
Appeal Decision

Site visit made on 27 May 2020

by S Shapland BSc (Hons) MSc CMILT MCIHT

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/J1860/W/19/3242404

Land at OS 37845 23772, Castlemorton, Malvern WR13 6BS

- 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 John Heywood against the decision of Malvern Hills District Council.
 - The application Ref 19/01312/FUL, dated 23 August 2019, was refused by notice dated 25 October 2019.
 - The development proposed is was originally described as "change of use to residential".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by John Heywood against Malvern Hills District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Council has altered the description of the development on the decision notice to read "retention of building as constructed and change of use of commercial workshop to residential dwelling". This is a more precise description of the development than the one given on the application form. Although I have no evidence that confirms that the applicant agreed to this change of description, I see that the appellant has used the Council's amended description in section E of the appeal form. As such I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposal on the rural economy; and
 - whether the site is a suitable location for housing having regard to the development strategy for the area and accessibility to services and facilities.

Reasons

Rural economy

5. Policy SWDP12 of the South Worcestershire Development Plan (DP) pertains to employment in rural areas, and criterion B of this policy seeks to protect

existing employment sites. It states that in order to help promote rural regeneration across south Worcestershire, existing employment sites in rural areas that are currently or were last used for B1, B2, B8, tourism, leisure and/or recreation-related purposes will be safeguarded for employment-generating uses during the plan period. Proposals to change the use of such sites to any non-employment-generating purpose will need to demonstrate that the site has been actively marketed for employment, tourism, leisure or recreation purposes for a period of at least 12 months and that it is no longer viable for an employment-generating use. The use of the word "and" indicates to me that in order to satisfy this policy, both details of the marketing of the site and details on the viability of the site is required.

6. Appendix F of the DP outlines the requirements for marketing in order to satisfy Policy SWDP12. There is a disagreement between the parties about the marketing completed for the site, and whether this satisfies the requirements of this policy. Whilst the Officer report makes reference to a marketing report, this was submitted as part of an earlier planning application for the site¹ and it was not submitted to support the application which is the subject of this appeal. Neither has it been submitted as evidence as part of this appeal. On the basis of the evidence before me I cannot be satisfied that the marketing requirements of the DP have been met. As such I can only conclude that the appeal proposal therefore fails to meet this aspect of Policy SWDP12.
7. The second requirement of this criterion of Policy SWDP12 requires demonstration that the site is no longer viable as an employment-generating use. From the evidence submitted, it is understood that the appellants operated a business known as Orchard Apiaries from the site, which involved the production, packaging, storage and distribution of cosmetic products made from their own honey and beeswax. The business operated from this address for over 30 years. Whilst it is contended by the appellant that the site is unsuitable for the existing B2 use, no cogent evidence to justify this assertion has been provided to me. Clearly, a business has successfully operated from this site for a number of years, and whilst the current building may have been empty in recent years there was nothing evident during my site visit which would seem to preclude it from operating as an employment use in the future. In the absence of this information, I am unable to conclude that the loss of this employment site would be justified in light of policy SWDP12.
8. The appellant has indicated that they may struggle to let a commercial property in the future due to coronavirus and the potential for an economic recession and low growth. Whilst I appreciate these concerns, I can only determine the appeal based on the information before me at this time, and there is no evidence to demonstrate this suggestion would be realised.
9. Consequently, the proposal would harm the rural economy through the loss of an employment site. This conflicts with policy SWDP12 of the DP, which seeks, amongst other things, that rural employment sites are protected.

Location of development

10. The appeal site is located off an access track, approximately 150 metres from the B4208. Opposite the appeal site on the other side of the track is a stable building, with the access track also providing access to Bannut Tree House and

¹ 19/00217/FUL

Walnut Tree Cottage. In this respect, the appeal site is not considered isolated. It is not disputed by the parties that the appeal site is located outside of any settlement boundaries, and is within the open countryside. SWDP2 of the DP states that development in the open countryside will be strictly controlled, and will be limited to one of a number of specific criteria. From the evidence provided, there is no cogent evidence that indicates the development meets any of these specific criteria. Therefore, the proposal fails to accord with policy SWDP2 of the DP.

