
Appeal Decision

Site visit made on 28 May 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/J1860/W/19/3223976

Barn adjacent to Whitecroft, 23 Colletts Green Road, Powick WR2 4RY

- 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 Victor Simms against the decision of Malvern Hills District Council.
 - The application Ref 18/01457/FUL dated 11 October 2018 was refused by notice dated 4 January 2019.
 - The development proposed is conversion and extension of redundant building to form a single dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Issue

2. A revised National Planning Policy Framework (the Framework) was published in February 2019 after the issue of the Council's decision. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.

Main Issues

3. The main issues are (i) whether the appeal proposal would be a suitable location with regard to housing policies and (ii) the effect of the appeal proposal on the character and appearance of the area.

Reasons

Location

4. The appeal site is situated to the north of Colletts Green Road and accessed off a lane from the main road. The appeal building was formerly part of an agricultural small holding used in connection with Whitecroft. It resembles an agricultural building and has a steel frame and is open on the eastern elevation apart from a set of metal doors to one end of the building. It is sited within a yard to the north of a small cluster of dwellings on Colletts Green Road with a post and rail fence marking the boundary with countryside to the east and north. The position of the appeal site at the end of the narrow lane marks a visual distinction between the cluster of dwellings including Whitecroft which are closer to the main road and the appeal dwelling which

has a rural character. There is a public right of way running along the western elevation of the building with a mature hedgerow in between. The right of way continues north to the open countryside.

5. The appeal site is outside the boundary of the village of Colletts Green as Colletts Green Road forms the boundary and is therefore considered to be within the open countryside. In such locations, Policy SWDP2 of the South Worcestershire Development Plan 2016 (SWDP) seeks to strictly control development subject to exceptions. It is agreed that the appeal proposal as an open market dwelling does not fall within those exceptions.
6. Policy SWDP 2 also sets out a hierarchy of settlements based upon the role of the settlement and the services provided there. I am advised that Colletts Green is a category 2 settlement where first position is the city centre and fifth is the most rural villages with no more than one or two local services. Category 1, 2 and 3 villages provide varying ranges of local services and facilities but are likely to rely on larger settlements for a greater range. The role of Colletts Green is therefore predominantly defined as meeting locally identified housing and employment needs. I have limited evidence about local housing needs.
7. Paragraph 79 of the Framework which refers to avoiding isolated homes in the countryside does not apply as the parties agree that the appeal site is not in an isolated location. Paragraph 78 of the Framework states that " housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive especially where it will support local services." I note that the wording refers to informing the Council's approach with regard to policy making to ensure that rural communities grow to support local services. However, even within the decision making process, the appeal proposal is for one dwelling.
8. Limited short term economic benefits may arise for the locality including from construction work. I note that the proposal would also provide a very modest social benefit from the provision of one new dwelling. Although the appellant refers to the appeal proposal being adjacent to the settlement boundary and accessing the same facilities as residents in Collett Green, that in itself does not indicate that the appeal proposal would fall within Paragraph 78 in terms of enhancing or maintaining vitality or rural communities. The appeal site is in a countryside location and there is limited evidence that the appeal dwelling would enhance or maintain the vitality of services.
9. The appellant considers that an appeal decision at Leiston reference APP/J3530/W/17/3185457 to be the most directly comparable to the appeal proposal. However, that decision related to the change of use of a holiday let to a dwelling where no external alterations were proposed. With regard to the accessibility of services and facilities, the Inspector took into consideration a recent grant of planning permission for 100 dwellings less than 100 metres away. The Inspector also considered the occupation of the dwelling as a holiday let to be comparable with the proposed residential use. I am satisfied that there are material differences between the facts of this case and Leiston decision. I have considered this appeal on its individual merits and circumstances.

10. Accordingly, I conclude that the site is not a suitable location for housing having regard to local and national policies. The proposal would therefore be contrary to Policy SWDP 2, which amongst other things seeks to direct most development to urban areas and sites within defined development boundaries. Residential development in the open countryside is limited to that according with specific exceptions.

