



Appeal Decision

Site visit made on 18 January 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 21 February 2022

Appeal Ref: APP/J1860/W/21/3283355

Barn at Eastgrove Farm, Sankyns Green, Little Witley WR6 6LQ

- 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 C Bown (All Weather Developments) against the decision of Malvern Hills District Council.
 - The application Ref 21/01245/CU, dated 28 June 2021, was refused by notice dated 2 September 2021.
 - The development proposed is Change of use of redundant barn to two holiday lets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site has an existing planning consent (17/00180/FUL) that was approved in 2017 for 'Cladding of existing steel portal framed building and repairs to roof'.

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of the property known as "Barn Cottage", with particular regard to privacy, noise and disturbance,
 - whether the building is of permanent and substantial construction, and
 - the effect of the proposal on the setting of the nearby listed buildings.

Reasons

4. The appeal site consists of a steel portal framed barn located in the rural hamlet of Sankyns Green. To the east of the site is the historic farmstead of Eastgrove Farm which comprises of a Grade II listed farmhouse and curtilage listed barns which have been converted to residential dwellings. The surrounding area is rural and defined as open countryside.

Living Conditions

5. The proposal is situated adjacent to Barn Cottage. The private garden boundary for Barn Cottage directly abuts the appeal site and would be located near to the proposed holiday units. This garden area forms the private amenity space for Barn Cottage.

6. There is land associated with Barn Cottage to several sides of the appeal site, and I note the evidence presented in relation to the use of the different areas. However, from my observations on site, the appeal site is adjacent to the main private garden of Barn Cottage. The proposed holiday units, parts of their garden areas, and the access to them would be close to Barn Cottage and its garden which currently enjoys a good level of privacy and seclusion.
7. I noticed some boundary planting in-between the appeal site and the garden area of Barn Cottage. Although boundary planting would help to screen views into Barn Cottage and its garden, there would still be views over and through the vegetation. The overlooking would be exacerbated by the higher ground levels with the appeal site. As such, the proposal would unacceptably harm the living conditions of the neighbouring occupiers of Barn Cottage with respect to loss of privacy and overlooking.
8. The appellant suggests relocating the car park. However, this would not overcome the harm that would result from vehicles in close proximity to the boundary of Barn Cottage entering and existing the site. This would still result in harm to the living conditions of the occupants of Barn Cottage in terms of loss of privacy and overlooking to their private amenity space.
9. Activity levels at the appeal site would increase due to the nature of the proposed holiday lets, which is likely to experience more comings and goings throughout the day than that experienced by a residential property. Such activities would include holiday visitors using the premises, arriving and departing at various times of the day, in addition to cleaning staff and maintenance workers. The potential noise disturbance from voices of guests and staff and cars accessing, turning and manoeuvring on site, would result in patterns of activity that are disruptive to the occupants of Barn Cottage. I note the appellant claims that landscaping treatments along the boundary could be used to reduce loss of privacy. However, the change in ground levels would make this difficult to achieve and it would not have any significant impact in terms of acoustic protection for the neighbouring occupiers.
10. The appellant claims that occupancy controls could be conditioned to control overuse of the holiday lets. However, during times of use there would be disturbance to the neighbouring occupiers due to the building's close proximity to Barn Cottage.
11. Planning permission (ref 17/00180/FUL) has been granted to clad the existing steel portal framed building at the appeal site on a low brick plinth with repairs to roof. The appellant claims this fallback position would pose a far greater impact in terms of noise or nuisance pollution than the proposed holiday lets. However, the Yorkshire boarding allows an openness to the building which would be different to the solid walls created by the proposed holiday let units. Even if the building was filled with hay and straw, the amount would differ throughout the year. Therefore, due to the proposals close proximity to Barn Cottage, the development would result in a more overbearing, oppressive and dominant structure compared to the previous planning consent. This, combined with the loss of privacy, overlooking and noise disturbance, would have a harmful impact on the living conditions of the occupants of Barn Cottage. I therefore give little weight to the fallback position.
12. Accordingly, the proposal would be harmful to the living conditions of the occupiers of Barn Cottage. It would therefore fail to accord with Policy

SWDP21, SWDP35B(i), and SWDP31 of the South Worcestershire Development Plan (SWDP) (2016), where they seek to protect the amenity of neighbouring occupiers.

13. In addition, the proposal would fail to accord with the Framework (Para 130) where it seeks a high standard of amenity for existing and future users.