11. Given the site location, there are very few services and facilities in close proximity. The Castlemorten Village Hall is located 160 metres away, and is within walking distance of the appeal site. I understand that this community facility provides a number of services including the screening of films. However, in order for future occupiers to access day to day facilities they would be required to travel much further. The village of Castlemorten includes a Church and Primary School, which are located 1.21km away. Whilst the appellant currently walks to the village, the route to the village has no formal pedestrian facilities which would likely present a barrier for future occupiers. The nearest settlement which could provide day to day services is Welland which is located approximately 2.5km away. This is identified as a Category 1 village within the DP, and these are villages which provide varying ranges of local services and facilities. From my site visit it was apparent that services within Welland includes a local shop, post office, primary school and public house.
12. However, given the distance to this settlement, it is unlikely that residents would choose to walk. Furthermore, it was apparent that there were an absence of pedestrian footways and street lighting on the B4208, which would not provide an attractive environment for residents wishing to walk to Welland. Whilst cycling may be an option, it was apparent from my site visit that the roads around the appeal site were rural in nature, with high vehicular speeds. This would likely be a barrier for future residents wishing to cycle to this location. This is a point which does not appear to be contested by the appellant, who has indicated that the majority of residents who use the local shop at Welland travel by private vehicle.
13. I recognise that Paragraph 103 of the Framework states that in rural areas, options for sustainable transport solutions may be less available than in urban areas. However, based on the evidence before me and my observations during my site visit, future occupiers would likely be heavily reliant on private cars to access services and facilities.
14. I appreciate that the appeal site has an existing use related to it, which would attract a number of vehicular trips associated with it. In this respect, a residential use would likely generate fewer trips per day than the employment use, and this fact is not disputed by the Council. However, there is clearly a difference in the type of trip associated between an employment use and residential use, and this does not alter the fact that future occupiers would be highly reliant on private vehicles to access day to day facilities.
15. Consequently, I find that the proposal would not be a suitable location for housing, having regard to local and national policies. It conflicts with Policies SWDP1, SWDP2 and SWDP4 of the DP. Collectively these policies seek, amongst other things, that development is located in an appropriate sustainable location and offer sustainable travel choices. It also conflicts with

paragraphs 7,8,9 and 12 of the National Planning Policy Framework (the Framework), which seeks amongst other things, that sustainable development is achieved. The Council has also made reference to paragraph 79 of the Framework, however I do not find this directly relevant as in my judgement the site is not isolated.

Other Matters

16. The appellant contends that the proposal would provide environmental benefits through the removal of a B2 use class, which would improve the amenity for neighbouring occupiers. The proposed residential use would have a range of measures to help reduce their environmental impact including solar panels and its own contained water supply from a well. However, these would be a minor benefit and does not outweigh the harm I have identified above. It is also the appellants view that the removal of a B2 use would improve biodiversity, however I have been presented with no evidence to indicate that the proposals would achieve this, which limits the weight I can attribute to this.
17. I appreciate that the proposals would make use of previously developed land, however the re-use of the existing building would not outweigh the conflict with the development plan that I have identified above.
18. The appeal site is located approximately 90 metres from Bannut Tree House and Walnut Tree Cottage which are Grade II listed buildings, as such I have had regard to my statutory duties under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The appellant is of the view that the current B2 usage has a negative impact on the setting of these listed buildings, and the change of use to residential would reduce the detrimental effects on the setting of these heritage assets. I do not find this to be the case. The changes to the appearance of the appeal building are minor, and I have been presented with no evidence that the operation of a B2 use in his location has unduly harmed the setting of the listed buildings. As such, the proposal would have a neutral effect on the significance of these designated heritage assets.

Conclusions

19. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR