines, Baughton, Earls Croome, Upton-upon-Severn WR8 9DQ

- 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 P Nions against the decision of Malvern Hills District Council.
- The application Ref 17/01229/FUL, dated 2 August 2017, was refused by notice dated 18 October 2017.
- The development proposed is proposed conversion of redundant outbuilding to visitor accommodation (holiday let).

Decision

1. The appeal is allowed and planning permission is granted for conversion of redundant outbuilding to visitor accommodation (holiday let) at The Vines, Baughton, Earls Croome, Upton-upon-Severn WR8 9DA in accordance with the terms of the application, Ref 17/01229/FUL, dated 2 August 2017 and subject to conditions in the attached conditions schedule.

Main Issue

2. This is whether the existing building would be appropriate for visitor accommodation.

Reasons

3. The appeal site is within the settlement of Baughton. Baughton is defined, under policy SWDP 2 of the Local Plan[1] as being within the open countryside. Development here is limited to dwellings for rural workers, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings and renewable energy projects and development specifically permitted by other local plan policies. The appeal proposal would not meet any of these criteria.

4. Nonetheless SWDP 2 requires that other policies within the local plan are considered. Policy SWDP 35 supports the development of visitor accommodation outside a development boundary provided it complies with criteria (A)(i) and (A)(ii). These require that the development should be of an appropriate type and scale for the location or building and that there would be no adverse impact on neighbouring amenity. Any one of criteria (B)(ii)-(vi) should also be met.

[1] South Worcestershire Development Plan (adopted February 2016)

5. Addressing criteria A(i) and A(ii) first, parties agree that the building could be reasonably converted to visitor accommodation. I concur. The building is of solid brick construction and by virtue of its size and the existing arrangement of rooms which includes ground and first floor accommodation, it would lend itself well to the proposed conversion. The parties also agree that there would be no adverse impact on neighbouring amenity and there is nothing within the evidence or arising from my site visit which leads me to take a different view. Consequently I find that the development would comply with criteria (A)(i) and (A)(ii).

6. Turning now to criteria (B)(ii)-(vi), parties disagree on criterion (B)(v) which states that planning permission for new visitor accommodation outside a development boundary will be permitted where it re-uses a redundant rural building of permanent and substantial construction.

7. The outbuilding concerned is of solid brick construction and in good condition. The conversion proposed, therefore, would re-use a building of permanent and substantial construction. It is the degree to which the building is considered redundant which will determine how compliant the proposed development is with policy.

8. The local plan does not define the term redundant but according to dictionary definitions, redundant refers to something being superfluous to requirements, unnecessary or unwanted.

9. Previous occupiers intended to use the building as ancillary accommodation. The works to convert the building for this use were reasonably completed but not finished and as a result the building was not occupied for this use. Indeed it was apparent from my site visit that the external drainage works were incomplete and the condition of the building inside suggested that it had not been occupied for some time.

10. The building was used by the appellants for a short period of time for storage whilst they made internal alterations to the main dwelling. The use of the building for this purpose has ceased and the appellants confirm that the building is now surplus to their requirements. Indeed the existing six-bedroomed house is sizeable for the existing family. In the absence of any specific or substantive evidence from the Council to suggest otherwise, I consider it reasonable that the building is superfluous to the family's needs.

11. The Council suggests that not having a use for the building is insufficient justification for the development proposed. I agree that this reason in itself may not be a compelling reason to consider a building redundant. However, in this case I have found that the building has not been occupied for some time, is somewhat neglected inside and is superfluous to requirements. Taking all these matters into account, and in the absence of any evidence to suggest that there is a compelling ongoing requirement to use the building for storage or other ancillary purposes, I find it may be considered to be redundant for the purposes of interpreting the aims of the policy.

12. The Council draws my attention to Appeal ref APP/B3410/W/17/3179096 whereby the Inspector found that, as the building was ancillary, it was not redundant. I note that the appeal concerns a different local planning authority to this appeal. Without the full details of the appeal referred to by the Council, therefore, I am unable to draw fair comparisons between the two and

substantiate the Inspector's interpretations. In any event, each case is determined on its own merits and I have assessed the proposal on the information before me and as discussed above.

13. The Officer's delegated report accepts that the development would be in an appropriate location, in yet in its appeal submission, raises concerns, suggesting that the location would be unsustainable. Notwithstanding this discrepancy, policy SWDP 35 expressly makes exceptions to the settlement hierarchy set out in the Local Plan. Policy SWDP 35 allows visitor accommodation in the open countryside provided certain criteria are met. Having found that the development would meet the relevant criteria in this policy, it follows that the development proposed would be in an appropriate location.

14. I find, therefore, for the reasons given, that the outbuilding is redundant and as such the conversion to visitor accommodation would not conflict with policies SWDP 2 or SWDP 35 of the Local Plan.

Other matter

15. Parties refer to a fallback position of permitted development. The outbuilding concerned has permission as ancillary accommodation. Change of use is permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provided that use is incidental to the enjoyment of the dwelling house. The outbuilding, in use as visitor accommodation, would be separate from and therefore not incidental to the use of the main house. For this reason the fallback position of permitted development does not carry weight in my decision.

Conditions

16. I have found that the development would not give rise to unacceptable harm and it would comply with the development plan. I therefore propose to allow the appeal and grant planning permission. However, it is necessary to attach planning conditions to the permission to ensure that the development is carried out appropriately. I set out below the reasons for the conditions stated.

17. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. In addition to the standard time limitation for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty.

18. I have included a condition requiring the approval of samples of materials in the interests of the character and appearance of the area and a condition to secure the parking area to avoid harm to highway safety.

19. Due to the position of the development within the open countryside it would not be acceptable to allow an unrestricted use of the site given current policies within the local plan and the Framework. Planning conditions restricting the occupancy of the visitor accommodation for holiday purposes only are therefore necessary.

Conclusion

20. For the reasons given the development would not be contrary to the development plan when taken as a whole. There are no material

considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR

CONDITIONS SCHEDULE

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: 4107BPH-01 Final and 4107AP-01 Final.

3) No development shall take place until samples and trade descriptions of the external timber, feather edge weatherboard cladding have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

4) The change of use hereby permitted shall not be brought into use until the parking facilities shown on the approved plan have been implemented. The parking facilities shall thereafter be retained and kept available for users of the building at all times.

5) The visitor accommodation hereby approved shall be occupied for holiday purposes only and not for any other residential use falling within Class C3 of the Town and Country Planning Use Classes Order 1987 (or any Order revoking or re-enacting that Order with or without modification).

6) The owners/operators shall at all times maintain an up-to-date register of the names of all occupiers of the visitor accommodation, their main home addresses and shall make this information available within one calendar month of a written request from the Local Planning Authority.