



Appeal Decision

Site visit made on 6 August 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 28 October 2019

Appeal Ref: APP/J1860/W/19/ 3229510

Thatch Lodge, A4133 Holt Heath, Holt Heath WR6 6NL

- 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 E Hunt against the decision of Malvern Hills District Council.
 - The application Ref 19/00004/FUL dated 28 December 2018 was refused by notice dated 4 April 2019.
 - The development proposed is conversion of stable block to dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of stable block to dwelling at Thatch Lodge, A4133 Holt Heath, Holt Heath WR6 6NL in accordance with the terms of the application, Ref 19/00004/FUL dated 28 December 2018 subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) whether the appeal location would represent a suitable location for housing having regard to local and national policies and (ii) whether the appeal proposal would harm the character and appearance of the area.

Reasons

Suitable Location

3. Thatch Lodge is a substantial detached dwelling in a spacious plot that has been unoccupied since 2016. The Council has recently granted planning permission for the conversion of Thatch Lodge into two dwellings. The appeal building is an unused stable block located to the east of Thatch Lodge.
4. Both Thatch Lodge and the appeal proposal are accessed off a track from Holt Fleet Road which in turn links the nearby villages of Holt Fleet and Holt Heath. As the appeal site is outside those villages, it is defined as open countryside. The appeal proposal is to convert the existing stable block into a two bedroomed dwelling.
5. Policy SWDP2 of the South Worcestershire Development Plan (SWDP) provides a development strategy and settlement hierarchy for the district. The policy states that development in open countryside will be strictly controlled subject

- to the proposed development falling within a list of exceptions. The parties agree that the appeal proposal does not fall within the listed exceptions.
6. Paragraph 79 of the National Planning Policy Framework (the Framework) states that isolated homes in the countryside should be avoided unless the proposed development falls within a category of exceptions. The appellant has sought to rely upon two exceptions namely the subdivision of an existing dwelling and the conversion of redundant buildings where they will enhance their immediate setting. With regard to subdivision, the appeal building was granted planning permission as a stable without residential use and I therefore agree with the Council that this exception does not apply to the appeal building as it is not a dwelling.
 7. The other exception refers to the conversion of a redundant building which would enhance the immediate setting. The appeal building has not been used for some time. The absence of an occupier at Thatch Lodge since 2016 has meant that the wider site has been vandalised and subject to fire damage. The area around the appeal building is largely overgrown and there is no defined route to the building itself. The Council maintains that there is no evidence as to why the building could not be retained under the current permitted use. However, the absence of any use for some years and the recent grant to convert Thatch Lodge itself into two dwellings does provide an opportunity for an otherwise unused building to be brought back into use and to complement the dwellings that will exist next door. The changes would bring the building up to date and provide a modest two bedroom dwelling with additional landscaping where required to offset the new access and modest parking area.
 8. There are a number of local facilities within close proximity of the appeal site including a farm shop and café, a convenience store, a village hall and post office. Whilst there would be some use of the private car, with pavements nearby to access the two nearest villages, bus stops nearby, I do consider that the range of facilities available locally together with more facilities in the nearby villages does offer “genuinely sustainable travel choices” as referred to in Policy SDWP 4.
 9. Although the Council has a 5 year supply of housing, the appeal proposal would still make a modest contribution towards housing numbers and would also provide modest benefits towards the local economy in terms of spending.
 10. There is a breach of Policy SWDP 2 as the appeal proposal is outside the development boundary and does not fall within one of the listed exceptions. However, I do find that the conversion of an existing building in a location which is close to facilities would not be contrary to the overarching aims of SWDP1 and SWDP2 which are consistent with the Framework. I find that the appeal proposal would not be in breach of Policy SWDP 4 which refers to offering genuine sustainable travel choices. I also find that the appeal proposal would lead to an enhancement of the immediate setting of a redundant building and would therefore not be in breach of Paragraph 79 of the Framework.

