



Appeal Decision

Site visit made on 18 September 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 06 December 2019

Appeal Ref: APP/H1840/W/19/3230274

Briary House Farm, North Piddle Lane, North Piddle WR7 4PR

- 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 Mrs J Goff against the decision of Wychavon District Council.
 - The application Ref 19/00508/CU dated 7 March 2019 was refused by notice dated 13 May 2019.
 - The development proposed is change of use of agricultural building to 2 no holiday lets.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal building and the location of the site would be appropriate for holiday accommodation with regard to local and national policies.

Farm Diversification

3. The appeal site consists of an access strip from North Piddle Lane and an area of land around the agricultural building that is a partially clad steel Dutch barn with a curved roof. The access strip also serves Briary House Farm and Song Garden. Briary House Farm is the nearest dwelling to the appeal proposal with Song Garden being closest to North Piddle Lane, to the south of Briary House Farm
4. Policy SWDP2 of the South Worcestershire Development Plan establishes a settlement hierarchy which, amongst other things, seeks to safeguard development within the open countryside which is defined as land beyond any development boundary. The appeal site is therefore in open countryside in policy terms. In open countryside, development will be strictly controlled and will be limited to a number of exceptions which are further defined in listed policies.
5. The appeal proposal is to change the use of the existing barn to 2 no holiday lets. Policy SDWP12D states that proposals to diversify farm businesses for employment, tourism and recreation uses will be permitted subject to three criteria; the proposed new use does not detract from or prejudice the existing agricultural undertaking or its future operation; the scale of activities associated with the proposed development is appropriate to the rural character

- of the local area; and wherever possible, existing buildings are used to reduce the need for additional built development.
6. The Council considers that the appellant does not operate a farm business as the fields owned by the appellant are rented out. The appellant currently receives income from the renting out of fields to a local farmer for which no agricultural buildings are required. Whilst, I agree with the appellant that the renting out of fields does not automatically mean that there is no farm business there is limited information from the appellant as to the nature of the existing farm business.
 7. The appellant originally owned a farm house and a calving shed as well as the fields and the appeal barn. Following the grant of planning permission for conversion of the calving shed to a dwelling, the appellant moved into that dwelling now called Briary House Farm and sold off the original farm house next door which is now called Song Garden. With regard to evidence of a farm business, the Council indicate that they asked for but did not receive details of a Basic Payment Scheme. An argument is not being advanced for example that the holiday let is required in order to maintain the fields as income is received. No animals are kept overnight for shelter. No machinery or animal feed is stored and the current renting of the fields does not require the use of any agricultural buildings. The use of the fields is essentially an extension to the business operated by the tenant. There is limited information before me as to the nature and extent of the farm business and whilst the use of fields is not disputed, Policy SWDP12D clearly refers to farm businesses.
 8. Although there is no definition of farm diversification within Policy SWDP12D, the first criteria in the Policy refers to the proposed new use not detracting from or prejudicing the existing agricultural operation or its future operation. To be policy compliant, the agricultural enterprise would need to continue and the diversification must not detract from the existing business. The criteria therefore clearly anticipates that there would be an existing agricultural operation remaining after the appeal proposal occurred. The supporting text also refers to development not being permitted that would jeopardise future agricultural production.
 9. The holiday let would generate an income stream but the loss of the agricultural building is likely to impact upon the future use of the remaining fields. The appeal barn is not used by the current tenant of the fields but that is a matter of personal choice. However, if the current rental arrangement ceased, or the remaining fields were to be sold, the only agricultural building to serve the land would have been lost to the holiday let.
 10. The appellant has indicated that it is highly unlikely given the proximity to the appellant's home, that the holiday let would be sold off separately but nevertheless, if approved, the holiday let could be sold to any third party who had no connection with the land. The first criteria clearly refers to not detracting from or prejudicing the existing agricultural operation or its future operation. The loss of the appeal barn both in terms of use and potential sale is likely to isolate the remaining fields which would then be the only element left of the original agricultural holding following the conversion of the calving shed to a dwelling and the sale of Song Garden.
 11. There is therefore limited evidence before me that the appeal proposal forms part of a farming business and the appeal proposal would not comply with the

first limb of the criteria contained within SWDP12D largely due to the limited extent of the existing enterprise.

12. The appeal proposal would therefore be contrary to Policy SWDP12D as it would not constitute diversification of a farm business where the proposed new use would not detract from or prejudice the existing agricultural undertaking or its future operation.

Visitor Accommodation

13. Policy SWDP 35 refers specifically to visitor accommodation and identifies a number of categories where visitor accommodation would be acceptable. There are five separate criteria which are alternatives. One of the criteria refers to the appeal proposal forming part of a farm diversification scheme and I have found that that the appeal proposal would not form part of a farm diversification scheme. The other category relied upon by the appellant relates to re-use of a redundant building of permanent and substantial construction.
14. The Council refers to the extent of the works required being over and above conversions works. The supporting text does refer to converting buildings which are not a permanent and substantial construction nor capable of conversion without major restructuring having a greater impact hence the wording of the criteria referring to the building needing to be of permanent and substantial construction. The existing structure is made up of 12 steel poles and is only partially clad with metal sheets as a number of sheets are missing. The western elevation has no metal sheeting at all so that the barn is completely open to the elements on that side. The remaining three sides do not have full coverage of metal sheets. The structural report supplied by the appellant states that the floor is made up of earth which would indicate that there are no foundations and a new floor would need to be reconstructed in concrete with a damp proof layer and layers of hardcore. The roof is covered in asbestos type sheeting which would need to be replaced with a membrane roof finish cladding. The remaining existing cladding to the sides would be replaced with timber cladding. The existing structure would require a new roof, new walls and a new floor and the structural report does not state that the existing building is of permanent and substantial construction.
15. I therefore am not satisfied on the evidence before me that the appeal proposal would fall within the definition of re-use of a redundant building of permanent and substantial construction. The proposal would not therefore accord with Policy SWDP35. As the proposal would not fall within either Policy SWDP12D or SWDP35, it would not fall within the policy exceptions to Policy SWDP2 which would allow development in the open countryside.

Other Matters

16. There are supporters of the appeal proposal as well as objectors. Supporters refer to encouraging tourism, enhancing the quality, character and appearance of the village and not generating much traffic. However, I do not find that any of these matters either individually or collectively alter my findings. I note that the Council has not objected to the appeal proposal in respect of other policy requirements but the absence of harm with regard to other policies does not overcome the conflicts with the development plan that I have identified.

17. There would be short term economic benefits from the conversion work but the long term benefits of the holiday let would be modest. Environmentally, the appellant refers to re-using a redundant building but there is no reason before me as to why the building could not be used as a barn in the future. With regard to social objectives, the contribution that future occupiers of the appeal proposal would make to local facilities would be modest.

Conclusion

18. I have found that the appeal proposal would be contrary to the development plan and that the appeal proposal is not suitable for holiday accommodation having regard to its location. There are no material considerations which outweigh this finding. For the reasons given, the appeal is dismissed.

E. Griffin

INSPECTOR