Character and appearance

11. The existing building is identifiable as an agricultural type building in a rural setting. The appellant considers that any agricultural character has long since gone. Although the appeal proposal is referred to as being redundant, there is limited evidence with regard to its use. The appellant refers to the building as being used for general domestic storage and storing logs. The building was being used for those purposes at the time of my site visit. However, irrespective of the actual use, the appearance is of an agricultural barn.
12. The appeal site also includes a separate green house, a vegetable patch and raised planting beds. The site is distinct and separate from the Whitecroft and is accessed along a track with a separate entrance. The presence of the right of way to the side of the appeal building to the open fields beyond adds to the rural character. I do not therefore share the appellant's view that the appeal site has taken on a domestic appearance as a result of its preceding uses as part of Whitecroft. Its location does mean that the appeal site has more affinity with open countryside than the village.
13. The parties are not in agreement as to whether the appeal proposal would represent a new build or re-use. However, as the appeal building is currently not a dwelling, the appeal proposal would result in a new dwelling in open countryside irrespective of the nature of the work proposed.
14. The appeal building would be enlarged with the addition of a new flat roofed section along the whole of the eastern elevation. The changes to the western elevation would include the insertion of five windows of two different sizes and cladding with timber of approximately two thirds of the walls.
15. The eastern elevation would have significant changes with a series of six patio style aluminium doors with a timber pergola along part of the front of the building. The addition of a lean to at the northern end of the building does add to what the Council describes as visual confusion in comparison to the current simply designed barn. The proposed additions would double the size of the existing building. No details are provided of how the appeal dwelling would be fenced or what amenity space within the yard would be used in connection with the appeal proposal.
16. The western elevation is closest to the path and the extent to which the appeal proposal would be seen from the right of way would depend upon the time of year and the height of the surrounding hedges. The photographs produced by the appellant do show that even with the hedge at its current height there would be views of the building particularly at short range at certain times of the year. I do however agree that longer range views are very limited. Whilst photographs of other dwellings along the footpath are provided, they are not comparable to the appeal proposal and are in different locations.

17. The extent of the alterations and the overall appearance of the appeal proposal would impact upon the rural setting and would have a significant negative impact on the quality of the landscape in the area.
18. I therefore do find that the appeal proposal would harm the character and appearance of the area. It would therefore be contrary to SWDP21 and SWDP25 which, amongst other things, state that development must complement and integrate with the character of the area. It would also be contrary to Paragraph 170 of the Framework which refers to recognising the intrinsic character and beauty of the countryside.

Other Matters

19. The appellant has drawn my attention other appeal decisions apart from the Leiston decision. The nature and circumstances of each of these cases appears to differ significantly from the proposal now before me, including in terms of the scale of the scheme, the geographical location, whether replacement buildings and dwellings or conversion would result.
20. The Council indicates that it is able to demonstrate a 5 year supply of housing. Whilst the appellant has queried the up to date position, he does indicate that the appellant's case is not reliant upon the tilted balance of Paragraph 11 but relies upon the appeal proposal according with the development plans as a whole.
21. Were Paragraph 11 of the Framework to apply, only where adverse impacts significantly and demonstrably outweigh the benefits should an appeal be dismissed. The development is contrary to relevant development plan policy and so the tilted balance does not therefore apply. The appellant considers that a lack of a specific policy for the reuse of a rural building would engage the paragraph 11 tilted balance. However, even if I had found that the tilted balance was engaged, the adverse impacts would significantly and demonstrably outweigh the benefits in any event.

Planning Balance and Conclusion

22. I have found that the appeal proposal is not a suitable location for housing and have found harm to the character and appearance of the area. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material conditions indicate otherwise. I have not found that any benefits of the proposed development would outweigh the adverse impacts I have found.
23. For the reasons given, I dismiss the appeal.

E Griffin

INSPECTOR