
Appeal Decision

Site visit made on 19 May 2020

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/W1850/W/20/3245541

**The Barn, adj 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 193591, dated 27 September 2019, was refused by notice dated 18 December 2019.
 - The development proposed is conversion of former threshing barn to residential unit.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of former threshing barn to residential unit at The Barn, adj Tadpole Cottage, South End Lane, Mathon, Herefordshire WR13 5PB in accordance with the terms of the application, Ref 193591, dated 27 September 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I note comments and photographs provided by the Council and third parties regarding works having previously taken place at the site. 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. However, this is a matter for the Council and the appellant in the first instance.
3. The application that is subject of this appeal is not said to be retrospective and does not specify that permission is sought for any works that have already been undertaken. Therefore, these are not before me as part of this appeal. I have determined the appeal on the basis of what the appellant is seeking permission for as shown on the submitted plans and as a proposed scheme.

Main Issue

4. The main issue of the appeal is the effect of the proposal on the character and appearance of the area, including the scenic beauty of the Malvern Hills Area of Outstanding Natural Beauty (AONB), having regard to the local policies for new housing outside of settlements identified in the Council's housing strategy.

Reasons

5. The appeal site is not located within or adjacent to a settlement identified in Policy RA2 of the Herefordshire Local Plan Core Strategy 2011-2031 (CS).

Nevertheless, while the site is some distance from any nearby services, facilities and public transport, Policy RA3 of the CS includes exceptions where new residential development can be permitted outside settlements. One of these is where it would relate to the re-use of a redundant or disused building in accordance with the criteria set out in Policy RA5 of the CS.

6. At the time of my site visit, which I appreciate is only a snapshot in time, the building was vacant. There is no major reconstruction of the appeal building proposed as part of the scheme. Moreover, from my observations on site and the evidence before me, there is nothing to suggest the building is structurally unsound. Therefore, I see no reason to reach a different finding to that of the previous Inspector¹ in that the building is capable of conversion in the form proposed and that major or complete reconstruction would not be required.
7. The site is located in the AONB. From my observations and the management plan² there is no single building style, type of material or pattern of development in the AONB. This is the case along South End Lane where there are residential and agricultural buildings of varying scale and appearance.
8. The appeal building is of simple traditional form with a pitched roof and large openings, reflecting an agricultural and rural appearance. The Council consider that the appeal building is an example of how built development in a rural area has historically evolved, I have reached the same finding. There would be some additional openings. However, the size and number of many of these is limited, particularly on the more prominent elevation facing the road. Existing openings are also utilised. As such, the alterations would not dominate the building or substantially alter its appearance with the scheme retaining many of the architectural features of the threshing barn.
9. The appeal site would be visible in views from the road, nearby properties and also along nearby public rights of way (PROW) where passers-by would be likely to be travelling at low speeds. Nevertheless, the building and any domestic paraphernalia would be partly screened by the boundary vegetation of the field. A condition is imposed requiring details of a landscape scheme that would ensure the retention and strengthening of features. Moreover, any views from the PROW's would be long-range glimpses across a rural landscape which is already punctuated by occasional residential properties and agricultural style buildings.
10. Furthermore, the external materials of the building, including solid close boarded timber that would darken over time, are not uncommon in the area. In any event, in light of the above, the building would not appear discordant with the surrounding landscape.
11. The proposal before me omits the conversion of the cart shed to accommodation and relates to a smaller application site than the previous appeal. Consequently, it is materially different to that scheme.
12. The nearby listed building (Little Southend Cottage) is a mix of styles with its significance being in part, from the traditional form of the more historic elements of the building. There are limited views of the site with, to or from the listed building. There is intervening built form, vegetation and some distance between it and the site. Due to these factors, along with my findings above,

¹ APP/W1850/W/19/3229606

² Malvern Hills Area of Outstanding Natural Beauty Management Plan 2019-2024

the scheme would not cause any harm to the setting of the designated heritage asset.

13. As a result, I find that the proposed development would not have a harmful effect on the character and appearance of the area. It would conserve the landscape and scenic beauty of the AONB and accord with Policies RA3, RA5, LD1, SD1 and SS6 of the CS. These, among other things, support residential re-use of rural buildings outside of settlements providing they respect the character and significance of the building and landscape, including the scenic beauty of AONB's.
14. Moreover, it would comply with the National Planning Policy Framework (Framework) where it requires development to respect the character of the locality and that the landscape and scenic beauty of AONB's should be protected.

Other Matters

15. The appellant is not bound to seek pre-application advice and I acknowledge the previous applications and appeal at the site. Notwithstanding this, I have considered the scheme on its own merits and found it would not result in harm. Consequently, I see no reason why it would set a precedent for unacceptable development elsewhere.
16. No new access is proposed to reach the land to the rear. As I have done with this proposal, if there is any future application, that would be assessed against the policy context and material considerations of that time.
17. The Council have not included refusal reasons in relation to the living conditions of future occupiers. There is no clear evidence to the contrary and from the details before me the proposal would not result in a cramped form of accommodation.
18. The site is within the impact zone of the River Wye Site of Specific Scientific Interest (SSSI). It is one of the largest areas of semi-natural vegetation in the West Midlands supporting a mosaic of habitat types. The site is also important for a number of uncommon plants, butterflies, breeding birds and mammals. Natural England and the Council have raised no concerns in relation to the effect of the scheme on the features of the SSSI. From the evidence before me I have come to the same conclusion.

Conditions

19. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.
20. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is to provide certainty.
21. A condition requiring the agreements of details of external lighting, rooflights, windows and doors is necessary to protect the character and appearance of the area. These are required prior to their use, rather than commencement. A

condition requiring details of cycle storage is required to encourage different modes of travel.

22. Alterations and extensions to the building, as well as additional outbuildings have the potential to harm the character and appearance of the building and area. As such, a condition is imposed removing certain permitted development rights.
23. A landscaping condition is imposed in order to prevent harm to the character and appearance of the area and ensure features are protected. The details are required before the commencement of the development as initial works may affect the existing landscape features.
24. There has been no clear evidence presented to me to suggest that there would be any harmful effect on the living conditions of local residents from the operation of machinery at the site. Therefore, a condition relating to this would not be necessary to make the development acceptable. In the absence of information to suggest any detrimental impacts on biodiversity from the scheme, a condition requiring ecological enhancements is not necessary.

Conclusion

25. Therefore, for the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be allowed subject to the conditions listed below.

Stuart Willis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MAD/MATH/18/LOC 'A'; MAD/MATH/18/SITEAAA; Existing Plan MAD/MATH/18/0-1; East South MAD/MATH/18/0-2; West North MAD/MATH/18/0-3; Existing Section MAD/MATH/18/0-4; Proposed Ground Floor and Proposed Loft Plan MAD/MATH/18/1-1; East South MAD/MATH/18/1-2; West North MAD/MATH/18/1-3; and Indicative Section MAD/MATH/18/1-SEC
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - the accurate position, species and canopy spread of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
 - a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas;
 - hard surfacing materials;
 - the position, design and materials of all site enclosure; and
 - an implementation programme.

The landscaping works shall be carried out in accordance with the approved details and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) Prior to their installation, details of the proposed external lighting, roof-lights, windows and doors shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to the occupation of the dwelling hereby approved, details of the cycle storage facilities at the site shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the dwelling, be retained thereafter and not used for any other purpose.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, D, E and H of Part 1 of Schedule 2, shall be carried out.