The Planning Inspectorate

Appeal Decision

Site visit made on 26 March 2019

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2019

Appeal Ref: APP/H1840/W/18/3202796
Farrier's Barn, Ab Lench Road, Rous Lench, WR11 4UW

- 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 Neil Curnock against the decision of Wychavon District Council.
- The application Ref 17/01669/CU, dated 10 August 2017, was refused by notice dated 28 November 2017.
- The development proposed is conversion of Farriers Barn to form a single storey three bed dwelling and associated works.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the whether the proposed development would be appropriate having regard to the development plan and other considerations.

Reasons

3. The appeal site is a rectangular shaped piece of land within the village of Rous Lench. Rous Lench is one of the five small 'Lenches' villages clustered together in this part of Worcestershire. The appeal site contains a single former poultry barn which is located towards the rear of the site. The unused barn is constructed of concrete blocks and the roof is made of profile metal sheeting. The barn has openings on the side and a large door to the rear. There are houses and gardens on the north side of the appeal site, a garden to the rear and open fields to the south. The boundaries of the appeal site are mainly comprised of trees and hedgerows. The appeal site lies within the Rous Lench Conservation Area.

4. The proposed development is to convert the building to a live/work unit and take access from Ab Lench Road. The unit would have three bedrooms and an office room. Having regard to the Planning (Listed Buildings and Conservation Areas) Act 1990, I consider that the proposal would preserve the character and appearance of the Conservation Area.

5. Within the *South Worcestershire Development Plan* 2016 (the SWDP), Rous Lench is identified as a Category 4B, that is lower tier, village. Such settlements have low/medium public transport provision and low services/facility provision. This is set out in Policy SWDP2 of the SWDP which

identifies the development strategy and settlement hierarchy. Amongst other things, the policy seeks to safeguard and, wherever possible enhance, the open countryside. The plan defines a settlement boundary tightly around the core of the village, and the appeal site lies outside of it. It is therefore in open countryside for the purposes of the SWDP.

6. Policy SWDP8 of the SWDP seeks to ensure the provision of the right land and building for jobs. Section G of that policy sets out the approach to proposals for live/work accommodation and identifies certain requirements. Criterion (i) of Section G is that the residential use would be ancillary with floor space split at least 60% employment and no more than 40% residential.

7. The proposed development is for 86% residential and 14% employment floorspace. This is significantly different to the minimum 60% employment floorspace requirement of the policy. The appeal building is relatively small and the appellant contends that it would not be feasible or practical to achieve the required level of employment floorspace. There is also opposition to greater levels of employment floorspace within the supporting representations made. I have attached moderate weight to these considerations.

8. However, I agree with the Council that such a low proportion of employment floorspace would mean that the employment would be ancillary to the residential rather than the other way round as required by the policy. Indeed, apart from the physical nature of the design, the level of employment space to be provided would be more akin to having an office or study as part of a residential home. Although the other requirements of the policy, would or could reasonably be met, for the reasons set out above, I consider that the proposal would not meet the requirements of Policy SWDP8(G)(i) of the SWDP.

9. Policy SWDP12 of the SWDP sets out the approach to employment proposals in rural areas. Section E of that policy sets out the requirements for proposals which involve the residential conversion of a building as part of a farm diversification process. This would require that a marketing exercise, consistent with Annex F of the SWDP, would be undertaken and that uses for employment, tourism, leisure and recreation are unviable. The Council has not sought to rely upon this Policy in its Decision Notice, although it is referred to in the delegated report. The proposed development is described as a live/work unit but since it would be 86% residential, I consider it could be considered in relation to Policy SWDP12 as suggested by the appellant. I have not been provided with evidence which supports the view that the proposal would be part of a farm diversification project, although the appellant has stated that the building is no longer suitable for its former poultry use and he will retain a large arable and grassland farm.

10. The appellant has not submitted any evidence of the building being marketed for employment, tourism, leisure or recreation uses but has submitted information, including financial assessments, of why he considers that the conversion of the building for those uses would not be viable. The financial evidence is not disputed. The appellant states there is no demand for small scale office or employment uses in the area but this is not supported by submitted evidence and does seem to conflict with the proposal for a property with a small office for up to three workers incorporated within it.

11. Annex F of the SWDP highlights that in some cases prior marketing may not be determinant, and I have had regard to the appeal decision[1] referred to me. I consider that the circumstances of that case which involved demolition of employment units are different to the scheme before me, and I do not have details of the evidence submitted to the Inspector to justify that scheme. I consider that in the circumstances evidence of marketing could have expected to have been provided to justify compliance of the current proposal with the policy. I therefore consider that the proposal has not met the fundamental requirements of Policy SWDP12 Section E of the SWDP.

12. I have taken into account the supporting representations from members of the local community, and placed moderate weight upon them. I have also placed moderate weight on the benefit that the proposal would bring to the current state of the appeal building. I have placed limited weight on the employment benefit to the Lenches villages given the small employment floorspace proposed, and taken account of Paragraph 84 of the National Planning Policy Framework which recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations not well served by public transport.

Conclusion

13. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposed development would conflict with Policies SWDP8(G) and SWDP12 (E) of the SWDP, and would also conflict with the development strategy and settlement hierarchy set out in Policy SWDP2 of the SWDP. Rous Lench is a lower tier village with a tight development boundary around it and the appeal site lies within open countryside which the policy seeks to safeguard. I have attached moderate or limited weight to other considerations but these do not outweigh the conflict or lead me to conclude that the appeal can be determined other than in accordance with the development plan. I therefore conclude that the proposed development would not be appropriate for the site having regard to the development plan and other considerations.

14. For the reasons set out above, I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR

[1] APP/H1840/W/16/3152337