



Appeal Decision

Site Visit made on 17 August 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Appeal Ref: APP/H1840/W/21/3268591

Court Farm, Hindlip Lane, Hindlip WR3 8SS

- 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 Jason Tucker against the decision of Wychavon District Council.
 - The application Ref 20/01740/CU, dated 13 August 2020, was refused by notice dated 13 November 2020.
 - The development proposed is change of use of redundant building to 3no. holiday lets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that at the time of submitting the application the work had not commenced. At my site visit I saw that in terms of openings and boundary treatments the site did not match the existing or proposed plans. As I cannot be sure that the works directly reflect the submitted plans, I have therefore considered the appeal as a proposed scheme.
3. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Comments were sought from the main parties and taken into consideration where they were received. I consider there have been no fundamental changes to national planning policy relevant to the main issues in this appeal and so no injustice has been caused to any of the appeal parties by my taking account of the revised Framework.
4. I am aware that a separate appeal at the site has been submitted¹. However, I have dealt with the scheme before me on its own individual merits.

Application for costs

5. An application for costs was made by Mr Jason Tucker against Wychavon District Council. This application is the subject of a separate Decision.

Main Issues

6. The main issues of the appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,

¹ APP/H1840/W/21/3279884

- whether the building would be appropriate for visitor accommodation, with particular regard to the local development strategy,
- the effect of the proposed development on the character and appearance of the area, with particular regard to the setting of the Dairy; and
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether Inappropriate Development

7. Policy SWDP2 of the South Worcestershire Development Plan (the Plan) states that the West Midlands Green Belt will be maintained, and development proposed within the Green Belt will be considered in accordance with national policy as set out in the Framework.
8. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings and certain other forms of development, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the Framework is harmful to the Green Belt and should not be approved except in very special circumstances.
9. One exception is the re-use of buildings provided that the buildings are of permanent and substantial construction and they preserve its openness and do not conflict with the purposes of including land within it. A further exception is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. I have considered the scheme against both exceptions.
10. Even if I were to agree that the proposal was for the re-use of an existing building or previously developed land under the above exceptions, my conclusions on the effect of the development on the openness and purposes of the Green Belt will determine whether it is inappropriate development.
11. The Framework indicates that openness is an essential characteristic of the Green Belt. It has a spatial aspect as well as a visual aspect.
12. The first-floor accommodation would not increase the built volume of the building and first floor openings were included in the earlier planning permission. However, while the previous building at the site may have had first floor accommodation, the approved plans for the ancillary building did not include one. This appeal relates to the change of use of the building at the site, not the replacement of the previous one. As such, the first floor would create additional floor space.
13. At my visit, which I appreciate is only a snapshot in time, there was limited domestic paraphernalia at the site. The proposed development would divide what is currently a largely open area around the building to create separate

garden areas for the holiday units. Even if features such as outdoor seating or play equipment were not provided, the occupiers of each unit would be likely to bring some of their own things with them. Moreover, no mechanism to prevent the introduction of such features has been put to me. This would be in addition to any paraphernalia associated with the existing dwelling.

14. An access and parking area would be introduced for 6 vehicles along with fencing and bin storage. Parked vehicles and domestic paraphernalia may be temporary and seasonal features. The orientation of the buildings, boundary treatments and landscaping once matured would partly screen them. Notwithstanding this, when present they would spatially reduce openness and there would, at least in part, be views from the road and adjacent land of these, visually reducing openness.
15. Planning conditions could be imposed were the appeal to be allowed to prevent further alterations and extensions. Notwithstanding this, in both spatial and visual terms the development would have a greater impact on openness. While the harm would be small, this is contrary to the Framework where it states an essential characteristic of Green Belts are their openness. Moreover, the introduction of separate units in addition to the existing dwelling would intensify the domestication of the land, reducing spatial openness. The scheme would be contrary to the fundamental aim to prevent urban sprawl by keeping land permanently open.
16. Therefore, when judged against the wording of national and local policy the proposal would be inappropriate development in the Green Belt which, according to the Framework is harmful by definition.

Visitor Accommodation

17. The appeal site is located in the open countryside as defined in Policy SWDP2 of the Plan. In such locations it states development will be strictly controlled and sets out the limited exceptions where new development will be permitted.
18. Policy SWDP35 of the Plan sets out the criteria against which schemes such as the appeal proposal are to be assessed against. One criterion is that visitor accommodation re-uses a redundant rural building of permanent and substantial construction.
19. Given its scale the building is a substantial structure. The proposed works are minimal and there is no clear evidence that it is structurally incapable of the conversion.
20. No definition of redundant is given in the Plan or the Framework. I note reference to the ordinary meaning of the word redundant by the appellant. The appeal building is said to be surplus to the requirements of his family as alternative ancillary accommodation has been granted permission and constructed at the site. Nevertheless, there is no compelling evidence before me that the building is incapable of being used for purposes ancillary to the main dwelling by future occupants.
21. There is a wall between much of the site and the dwelling. Notwithstanding this, the appeal building is located close to the dwelling and other buildings at the site as well as being of a similar appearance. As such, it appears as part of a cluster of buildings visually and physically connected to Court Farm. Moreover, the permission granted for the building was not a personal one. That

the building is no longer needed by the current occupier does not imply this would be the case for future ones and that it is redundant.

