



Appeal Decision

Site visits made on 26 February and 21 April 2021

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2021

Appeal Ref: APP/W1850/W/20/3261930

Land at the Cart Shed, Upper Grove Farm, Moraston Lane, Sellack, Herefordshire, Ross on Wye HR9 6LZ

- 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 and Mrs Paul Rimmer against the decision of Herefordshire Council.
 - The application Ref 201883, dated 16 June 2020, was refused by notice dated 21 September 2020.
 - The development proposed is: Change of Use from a redundant farm building to 1 detached domestic dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I undertook an initial site visit on 26 February 2021, which was early in the appeal process. A second site visit was then undertaken on 21 March 2021, in order for me to view the site having read the parties' final appeal submissions.

Main Issue

3. The main issue in this appeal is whether or not the location of the proposed development is acceptable, having regard to local policies for new housing outside of settlements identified in the Council's housing strategy.

Reasons

4. There is no dispute that the appeal site is in a rural location outside of any settlements defined in the Herefordshire Local Plan Core Strategy 2011-2031 Adopted October 2015 (HLPCS). In this location new residential development, such as that proposed, would only be permitted in certain circumstances. The HLPCS highlights the importance placed by national guidance on not promoting unsustainable patterns of development in rural areas¹.
5. Policy RA3 (Herefordshire's countryside) of the HLPCS sets out the circumstances where development outside of settlements would be permitted, one of which is the sustainable re-use of redundant or disused buildings, where it complies with Policy RA5. Policy RA5 (Re-use of rural buildings) sets out specific criteria that must be met in order for the change of use of a rural building to be permitted. These criteria include the following requirements:

¹ Paragraph 4.8.22 of the HLPCS.

- criterion 4 - the building to be of a permanent and substantial construction capable of conversion without major or complete reconstruction; and
 - criterion 5 - the building to be capable of accommodating the proposed new use without the need for substantial alteration or extension, ancillary buildings, areas of hard standing or development which individually or taken together would adversely affect the character or appearance of the building or have a detrimental impact on its surroundings and landscape setting.
6. The building on the appeal site has two sections, the right hand section closest to the highway has a mono pitch roof, the ridge of which makes it the taller of the two. This section has stone elevations and a corrugated sheet roof supported by timber beams. It has a large opening on its front elevation and two narrower openings on its side elevation providing access to the left hand section of the building. This left hand section has low stone wall elevations along the rear and side, and a small section of stone wall to the front. Although the submitted plans suggest a more robust structure, on site I noted that parts of the elevations on the left hand section have fallen away, particularly at the corners of the building, and the majority of the front elevation is open. The roof structure on the left hand section is also in a particularly poor and collapsed condition, and only a roof covering (a corrugated sheet) covered a small section of the roof.
7. I note that a report prepared by a structural engineer was submitted with the planning application. Although there is no comment in this with regard to the condition of the roof structure of the left hand section of the barn, it states that it is likely that the original roof would have risen to a central ridge between the front and rear elevations. As for the right hand section of the barn, it states that the roof remains intact. With regard to the elevations of the building, it suggests that those in the right hand section are in a good state of repair, albeit they are in need of repointing. Whilst it states that the walls in the left hand section have good vertical alignment with no major cracking present, it acknowledges that these have suffered some disruption. It does not, however, suggest that underpinning is necessary. The report concludes that the proposed works are feasible without the need of any major alteration to the original load bearing fabric of the building.
8. Having considered the proposed scheme, whilst I note that some existing materials might be re-used as part of the construction (timber posts, for example), it is clear that the only elements of the existing building that would be used in situ are the existing stone walls that form the majority of the elevations of the building. That said, I acknowledge the conclusions of the appellants' structural report. In this regard I have no reason to doubt that, subject to repointing and some repair, the existing walls of the building are able to bear the load of the proposed works without the need for alterations, such as underpinning or reconstruction. As such, I can only conclude that the scheme would comply with criterion 4 of Policy RA5.
9. Notwithstanding this, I have compared the existing and proposed plans and note that, whilst the scheme would retain the existing footprint, proposed additions to the roof and elevations would significantly add to the fabric and dimensions of the building. Significant height would be added to all three

external elevations of the left hand section of the barn. In particular, the height and shape of the side elevation would change substantially in order to achieve the gable end and centrally ridged roof proposed. In addition to this, although the scheme retains a mono pitch roof on the right hand section of the barn, it proposes an increase in the height of all elevations in this section.