Character and appearance

11. The Council considers that the appeal proposal would represent a harmful urban encroachment which would have an erosive effect on the rural character and refers to Policy SWDP 21 which relates to design and Policy SWDP25 which relates to landscape character to support that view. The Council states

that the appeal proposal would further domesticate a utilitarian building. However, the existing building already resembles a dwelling. It has a tiled roof with 3 skylights to the front of the building. There is an upper floor window in each side elevation and the existing four square pillars along the front of the building which create a porch effect more commonly seen in dwellings. The proposed changes would retain the existing external structure but would add ground floor windows to each side elevation. The only other change would be to replace the three existing stable doors across the front of the building with a central wooden door and two glass doors to either side. The four pillars at ground level would be infilled to have enough space to create an internal staircase. There is currently no internal stairs in the building to access the first floor roof space.

12. The appeal site is in close proximity of Thatch Lodge itself and visually relates to that dwelling rather than the countryside to the east largely because of the mature screening around the wider site. The appeal building is set back from the exiting track from the main road and additional landscaping could be conditioned. There would be limited views of the appeal building from the Public Right of Way which passes the appeal site due to the set back of the building and the screening that exists. With regard to access, there is an existing gate to the appeal site and it would appear unlikely that any loss of trees would be significant and additional landscaping can be conditioned. The creation of a parking area and a secondary access to the appeal building would not in my view represent a harmful urban encroachment into the countryside.
13. I have limited information with regard to the landscape character of the appeal site and note that it currently sits in the larger grounds of Thatch Lodge which has planning permission to be converted to two dwellings.
14. I do not consider that the appeal proposal would harm the character and appearance of the area. It would not be in conflict with Policy SWDP 21 and SWDP 25 which, amongst other things, states that development must complement and integrate with the character of the area. It would also not be contrary to Paragraph 170 of the Framework which states that development should recognise the intrinsic character and beauty of the countryside.

Conditions

15. I have considered the conditions put forward by the Council and other parties against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency, clarity and omitted others. In the interests of certainty and proper planning I have included conditions relating to commencement and plans. With regard to external joinery, the approved plans show the size and location of the proposed features which match each other and I therefore do not consider a condition approving details of external joinery to be necessary. Details of access, turning areas and parking are required in the interests of highway safety and to ensure the free flow of traffic onto the adjoining highway. Details of boundary treatments are needed in the interests of amenity. I have included a landscaping condition as the site is currently overgrown and some trees may need to be removed at the access. The appellant also proposed additional native landscaping, if it was considered necessary. I am also mindful that a similar landscaping condition was imposed on the recent planning permission for Thatch Lodge and a landscaping condition would preserve the character of the area. I have included

the broadband condition in the interests of sustainability but have amended the wording.

16. Although drainage was referred to in the Council's delegated report, drainage was not included in the list of suggested conditions and I note that the Council refers to a suitable package treatment pack for disposal of foul water. I have not included a condition restricting permitted development rights. The Planning Practice Guidance¹ states that such a condition is only appropriate in exceptional circumstances. I am not aware of any exceptional circumstances that apply to the appeal proposal as the Council refers only to the amenity of the area. Details of boundary treatments are required in the interests of amenity.

Conclusion

17. I have found that the appeal proposal is in a suitable location for housing and I have not found that the appeal proposal would harm the character and appearance of the area. Therefore, for the reasons given, and having regard to all other matters raised, I conclude that the appeal should be allowed.

E Griffin

INSPECTOR

¹ Planning Practice Guidance: Paragraph 017 Reference ID: 21a-017-20160519

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2) The development hereby approved shall be carried out in accordance with the following plans and drawings; Location Plan, Site Plan 04 and Proposed Plans and Elevations 03.

3) The development hereby approved shall not be brought into use until the access, turning area and parking facilities shown on Site Plan 04 have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

4) Before the first occupation of the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:-

(i) a plan showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes inground level, or other works to be carried out, within the canopy spread.

(ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.

(iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

(iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.

(v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner. The planting shall be maintained in accordance with the approved schedule of maintenance.

Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

5) Before the first use/occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before the first use/occupation of the development hereby. Development shall be carried out in accordance with the approved details.

6) Unless otherwise agreed in writing with the local planning authority, prior to the occupation of the appeal dwelling, details of broadband facilities or alternative solutions to serve the dwelling hereby approved shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details.

END