22. My attention has been drawn to appeal decisions relating to the consideration of the term 'redundant' by both parties. I do not have full details of the evidence presented in those cases. Those highlighted by the appellant were not considered against the Policy SWDP35 of the Plan. They related to disused or redundant buildings in the context of isolated homes in the countryside as identified in the Framework.
23. The Plumtree case referred to the building being capable of being used for ancillary purposes. The Inspector in the Tresavean decision refers to the building as being 'potentially redundant' and that he could 'see the merits' of the case put forward by both main parties rather than explicitly agreeing with either.
24. The Wartling Wood appeal highlighted concerns with the future use of the stable for its intended purpose as it was poorly sited. That an alternative scheme has been found to be preferable by the appellant in the appeal before me does not imply that the existing building is poorly sited. Moreover, in this appeal the building is yet to be used, rather than having become vacant following use.
25. Therefore, those appeal cases are materially different to the one before me.
26. In contrast, the Penny Patch and Weston Road schemes related to holiday let conversions assessed against the same development plan policy. I have reached a similar finding to the Inspectors in those appeals with regard to the interpretation of the term 'redundant' in the context of the Plan.
27. Therefore, the building would not be appropriate for visitor accommodation with regard to the local development strategy and would be contrary to Policies SWDP2 and SWDP35 of the Plan.

Character and Appearance

28. The Dairy at Court Farm is a listed building. As such I have had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
29. The significance of the Dairy lies, in part, in its traditional proportions and materials as well as its location as part of the farmyard layout.
30. The roofscape of the previously approved scheme and the building formerly at the site was largely undisturbed and more simplistic than the proposed scheme. There would be no consistency to the position and size of the proposed rooflights. As with the additional windows proposed they would be of a domestic, rather than agricultural appearance.
31. However, the approved scheme, which represents a fallback position, had some variation to the pattern and size of openings in the building. That scheme also had first floor windows of a similar distribution and look, as did the original building. Were the appeal to be allowed conditions could be imposed regarding the detailing of the rooflights and windows.
32. The dwelling is between the appeal site and the Dairy. Many of the rooflights would be orientated away from the Dairy and therefore would not be seen

directly with it. The Dairy is already viewed with other domestic and residential buildings. The size, position and proportions of the building would be largely similar to the original one on site and this would retain some legibility of the historic link between the two buildings and the farmyard complex arrangement. I saw that the dwelling roof and the roofs of other buildings already contained features such as dormer windows and rooflights.

33. Consequently, the scheme would preserve the character and appearance of the area and the significance of the setting of the Dairy. The scheme would, therefore, accord with the design and heritage protection aims of Policies SWDP6 and SWDP24 of the Plan and the Framework.

Other Considerations

34. The planning permission for the use of the building for ancillary purposes represents a fallback position. While that may include domestic paraphernalia, the creation of 3 separate units would be likely to create more. That scheme also did not include the same parking area. Therefore, it would have less of an impact on the openness of the Green Belt than the appeal scheme.
35. While the building was not finished, the exterior of the building is largely complete and of relatively new construction. It does not appear to be in a state of dereliction and the appellant indicates that it is structurally sound. Details of the previous building put before me would indicate that what is currently on site is in a better condition and a more complete building. Therefore, it is not harmful to the setting of the listed building. As such, these fallback positions attract little weight.
36. There would be economic benefits associated with the proposed use. Nonetheless, on the basis of the information before me, and given the scale of the scheme, such benefits would be small. I afford this limited weight.
37. The Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of it. Due weight should be given to them, according to their degree of consistency with it. Paragraph 80 of the Framework relates to isolated homes in the countryside. The proposal is not for dwellings and the question of the site being isolated has not been raised. Therefore, the absence of reference to this in SWDP2 is not relevant to this appeal and the proposal would not contribute towards housing supply.
38. Policy SWDP2 sets out the broad development strategy for the Council and refers to national Green Belt policy, which I found the scheme to be contrary to. While not directly reflecting the Framework, that Policy SWDP35 of the Plan has additional criteria with regard to conversions and tourist facilities does not indicate it is inconsistent with or contrary to the Framework. The design and heritage protection aims of Policies SWDP6 and SWDP24 of the Plan reflect the Framework.
39. Therefore, the most relevant policies of the Plan are broadly consistent with the Framework.
40. Even if I were to agree that the Council is unable to demonstrate a 5-year supply of housing land, the Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a clear reason for

refusing the development proposed. The Green Belt is an example of such an area/asset and the proposal is contrary to the relevant policies of the Framework in regard to this.

Conclusion

41. The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt. In addition, it would be contrary to the development strategy for visitor accommodation. While it would not result in harm to the character and appearance of the area, this is a neutral factor. The other considerations in this case do not clearly outweigh the harm that I have identified.
42. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Policies SWDP2, SWDP6, SWDP24 and SWDP35 of the Plan and the Framework.
43. Therefore, for the reasons given, and having taken into account all matters raised, I conclude that the appeal is dismissed.

Stuart Willis

INSPECTOR