
Appeal Decision

Site visit made on 4 June 2019

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2019

Appeal A Ref: APP/W1850/W/19/3221175

**Former coach house and land at Wilcroft, Bartestree,
Herefordshire HR1 4BB**

- 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 A Mifflin against the decision of Herefordshire District Council.
 - The application Ref 174451, dated 17 November 2017, was refused by notice dated 27 July 2018.
 - The development proposed is change of use and conversion of former Coach House to form a 2 bedroom dwelling together with provision of turning and parking facilities and private amenity area.
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Appeal B Ref: APP/W1850/Y/19/3221176

**Former coach house and land at Wilcroft, Bartestree,
Herefordshire HR1 4BB**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr A Mifflin against the decision of Herefordshire District Council.
 - The application Ref 174452, dated 17 November 2017, was refused by notice dated 27 July 2018.
 - The works proposed are change of use and conversion of former Coach House to form a 2 bedroom dwelling together with provision of turning and parking facilities and private amenity area.
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Decisions

1. Appeals A and B are dismissed.

Main Issues

2. Whether or not the proposed residential use is compatible with the neighbouring agricultural building and activities, including whether there would be adequate private amenity space and a safe means of access and parking for future residents.

Reasons Appeal A

Policy and appeal site context

3. It is not disputed that the principle of residential reuse of the appeal building is acceptable. However, site specific considerations also need to be addressed. Herefordshire Local Plan Core Strategy (CS) Policy RA3 permits the conversion of a redundant or disused rural building in the open countryside where it

complies with Policy RA5 (re-use of rural buildings) and leads to an enhancement of its setting. The provisions of Policy RA5 include support for proposals which are compatible with neighbouring uses, including any continued agricultural operations. CS policy SD1, amongst other things, requires development proposals to safeguard residential amenity for existing and proposed residents. Whilst the Bartestree and Lugwardine Neighbourhood Development Plan (NDP) contains Policy BL3 which relates to the development of infill and windfall sites, there is no dispute that this policy can be given limited weight because the NDP was made on the 1 December 2016 and its housing delivery policies, which include Policy BL3, are deemed 'out of date'.

4. The appeal site is within the open countryside beyond the settlement boundary for Bartestree. It is proposed to convert a two-storey brick outbuilding, the Coach House, into a two bedroomed dwelling. It stands at the western end of a range of outbuildings which were formerly associated with the grade II listed Wilcroft, all of which are curtilage listed grade II. With the exception of the appeal building, they have all been converted to residential use. Wilcroft itself is now subdivided into three dwellings and stands to the south. I understand that its residents use the Coach House for parking. To the immediate west of the appeal site is a small working farmyard in separate ownership. Its buildings include an open pole barn located immediately adjacent to the Coach House.
5. The other dwellings in the range of outbuildings access their parking areas and gardens from the track to the north, whereas those of the appeal property would be to its south. The Coach House access would be shared with the farm and there is no dispute that the farmer has a right of access over this track, but not over the appeal site itself. The area of hardstanding to the front of the Coach House and the pole barn is used for turning and manoeuvring. However, the area in the appellant's ownership would become the amenity space for the proposed dwelling. Its parking spaces would be set back from the hardstanding on other land belonging to the appellant.
6. The Coach House is significantly different to the other properties within the range of outbuildings, in that it is immediately adjacent to the pole barn and they share the servicing area. The Coach House separates the existing residential uses from the adjacent agricultural use. In my judgement this is the main area of concern identified by the Planning and Regulatory Committee, as borne out by the wording of the planning refusal reason which differentiates between activities associated with the neighbouring agricultural building, amenity space, access and parking considerations. The relationship between the agricultural and residential activities is therefore discussed below.

Planning History

7. There is a long history of refused applications for the residential conversion of the Coach House, including 2013 Planning and Listed Building appeal decisions relating to the appeal site¹. The planning appeal decision considered whether there would be adequate private amenity space and a safe means of access and parking for domestic vehicles, having regard to the need to retain access to the barn for larger agricultural vehicles.

¹ APP/W1850/A/13/2196502 & APP/W1850/E/13/2198839

8. Contrary to the appellant's assertions, the appeal decision did not address the broader compatibility of the proposed residential use with the agricultural use. I note that the inspector referred to Policy HBA12, criterion 4 of the now superseded Herefordshire Unitary Development Plan which required schemes to provide acceptable *living conditions* and *compatibility with neighbouring uses*. However, he considered the proposal only in relation to an absence of private amenity space and a safe means of access/parking for domestic vehicles. This indicates to me that the compatibility of the 2 uses were not brought to his attention as main issues and indeed this matter is not discussed in the decision.
9. Furthermore, the appellant states that compatibility with the neighbouring agricultural use has already been considered and found acceptable and that this matter should not now be cited as a reason for refusal. The evidence of both main parties indicates that living conditions arising from being in close proximity to farm animals was considered in 2012 by the Council's Environmental Health Officer (EHO) who considered that it would be difficult to substantiate a planning refusal on this basis due to the proximity of other nearby and neighbouring properties. It appears that this advice was accepted by officers at the time. It may well be that the Council, including its EHO, then had evidence about the agricultural use which led it to conclude that the relationship between it and a new residential use would be acceptable. Such evidence, updated to reflect the passage of time, has not been provided with this appeal.

