
Appeal Decision

Site visit made on 11 December 2018

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2018

Appeal Ref: APP/J1860/W/18/3204695
Penny Patch, Hillside, Martley WR6 6QN

- 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 Mrs S Bowen against the decision of Malvern Hills District Council.
 - The application Ref 18/00308/FUL, dated 27 February 2018, was refused by notice dated 27 April 2018.
 - The development proposed is change of use from 3 car garage with storage over to holiday accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the building and the location of the site would be appropriate for visitor accommodation.

Reasons

3. Policy SWDP 2 of the South Worcestershire Development Plan sets out the relevant development strategy and Part C identifies that in the open countryside new development will be strictly controlled. It is not disputed by the parties that this site is in the open countryside.
4. Policy SWDP 35 refers specifically to visitor accommodation. Part B of this policy refers to sites outside a development boundary and identifies a number of categories where visitor accommodation in these locations would be acceptable. The category most applicable to this proposal is where it would re-use a redundant rural building of permanent or substantial construction.
5. The existing triple garage is of substantial and permanent construction and, indeed, appears in good condition, having been built in 2010. The appellant states that it was originally built to house her husband's cars and collections. He has now passed away and the appellant no longer has a use for the building. Indeed at my site visit I saw that apart from some empty shelving and storage units, the building was vacant.
6. However being vacant and no longer needed is, in my view, different from being redundant for the purposes of planning policy. Though the policy does not define 'redundant', I consider that the building's ability to be used for its

original purpose, in addition to whether it is actively in use, is a key factor in whether a building is redundant. In this case, though the appellant states she currently has no need for the building, I see no reason why she, or any other future occupant of Penny Patch, could not use the building for garaging or storage. Furthermore, its relatively close proximity to the house, its good construction and the lack of any apparent alternative garaging or similar store at the site would suggest it is practicably ancillary to the domestic use of the property. Therefore I do not consider the building to be redundant and as such the proposal would conflict with policy SWDP 35.

7. The appellant suggests that the proposal would allow the building to remain ancillary to the house. However I disagree. The building would have its own kitchen and bathroom facilities, its own separate access and is divided from the dwelling by a low fence, albeit with gated access. Hence the guests would be able to use the accommodation wholly independently from the main house. Consequently, despite the appellant's suggestion, a planning condition which sought to maintain a connection with the main dwelling, or re-establish one should the building's use as holiday accommodation cease, would do so in name only. I accept the garage could already be used as a residential annexe to the main house, but this would be ancillary to the use of the main house and therefore would be distinctly different to this proposal.
8. I have considered the other appeal case¹ and the officer report² provided by the appellant. In both cases I have little detailed information as to the nature of the buildings which they sought to convert, and as one of the key issues in these cases is the state of the building to be converted, each case must be determined on its own merits.
9. Turning to its location, the site sits within a collection of houses comprising Hillside. They are substantially detached from Martley and the facilities and services therein. The pedestrian route into that village is along unlit roads with no footpath and so any guests staying at the site would most likely be reliant on their own car for travel into Martley or other nearby settlements for their day to day needs. I recognise that this is not uncommon in rural areas, but nonetheless the proposal would fail to provide sustainable travel choices and so would fail to accord with Policy SWDP 4.
10. I also understand the site is close to recreational footpaths and so would be attractive to walkers, and I acknowledge the letter of support from Cob House Country Park. However this does not weigh heavily in my considerations as not all guests may wish, or be able, to use the nearby paths. Overall, I do not consider the site is appropriately located for this proposal.
11. I accept there would be an economic benefit to the appellant. However the benefit to the wider rural economy would be very limited based on the small scale of the proposal and its distance from the local facilities and services. These benefits do not outweigh the conflict with the policies I have identified.
12. In summary, I do not consider the existing building is redundant for the purposes of the policy and so is not appropriate for this proposal. Moreover, the site is not appropriately located for the development. Therefore the development would be contrary to policies SWDP 2, SWDP 4 and SWDP 35 as

¹ Ref APP/J1860/W/18/3195619

² Ref 18/01028/FUL & 18/01029/LB

described above. It would also conflict with policy MKD13 of the Martley, Knightwick and Doddenham Neighbourhood Development Plan which also allows for conversion of buildings provided they are redundant or disused.

Conclusion

13. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR