



Appeal Decision

Site visit made on 10 June 2019

by Rachel Walmsley BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2019

Appeal Ref: APP/H1840/W/19/3222294

Court Farm, Hindlip Lane, Hindlip WR3 8SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs J Tucker against the decision of Wychavon District Council.
 - The application Ref 18/02166/OUT, dated 17 October 2018, was refused by notice dated 18 January 2018.
 - The development proposed is demolition and rebuilding of existing outbuildings to form 4No residential cottages. Resubmission of 18/0114/OUT.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Contrary to what the Council state in its delegated report, the application was submitted in outline with appearance, layout and scale for consideration and landscaping and access reserved for a later date. I have considered the appeal on this basis. Furthermore, although I have comprehensive plans before me, I have treated all plans as illustrative, except where they deal with matters of appearance, layout and scale.

Main Issues

3. These are:
 - (i) whether the proposal would be inappropriate development in the Green Belt, taking into account the effect of the proposal on the openness of the Green Belt;
 - (ii) whether the development would be in a suitable location having regard to the development plan and national policies;
 - (iii) the effect of the proposal on the setting of the nearby listed building; and,
 - (iv) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development and openness

4. National policy on development in the Green Belt is set out in the National Planning Policy Framework (the Framework) which advises that the essential characteristics of Green Belts are their openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist. Most new buildings should be regarded as inappropriate, but for certain defined exceptions. Policy SWDP2(E) of the Development Plan requires the approach in the Framework to be applied to all new development in the Green Belt.
5. The Framework makes a number of exceptions to development in the Green Belt. Paragraph 145 of the Framework relates to new buildings and based on the works described, this paragraph is most relevant to the appeal proposal.
6. Exception d) of this paragraph relates to the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
7. The Council states that, although dilapidated, the last known use of the building on the appeal site is agriculture although there are no details before me which validate this position.
8. The appellant supports the appeal with an account of the building and its history. I am satisfied from all that I have read that the building materialised in the late 1800's as a feed house with granary over and as part of a farm estate. Two small stables and a tack room were added later. The historic building record¹ submitted in support of the development reports that in the 1940's the building was partly converted to residential accommodation. There is some evidence of this within the southernmost end of the building; namely chimneys, fireplaces, painted plaster and potential gas heating.
9. In the 1960's the farm became an agricultural college. The appellant suggests that Worcestershire County Council acquired the site and initiated the conversion of the appeal building to residential for local authority staff. Some residential features including architrave and painted plaster are testament to this. However, these features are not widespread within the building and I have no evidence before me of the building being converted as a whole. The appellant acknowledges that the near total absence of and small windows is not conducive to quality residential accommodation. Furthermore, a newspaper article before me confirms that there wasn't an intention for the courses at the college to be residential. With evidence on site of loading and sliding doors akin to the use of the building as a granary/feed house, it would appear from the evidence before me that at best only part of the building was in residential use.
10. The development therefore would not comprise the replacement of a building that would be in the same use. And so, notwithstanding the building not being materially larger than the one it replaces, the proposal would not satisfy criterion d) of paragraph 145 of the Framework.

¹ Farm Buildings at Court Farm, Hindlip, Worcester – Historic Building Record and Statement of Significance (Mike Napthan Archaeology 2018)

11. Exception g) of paragraph 145 refers to the partial or complete redevelopment of previously developed land which the appellant maintains is also relevant to the appeal site.
12. The definition within the Framework of previously developed land excludes land that is or was last occupied by agricultural or forestry buildings. As identified above, although the Council maintains that the building is in agricultural use, I have no evidence of this to be certain that this is the case. I have found evidence of part of the building being in residential use and on this basis I am satisfied that the site comprises previously developed land. Nevertheless, either way, to satisfy the requirements of the Framework, the development must be assessed for its impact on openness. The Framework at paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. To satisfy criterion g) of paragraph 145 of the Framework, the redevelopment of previously developed land should not have a greater impact on the openness of the Green Belt than the existing development.
13. The new housing would occupy a marginally smaller footprint than the existing building and its form and scale would not be dissimilar to the original granary/feed house. However, the development would also comprise car parking areas, domestic gardens with their likely paraphernalia and more intense activities on the site related to the comings and goings of residents. 'In the eyes of the viewer' these matters would, cumulatively, create a development with a greater visual and spatial presence on the site than the existing building. As such, the development would have a greater impact on the openness of the Green Belt than the existing development.
14. I find, therefore, that the proposal would not fall within the exceptions of development in the Green Belt and would adversely affect its openness, contrary to the Framework and Policy SWDP2(E). As such the development would be inappropriate development in the Green Belt and would by definition be harmful to the Green Belt and should not be approved except in very special circumstances. I attribute substantial weight to this harm as required by paragraph 144 of the Framework.

