
Appeal Decision

Site visit made on 4 September 2018

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2018

Appeal Ref: APP/J1860/W/18/3199573

Grounds Farm, Hancocks Lane, Malvern WR14 4JP

- 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 D Cale against the decision of Malvern Hills District Council.
 - The application Ref 17/00803/FUL, dated 8 May 2017, was refused by notice dated 3 October 2017.
 - The development proposed is the change of use of traditional agricultural building to single residential unit.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant has submitted an amended block plan (drawing No. 4032BP-02) as part of the appeal in an attempt to overcome the Council's reason for refusal. However, this significantly alters the red line boundary of the appeal site from that which was considered by the Council and on which interested people's views were sought. Therefore, in applying the 'Wheatcroft Principles', I am unable to accept the amended plan. Consequently, I have considered the appeal on the basis of the scheme and the plans which were before the Council when it made its decision.

Main Issue

3. The main issue is whether the proposal is consistent with local and national policies relating to the location of new housing development.

Reasons

4. The appeal relates to a detached agricultural building located on the south side of the private access track which leads to Grounds Farm. The existing building is of brick and part stone construction, with a hipped tiled and corrugated sheet roof. The original farmhouse is located to the east and a complex of agricultural buildings lie to the north across the access track. The site lies within the open countryside as defined by the South Worcestershire Development Plan (SWDP) and within the Malvern Hills Area of Outstanding Natural Beauty (AONB).

5. Policy SWDP 2 states that within the open countryside, development will be strictly controlled and will be limited to specified exceptions. None are applicable to the appeal proposal, which is therefore contrary to Policy SWDP 2.
6. However, paragraph 79 of the National Planning Policy Framework (the Framework) states that planning decisions should avoid the development of isolated homes in the countryside unless one or more circumstances are met, including that it would re-use redundant or disused buildings and enhance its immediate setting.
7. I note that the Council consider the building to be redundant or disused. This is not strictly consistent with my own observations at the time of my site visit as there was some hay and other items stored in the building. I do however, agree that the building appears to be of sound and permanent construction and is capable of accommodating the proposed use through conversion. The proposal would also retain the existing shape of the building whilst the windows and doors would in the main utilise existing openings. The intrinsic agricultural character of the building would therefore be largely retained and overly domesticating features avoided.
8. I acknowledge that it is proposed to replace the existing corrugated roof sheeting at the rear of the building with tiles. However, such sheeting is commonly used on agricultural buildings, whilst the colour matches the tiles on the other parts of the roof. Despite its visibility, the benefit is therefore relatively limited. Moreover, the building as existing sits very comfortably within the existing grouping of buildings and the elevation facing onto the access area is attractive. In overall terms I therefore agree with the Council that the conversion of the building itself would have a neutral effect on the character and appearance of the area.
9. However, main garden area of the dwelling would be created by utilising part of the attractive pastoral field positioned immediately to the rear of the building. I appreciate that it is proposed to delineate this space by hedge planting but nevertheless, the likely and reasonable expectations of future occupants would be to create a domestic lawn, introduce ornamental planting, patio area and a range of domestic paraphernalia such as a garden shed, a washing line and garden furniture. These aspects when taken together would result in significant and harmful suburbanising changes to the existing rural setting of the building. Therefore, in the context of the requirements of paragraph 79 of the Framework, the proposal would not result in the enhancement of the immediate setting of this building. Moreover, such an encroachment into the countryside would also result in unacceptable, albeit localised, harm to the AONB landscape.
10. The appellant considers that the harm stated in the Council's reason for refusal could be rectified by repositioning the curtilage to the east of the building and an amended block plan has been provided which shows this. However, that is not the arrangement before me and I am unable to accept such an amendment for the reasons explained above. In these circumstances, it would not be appropriate for me to comment on the amendments as to do so would usurp the local decision making process.
11. The appellant has referred to similar buildings in the District that have gained approval as special circumstances for isolated dwellings in the open countryside

and has specifically drawn my attention to the site at Oxnalls Farm¹. In response, the Council has provided me with additional details which show that the associated curtilage for that scheme would be contained within an existing yard area and as such would not visually encroach into the countryside. It is also confirmed that Oxnalls Farm does not fall within the AONB. The setting considerations therefore materially differ from the appeal proposal, thereby significantly reducing the weight which can be afforded to any precedent arguments. In any case, I have determined the appeal on its own merits.

12. I recognise that the proposal would contribute to housing supply and there would be an economic benefit through the building works and from future occupants. However, as this relates to one dwelling, such benefits would be limited. Moreover, the appeal site is located some distance to the nearest settlement and the intervening connections would not be attractive to pedestrians or cyclists. Moreover, I've not been made aware of any nearby public transport opportunities. As such the site is poorly located in terms of access to services and facilities and future occupiers of the building would in practice be very reliant on a private car. Consequently, the proposal would not contribute to sustainable travel choices, as required by Policy SWDP 4. In these circumstances it is unlikely that the proposal would make any material contribution to the vitality of rural communities so as to promote sustainable development in rural areas.
13. The proposal would in principle make use of an existing building but it has been brought to my attention that there is an extant approval² for it to be converted to a holiday let. I'm not therefore convinced that a building of such sound condition and appearance would likely be left to deteriorate to become an eyesore, in the event that this appeal is dismissed. In any case, this argument would not outweigh the harm and policy conflict I have identified. There would be some biodiversity gains from the proposed hedging but given the modest extent of the same, this benefit would be limited.
14. In overall terms therefore, the proposal would not meet the social and environmental objectives of sustainable development and as such the presumption in favour of the same contained within Policy SWDP 1 and the Framework does not apply. Even though I do not consider that the tilted planning balance of paragraph 11 of the Framework is applicable in this case, in my judgement the adverse impact of allowing the appeal would significantly and demonstrably outweigh the benefits.
15. I therefore conclude that the proposal would not be consistent with local and national policies relating to the location of new housing development and as such would result in conflict with SWDP Policies 1, 2, 4, 21, 23 and 25 and paragraphs 7, 8, 78, 79, 170 and 172 of the Framework. These policies state, amongst other things and in addition to that set out above, that development proposals must demonstrate that they are appropriate to, and integrate with, the character of the landscape setting and that any development proposal within an AONB must conserve and enhance the special qualities of the landscape.
16. The Council's reason for refusal also refers to conflict with the Planning Practice Guidance but this is not specifically identified. In any case, having regard to

¹ Planning Application Ref: 16/00277/FUL

² Planning Application Ref: 17/01973/FUL

the above conflict with local and national policies it is not necessary to consider this matter further.

Conclusion

17. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR