



Appeal Decision

Site visit made on 6 August 2019

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/W1850/W/19/3229606

**The Barn, Adjacent to Tadpole Cottage, South End Lane, Mathon,
Herefordshire WR13 5PB**

- 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 John Williams against the decision of Herefordshire Council.
 - The application Ref 183294, dated 13 August 2018, was refused by notice dated 19 March 2019.
 - The development proposed is the conversion of a former threshing barn to a residential unit.
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Decision

1. The appeal is dismissed

Procedural Matter

2. I have had regard to the photographs of the building on site taken by the Council in 2004. I noted during my site visit that works to the main pitched roof barn have been undertaken since those photographs were taken. The appellant confirms that works to the building had been undertaken prior to an enforcement investigation in April 2018.
3. There is disagreement between the parties as to whether the works that have been undertaken to the threshing barn require the benefit of planning permission. This is not, however, a matter that is before me to determine.
4. At the time of writing I have not been advised that an enforcement notice has been issued with regard to any works to the buildings on site. Furthermore, the application that is subject of this appeal is not retrospective and does not specify that permission is sought for any works that have already been undertaken. I have, therefore, determined the appeal on this basis.

Main Issue

5. The main issue in this appeal is the effect of the proposed development on the character and appearance of the existing building and the surrounding area, having regard to the local policies for new housing outside of settlements identified in the Council's housing strategy.

Reasons

6. The appeal site is occupied by a pitch roof building described as a former threshing barn. The cart shed is a low level structure adjacent to the east

facing elevation of the threshing barn. These two elements form the 'L' shaped building described in the submissions. Access to the site is via an existing agricultural field gate off South End Lane. There is a concrete yard area to the front of the existing structures, and the yard and the end elevation of the cart shed adjoin the boundary of the site with South End Lane. The building and yard are within an open agricultural field parcel.

7. In planning terms, the appeal site is within the countryside, in a location that is rural in character. The surrounding area is characterised by undeveloped field parcels with scattered dwellings and farmsteads.
8. Whilst the site is also within the Malvern Hills Area of Outstanding Natural Beauty (the AONB), I have been provided with little information about its special value. Nevertheless, it is not in dispute that the site is within the AONB and, as such, paragraph 172 of the Framework informs that great weight should be given to conserving and enhancing its landscape and scenic beauty.
9. The scheme proposes the change of use of the existing structures to a single dwelling and includes a number of alterations to the building in order to accommodate the proposed living space and two bedrooms. A parking area is proposed to the front of the dwelling, whilst the remainder of the site will provide a garden area to serve the dwelling.
10. Having regard to the location of the appeal site, the site is in a location where new residential development would only be permitted in exceptional circumstances. Policy RA3 (Herefordshire's countryside) of the Herefordshire Local Plan Core Strategy 2011-2031 Adopted October 2015 (HLPCS) allows for development outside of settlements provided it complies with the listed criteria, one of which is the sustainable re-use of redundant or disused buildings. Policy RA5 (Re-use of rural buildings) sets out specific criteria that must be met in order for the change of use of a rural building to be permitted. These criteria include the following requirements:
 - criterion 1 - design proposals that respect the character and significance of any redundant or disused building;
 - criterion 4 - the building to be of a permanent and substantial construction capable of conversion without major or complete reconstruction; and
 - criterion 5 - the building to be capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.
11. With regard to the main threshing barn, whilst a structural survey of the barn in its current condition has not been submitted, I note the details provided by the appellant of the works that have already been undertaken and the reason for those works. The Council has said little about whether the building, in its current condition, is capable of conversion. Having observed the threshing barn on site and noting the proposed alterations to this element of the building, it is reasonable to conclude that it is capable of conversion in the form

- proposed and that major or complete reconstruction would not be required to achieve the accommodation proposed within the threshing barn.
12. Turning to the cart shed, this is a light weight structure that is, essentially, a timber frame with a corrugated sloping roof. Whilst it is open on its elevation facing the yard area, the rear and side elevations are partly enclosed with a wall that has a mix of concrete block, stone and brick construction. These walls appeared to be free standing and, particularly along the rear elevation, did not appear integral to the structure as a whole.
 13. I note the appellant's comments with regard to the works to be undertaken to the cart shed. However, his description of the works does not entirely reflect the development proposed on the submitted plans. He suggests that the cart shed would be retained and refurbished, yet significant elements of the existing building would not be retained.
 14. For example, the vertical posts of the timber structure are not shown as being retained on the block plan. They are missing from the proposed block plan on the rear elevation and would be replaced with brick piers on the front elevation. There is no cross section of the cart shed, either existing or proposed, to show whether the horizontal elements of the timber frame would be retained.
 15. Furthermore, the appellant suggests that the existing walls along the rear elevation would be retained and clad in timber. However, the proposed layout shows a rear elevation of a more substantial construction that is also in an amended position that is more aligned with the north facing elevation of the threshing barn.
 16. I have been provided with limited information regarding the structural integrity of the cart shed and the two walls that form its rear and one of its side elevations. Nonetheless, from my visit to the site I was able to see that there were significant gaps in the wall along its rear elevation and I saw a large crack where the rear and side sections of the wall met.
 17. Having regard to the findings above, it is reasonable to conclude that there would be little of the existing cart shed retained in order to achieve the accommodation that is proposed in this element of the scheme. Whilst I acknowledge that what is proposed would replicate the scale and footprint of the existing structure, its substantial replacement would be required to achieve a development of the integrity and standard that is proposed and is required for a dwelling house.
 18. Accordingly, I do not regard the cart shed as being of a substantial construction that is capable of conversion without major or complete reconstruction. As this is a significant element of the scheme that is before me, the scheme as a whole cannot be considered to comply with criterion 4 of the HLPCS Policy RA5. In this regard the development would cause harm to the Council's strategy in terms of restricting new development outside of identified settlements.
 19. Furthermore, and having regard to the conclusions above, if the development were completed as proposed, the single storey wing would represent a substantial extension to the threshing barn. I have, therefore, considered the proposed development in the context of criterion 5 of Policy RA5 as follows.
 20. As mentioned above, the existing open sided cart shed has a light weight character and the timber frame, much of which may well be historic, is almost

entirely legible from external views. The threshing barn and cart shed are evidence of how this agricultural site has organically developed over time. Whilst the general design of the proposed single storey wing seeks to replicate the scale and footprint of the existing cart shed, its design features (including timber cladding, brick piers and a grass roof) have little regard to the current structure's character and features. The proposed development would, therefore, result in a form of extension to the threshing barn that would be more contemporary in its appearance and more substantial in its character when compared to the existing cart shed.

21. In addition to the above, the proposed wing would extend from the threshing barn to the boundary of the site with the adjoining highway, resulting in a substantial increase in the extent of new built development on the site.
22. Having regard to the findings above, the substantial extension would not be sympathetic to the host building in its appearance and would result in a form of development that is at odds with the character of the threshing barn. In view of the proximity of the barn and the proposed extension to the adjoining highway, the harm caused to both the character and appearance of the barn would be apparent from this public vantage point. In this regard the development fails to comply with criteria 1 and 5 of Policy RA5.
23. In terms of the effect of the development on the wider area and the AONB, notwithstanding the recent works to the threshing barn, this building is an example of how built development in this rural area has historically evolved. In view of the harm that would be caused to both the character and appearance of this building, the proposed development would diminish the contribution this building makes to the special qualities of the surrounding landscape.
24. The scheme would result in an encroachment of unacceptable residential development into the rural setting. The development would also be set within an expansive curtilage that would be far larger than that serving the adjoining or nearby existing dwellings. The domestic landscaping and paraphernalia that would be inevitable on this expansive area would contrast with the character of the surrounding rural landscape. Accordingly, the character of the scheme as a whole would contrast with the existing rural setting. I note that the Council has identified various locations from where the development and wider site would be visible; these are not disputed by the appellant.
25. The proposed development would have an unacceptable effect on both the character and appearance of the existing building and the wider area. The development would result in the substantial reconstruction of the existing building in a form that fails to respect both the appearance of the building and its character within its existing setting. The encroachment of this unacceptable residential development into the rural landscape would cause detriment to the surrounding landscape and its special qualities. Accordingly, the development would fail to comply with criteria 1, 4 and 5 of Policy RA5 and the supporting Policy RA23 of the HLPCS.
26. Furthermore, as the appeal site is in an area recognised for its outstanding natural beauty, I must give great weight to the conservation (and enhancement) of the landscape and scenic beauty of the area. Accordingly, the harm that would be caused by the proposed development to the landscape within which the development would sit would conflict with the guidance in paragraph 172 of the Framework.

27. Notwithstanding the conclusions above, the Council have confirmed that it is unable to demonstrate that it currently has a five year housing land supply, as required by paragraph 73 of the Framework. Accordingly, footnote seven of the Framework suggests that the policies most relevant to the main issue in this case are out-of-date. In these circumstances and bearing in mind the location of the development within an Area of Outstanding Natural Beauty, paragraph 11 d) i. informs that planning permission ought to be granted unless 'the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'.
28. The development would neither conserve nor enhance the landscape or scenic beauty of the AONB and I have, therefore, identified harm in this regard. In view of the weight that such harm should be afforded, there is a clear reason for refusing the development proposed and dismissing the appeal.
29. Finally, my attention has been drawn to several appeal decisions and case law in support of the appellant's case. I have not, however, been provided with the full details that would have been available to the previous decision makers in each of the cases referred to. As such, I am unable to make an informed comparison between the proposed development in those cases and that subject of this appeal. Nevertheless, having considered the particular circumstances of the case that is before me, I have concluded that the existing building is unlikely to be capable of conversion in the manner proposed without major reconstruction and I have identified harm in this regard.

Conclusion

30. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Moss

INSPECTOR