Location of development

15. The development would be outside any settlement as defined within the Development Plan² and therefore within the open countryside. Policy SWDP2 sets an overall strategy for development focusing most development on the urban areas. The nearest settlements to the appeal site are Fernhill Heath which is a Category 2 village and Worcester but being outside of both these settlements, the development would be contrary to policy SWDP2.
16. However, whilst outside a settlement defined within the Development Plan, the appeal site is not isolated from built development. Court Farm adjacent to the appeal site is a residential dwelling and there was evidence on my site visit of other dwellings within proximity of the appeal site. The Framework at paragraphs 78 and 79, together with policy SWDP4 of the Development Plan, promote sustainable development in rural areas and where development is located, to enhance or maintain the vitality of rural communities.

² South Worcestershire Development Plan, adopted February 2016

17. Fernhill Heath and Worcester may be within a seemingly reasonable distance of the appeal site, however, neither are easily accessible on foot or by bicycle. The roads surrounding the appeal site are narrow and devoid of a footpath or cycle lane. As such there would be a likely conflict between cyclists and pedestrians and vehicles which would endanger the safety of those using a mode of travel other than the car. It has also not been demonstrated what services and facilities are available to prospective residents and how they could be accessed from the appeal site. It would appear from the evidence before me, therefore, that the new housing would not be in a location whereby prospective residents could readily use more sustainable modes of travel and support local services and facilities on a regular basis by these modes.
18. In all, therefore, I find that the development would not be located so that the need to travel is minimised and the use of sustainable transport modes maximised so that the housing would have acceptable access to everyday local facilities by a range of modes of transport. Therefore, the development would be contrary to Policies SWDP2 and SWDP4 of the Development Plan and paragraphs 78 and 79 of the Framework.

Setting of listed building

19. The Dairy building is grade II listed, significant because of its architectural details and overall character and for being part of a model farm, Court Farm. The appeal site is some distance from the Dairy building and therefore the development would not have a direct visual impact on the architectural qualities or visual setting of the Dairy building. However, being within the site of Court Farm, the appeal site and the Dairy building are appreciated in the same historical context. As such, the appeal site contributes positively to the historical setting of the Dairy building which I have found to be significant.
20. The estate has changed in form and layout over the years with some buildings left to decay and others demolished or redeveloped. However, the estate land has been altered, such that much of its original form and character has been lost to more recent building and landscaping works. This has undermined the historical significance of the site as a model farm.
21. Redeveloping the site as proposed would be a continuation of the modernising works that have already taken place on the site. In occupying largely the same footprint as the existing building, the development would not alter the relationship of the appeal site to the Dairy building. Although not a replica of the original building, the development would exhibit some of its features including original brickwork, roof tiles and brick detailing to eaves. Therefore, whilst more modern in form, the new housing would not appear unduly incongruous within the grounds of Court Farm and would not be harmful to the historical significance of the site and this role this plays as a setting to the listed building.
22. In all, therefore, I find that the proposed development would preserve the special architectural or historic interest of the listed building or its setting and therefore would accord with policies SWDP6, SWDP21 and SWDP24 of the Development Plan which, amongst other aims, seek to ensure that development proposals conserve and enhance the significance of heritage assets and their settings. The proposal would also accord with the policies of the Framework which, amongst other aims, include conserving heritage assets in a manner appropriate with their significance.

Other considerations

23. Paragraph 144 of the Framework states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
24. It is national policy that unmet housing need is unlikely to clearly outweigh the harm to the Green Belt and any other harm to comprise very special circumstances. The benefit to housing supply, therefore, carries minimal weight. There would be modest benefits to the local economy and community, not least through employment and residents supporting local services and facilities.
25. The building on the appeal site is in a poor state of repair with the roof missing from all parts, internal first floors absent and debris and vegetation littering the ground floor. The building is highly visible from surrounding roads and in local views and is therefore harmful to the visual amenity of the local area. The new housing would create a more orderly and attractive site which attracts moderate weight.
26. The current building is structurally unsound, leaning walls, structural cracks and collapsing lintels and masonry mean that the building is unsafe. The development would make the site safe which is of moderate weight.
27. The existing building is close to the highway and limits drivers' visibility. The set back of the building from the road would improve visibility levels. However, as I have no evidence of the building contributing to accidents on the road, this benefit attracts little weight.

Very special circumstances

28. I have concluded that the development would be inappropriate development and would, therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would be harmful to the openness of the Green Belt. There are matters which would weigh in favour of the development. However, the Framework requires that substantial weight must be given to the harm to the Green Belt. In addition, very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, the moderate weight to the other considerations, either individually or cumulatively, do not clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and the harm to openness, together with the harm caused by the location of the development. Very special circumstances do not therefore exist.

Conclusion

29. For the reasons given above, I find that the development proposed would be contrary to the Development Plan and the Framework and therefore the overall conclusion is that the appeal is dismissed.

R Walmsley

INSPECTOR