10. The additional height to both sections of the building, considered together with the significant change to the shape of the left hand section would, in my judgement, represent a substantial alteration and extension to the form of the existing building.
11. I acknowledge that, in order to accommodate a residential use, it is necessary for schemes such as this to incorporate new elements of development, including a replacement roof, new window and door openings, and new sections to fill large openings in the existing building. However, substantial alterations and extensions to accommodate the proposed use, such as those proposed in this case, are not commonplace in such schemes, and would not be permitted by criterion 5 of Policy RA5.
12. I note that a centrally ridged roof on the left hand section is proposed in order to accommodate a tiled roof finish that would be in keeping with the neighbouring barn. This does not, however, change my conclusion that the additions render the scheme non-compliant with Policy RA5.
13. As the development fails to comply with Policy RA5, it would not fall within any of the circumstances set out in Policy RA3 where new residential development would be permitted outside of settlements. Accordingly, the location of the development (i.e. a new unit of residential accommodation) would be unacceptable and would cause harm to the Council's strategy of restricting new development outside of identified settlements so as not to promote unsustainable patterns of development. For this reason, the development would also fail to accord with the National Planning Policy Framework (the Framework), in particular its environmental objectives.
14. Notwithstanding the conclusion above, I do not consider the development to be isolated within the meaning of paragraph 79 of the Framework. I have had regard to settled caselaw on the matter (*Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610*) and, within this context, note that the appeal site is in close proximity to other dwellings in the area. In my judgement, the development would not result in an isolated home for the purposes of applying paragraph 79 of the Framework. This does not, however, affect my conclusions above.

Other Matters and the Planning Balance

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 indicates that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be in accordance with the plan unless material considerations indicate otherwise. I have found that the development fails to accord with the development plan. It is, therefore, necessary for me to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with the development plan.

16. I acknowledge that the building is within a cluster of other buildings and that the appellants have designed the scheme so that it would be sympathetic to the adjoining built development. Indeed, although the Council has commented on the visual impact of the scheme (the centrally ridged roof addition in particular), I note that it has not raised an objection to the development in respect of its effect on the character and appearance of the site and the surrounding area. Whilst I have no reason to disagree with this, this has a neutral effect in the planning balance.
17. Similarly, that the development would comply with other criteria of Policy RA5 would not add weight in favour of the scheme. Whilst the appellants propose to use local labour and suppliers, having regard to the scale of the development proposed, the benefits of this to the local economy would be limited.
18. I note the appellants' suggestion, that the loss of this building would adversely affect the heritage value of the remaining collection of buildings. I do not, however, have any reason to conclude that an alternative scheme of development might comply with the criteria of policies RA3 and RA5, or that the loss of the building is inevitable if this appeal is dismissed.
19. The appellants have drawn my attention to the planning history for the site, which includes permission for the change of use of the building to a garage associated with the use of the adjoining barns as a dwelling. I note that the appellants acknowledge that this permission has now expired. I have not been provided with the full details of the scheme in that case and, as such, I am unable to make an informed comparison between the proposed development in that case and that subject of this appeal. Nevertheless, having considered the particular proposal in the case that is before me, I have concluded that the scheme would not accord with policies RA3 and RA5.
20. I have considered whether conditions would overcome the harm caused in this case, but conclude that they would not. Accordingly, and having regard to all matters above, I have been unable to identify material considerations of sufficient weight to indicate determination of this appeal should be made otherwise than in accordance with the development plan.
21. I have had regard to other matters raised including, but not limited to, the effect of the development on protected species and habitats, and on the nearby water culvert. As I am dismissing the appeal on the main issue for the reasons given above, I have not addressed these matters further.

Conclusion

22. For the above reasons I conclude that the appeal should be dismissed.

J Moss

INSPECTOR