The appeal scheme

10. The proposals which are the subject of these appeals have been amended in response to the dismissed appeal decisions. Residential car parking would now be provided in a set-back location away from the operational area in front of the buildings. The scheme also provides for more 'defensible' amenity space in front of the Coach House.
11. The Council states that it does not consider that the impact of the farming activity within the yard warrants refusal of the appeal scheme where the site context includes existing nearby dwellings. In its submissions the Council also makes a distinction between the yard and the agricultural buildings. I agree that the small scale of the farmyard to the west and its distance from the residential use and separation by buildings is unlikely to harm residential amenities.
12. However, I share the Council's concerns about the living conditions of the occupiers of a dwelling attached to a barn which is in unrestricted agricultural use and sharing their only means of access with a working farm. There would be hazards to future occupiers and their visitors when accessing the converted Coach House by vehicle or on foot or using the amenity space in front of the Coach House when agricultural vehicles are loading or unloading on the shared access area, notwithstanding that occupants could park vehicles on the north access track until agricultural activities have ceased.
13. Additionally, based on the evidence with this appeal, I consider that the noise and general disturbance associated with the unrestricted agricultural activities within and around the adjacent barn would be most likely to negatively impact on the living conditions of future occupiers. Unlike the other properties in this converted range, the proposed dwelling and its amenity space would be

immediately next to these activities and access to its parking area could potentially be obstructed at any time of the day or night.

14. These factors, along with amenity space that could not be effectively screened from the agricultural activities and a parking area that could be obstructed lead me to conclude that the agricultural use of the adjacent buildings and shared access is incompatible with the proposed residential use of the Coach House and would be contrary to the objectives of the Policies SD1 and RA5 which I consider to be the most relevant policies to this planning appeal.
15. Whilst the scheme makes adequate provision for the parking and turning of vehicles associated with both the current agricultural use and the proposed residential use of the appeal property, there remain conflicts between the uses.

Other Matters

16. The Council concludes that residential occupation of the Coach House would prejudice the continued agricultural use of the buildings, access track and hardstanding area to the front of the building. There is insufficient evidence about the agricultural use to reach a balanced conclusion on this point and as I am dismissing the appeal on other grounds, this would not affect my decision.
17. Many representations were made in respect of rights of access across the appeal site. However, as the previous Inspector also stated, these are civil matters which are not under consideration in this appeal. I have noted all comments made including ecological concerns and works carried out in the locality. None affect the conclusions on the main issues.

Appeal A - Planning Application Conclusion

18. Notwithstanding that the appeal proposal had the support of the case officer, it is my judgement that the changes made to the layout do not overcome the fundamental concerns I have set out above. On the basis of the evidence before me I conclude that the proposed residential development would be incompatible with the agricultural activities in the neighbouring pole barn. Whilst I am satisfied that there would be adequate amenity space in numerical terms, its domestic use would be compromised by nearby agricultural activities over which the residential occupiers would have no control and there is insufficient evidence to consider that it could be truly private. For the same reasons there would not be a safe access across the shared access area, leading to unacceptable living conditions arising from conflict with the need to retain unrestricted access to the agricultural building. Accordingly, I conclude that the appeal proposal is contrary to CS Policy SD1 and Policy BL3 of the NDP.

Reasons Appeal B

Listed Building

19. The Coach House is not remarkable in its own right and has the simple and functional appearance of similar rural buildings. To my mind its significance includes its relationship as part of the historic built environment associated with Wilcroft.

20. I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Great weight has been given to its preservation.
21. The officer report identified no concerns about the details of the scheme. I agree with the Council that, subject to conditions, the proposals would preserve the character and appearance of the listed building and its setting and would not harm its significance. The conversion works would preserve the setting of the neighbouring curtilage listed buildings and would not harm their significance.
22. However, with no planning permission in place for an acceptable re-use of the building for residential purposes, there is no justification for the proposed works to the listed building. In this context the works would be contrary to CS policy LD4 which reflects the statutory requirements for historic buildings and heritage assets and would be counter to the similar requirements of NDP Policies BL9 and BL7 which seek to conserve historic character. This approach is consistent with that of the previous inspector.

Other Matters

23. I note local residents' comments about unauthorised works being carried out to the listed building, these matters are not before me in this appeal. Furthermore, it appears that they have been addressed by the Council when carrying out its statutory functions.

Appeal B - Listed Building Consent Conclusion

24. In the absence of an acceptable redevelopment scheme the alterations necessary to enable residential occupation of the Coach House are unwarranted, premature and contrary to the development plan. Accordingly, the appeal is dismissed.

Elaine Benson

INSPECTOR