Whether the building is of permanent and substantial construction

14. The appeal site building is comprised of an open portal frame with a low brick plinth, under a corrugated roof. It did not appear to be in current agricultural use at the time of my visit.
15. The planning consent (17/00180/FUL) if implemented, would clad the existing steel portal framed building and repair the roof. This would make the building appropriate for the use of agricultural storage. To make the building appropriate to be occupied as a holiday let it is likely to require significant alterations, such as weatherproofing and insulating the building. However, I do not have a structural engineer's report before me. In the absence of such a report I am unable to conclude that extensive works would not be required to convert this building. Therefore, the fallback position would not be as harmful as the proposal before me.
16. The proposal fails to accord with Policy SWDP35 part (v) of the SWDP (2016), which permits visitor accommodation outside the development boundaries if it re-uses a redundant rural building of permanent and substantial construction. In addition, the proposal fails to accord with Policies SWDP1 and SWDP2, which restricts development outside the development boundaries.

The effect of the proposal on the setting of the nearby listed buildings

17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
18. The heritage assets relating to this appeal are the Grade II listed Eastgrove Farmhouse brick-built barns forming part of the original farmstead complex. The significance of the listed buildings includes the traditional form of the buildings and their agricultural appearance, and the agricultural open landscape. The Grade II listed farmhouse is separated from the appeal site by the brick-built barns that have been converted into residential dwellings. It is likely that the appeal site building originally formed part of Eastgrove Farm. Due to its proximity to the brick-built barns, the appeal site is positioned within the surroundings to which the heritage assets are experienced.
19. The appeal building is of a substantial size compared to the adjacent brick-built buildings. Its conversion to holiday lets would alter the buildings rural character to one of a domestic appearance by the inclusion of windows, doors, and a garage entrance. These domestic features would alter the rural character of the building. The site itself would be further domesticated by the introduction of amenity areas and surface car parking, altering the sites appearance.
20. The proposed holiday units would create a solid structure on site, due to the alterations that would be required to make the building suitable for living

accommodation. The solid structure and domestication of the building would make it appear more prominent, particularly on arrival and leaving the vicinity of the heritage assets. The proposal would be at odds with its original simple utilitarian design that was purpose built for agricultural use. Given the buildings proximity to the listed brick-built barns, the proposal would cause harm to their setting as it would not preserve or enhance the heritage assets. Although the proposal is some distance away from the Grade II listed farmhouse, it would not represent a positive change.

21. Were the appeal to be allowed a condition could be imposed regarding external materials. Nonetheless, the building would still have a solid domestic appearance. Moreover, the proposed openings, which even at ground floor level would be visible in the street scene, garden, parking and other domestic paraphernalia would fundamentally alter the character and appearance of the site.
22. Therefore, the proposal would be harmful to the setting of the listed buildings and the significance of the heritage assets. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
23. The boost to the local economy provided by tourist visitors and employment opportunities would be a public benefit. However, there would be little public benefits arising from the proposal to offset the identified harm to which I attach considerable importance and weight.
24. I am not persuaded by the appellant's claim that by enclosing the building for holiday units would create a much tidier building and therefore an enhancement to the setting of the listed buildings. Although the tidying up of the site would be a public benefit, given the scale of the proposal the benefits would be small. In this instance the benefits, even when taken cumulatively, would not outweigh the harm to the setting of the listed buildings.
25. Although the fallback position of the previous planning consent (17/00180/FUL) would result in enclosure of the buildings structure with external cladding, the design of the building and its use would remain as agricultural and reflective of its rural surroundings. This would not cause harm to the setting of the listed buildings which are located in a predominantly agricultural area, and would therefore not be as harmful as the proposal before me.
26. Therefore, giving great weight to the conservation of the designated heritage assets, I consider that the less than substantial harm I have identified would not be outweighed by any public benefits. In failing to preserve or enhance the setting, the proposal would harmfully detract from the significance of the designated heritage assets in conflict with Policy SWDP6 of the SWDP (2016), which encourages development to conserve and enhance the significance of heritage assets, including their settings. The proposal also fails to accord with the heritage and character protection aims of Policies SWDP21, SWDP24 and SWDP25.
27. In addition, the proposal would not accord with the policies of the Framework (Section 16) which seek to conserve and enhance the historic environment.

Conclusion

28. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
29. For the reasons given above I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR