



Appeal Decision

Site visit made on 1 February 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2022

Appeal Ref: APP/J1860/W/21/3282384

Kerswell House, Kerswell Green, Worcester WR5 3PF

- 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 R Melling against the decision of Malvern Hills District Council.
 - The application Ref 20/01992/CU, dated 15 March 2021, was refused by notice dated 27 July 2021.
 - The development proposed is the conversion of a domestic outbuilding (partly constructed) to a dwelling as a substitution of Class Q approval, and the change of use of an agricultural building to a domestic outbuilding ancillary to the main dwelling.
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Decision

1. The appeal is dismissed.

Background

2. The description in the header above has been taken from the appeal form and I note that it was also used by the Council in their decision notice. I find it is clearer and more exact than the description used in the planning application form.
3. Prior approval for the conversion of a barn on the appeal site to a residential dwelling through Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) was allowed at appeal¹. Permission has also been allowed at appeal² for the erection of an outbuilding on the appeal site ancillary to the enjoyment of Kerswell House.
4. Whilst I note that the Council dispute whether work on the outbuilding has started, and whether it is in accordance with the approved plans, I have not been provided with any evidence to demonstrate either issue. Moreover, during my observations on site it appears that some works may have started. Therefore, and lacking any substantive evidence to the contrary, I have treated this permission as being extant for the purposes of this appeal.
5. The proposal before me would result in the use of the barn (subject to the Class Q permission) as an outbuilding ancillary to Kerswell House and the conversion of the unfinished outbuilding to a separate residential dwelling with outside amenity space.

¹ APP/J1860/W/20/3255136

² APP/J1860/D/17/3176624

Main Issues

6. The main issues are:

- Whether the appeal site is a suitable location for new housing; and,
- The effect of the proposal on the character and appearance of its surroundings.

Reasons

Suitability of Location

7. The appeal site contains two buildings at right angles within a group of four buildings. As outlined above the two appeal buildings are a barn and unfinished outbuilding, while the other two buildings are dwellings. The surrounding area is predominantly characterised by large open fields with some sporadic agricultural development and a small settlement some distance away.
8. Policy SWDP2 of the South Worcester Development Plan (the DP, February 2016) states that within the open countryside development will be limited to specific circumstances. Both parties accept that the site is outside of any settlement boundary and none of the exceptions have been raised. Therefore, on a reasonable reading of the policy and the proposal before me, the proposal would conflict with DP Policy SWDP2.
9. However, the appellant has made it clear that converting the barn to a dwelling under the extant Class Q permission would be a fallback position, should this scheme be dismissed and that they have a firm intention to carry out the conversion. I find there is a high probability that the Class Q scheme would be carried out should permission for this scheme not be forthcoming, and as such I find it is a material consideration to which I give significant weight.
10. As both the Class Q and proposed dwellings would be similarly located outside of a settlement boundary and provide the same number of bedrooms, neither would result in a greater impact in terms of their relationship to services and facilities or reliance on private motor vehicles. However, it is clear from the evidence before me that neither scheme would in themselves preclude the other from being carried out. As such, it is possible that the Class Q conversion and the proposed dwelling could both be carried out resulting in two new dwellings at the appeal site. Should this occur, the harm would effectively be twice that of either scheme individually.
11. Although I note the suggestion of a condition to prevent such an outcome, such power is not within the scope of a condition, which would be ultra-vires. Whilst it would be possible to control the extant Class Q conversion through a planning obligation, I have not been provided with such an obligation and so I must consider the possibility of two new dwellings on site, and therefore, granting this scheme would be tantamount to allowing a second dwelling on site.
12. Given the appeal site's location outside of a settlement boundary and its poor relationship to services and facilities resulting in a high dependency on private motor vehicles, I conclude that it is not a suitable location for a new dwelling and would be contrary to the locational and transport strategy of the development plan as set out in DP Policies SWDP2 and SWDP4. These require,

amongst other matters, that residential development is directed towards settlements and that the demand for travel is minimised and sustainable transport choice are available.

Character and Appearance

13. The appeal site is, as referred to above, in the countryside and its surroundings are predominantly characterised by open fields. The provision of a sizeable curtilage associated with the proposed dwelling would likely result in the erection of boundary treatments, soft and hard landscaping, and the proliferation of other residential paraphernalia. Both individually and collectively these features would erode the rural character and appearance of the site and its setting to the detriment of the surrounding area.
14. I have not been provided with details of the proposed curtilage to serve the Class Q conversion. However, given the limitations set out within Class Q of the GPDO, the garden area before me would be significantly larger than that achievable under the Class Q conversion. Therefore, I find that the adverse impact from the residential character of the garden on character and appearance would be significantly increased.
15. Whilst the proposed dwelling would also be larger than that approved under Class Q it would be no larger than the extant permission for the outbuilding. As both the outbuilding and dwelling would be residential in nature, I find that there would be little difference between the character of the two. Nevertheless, whilst a larger dwelling may not harm the character or appearance of the surrounding area, this does not outweigh or otherwise mitigate the harm from the increased size of the curtilage over that achievable under the Class Q conversion.
16. Therefore, in light of the above, I find that the scale of the curtilage serving the proposed dwelling would harm the character and appearance of the surrounding area. It would therefore conflict with DP Policies SWDP21 and SWDP25 which require, amongst other things, that development reinforces local distinctiveness and integrates with the character of the surrounding landscape.

Other Matters

17. I have found harm to result from the proposed development. As such, the appeal must fail and any requirement for a financial contribution towards affordable housing, as required under SWDP15 of the DP, would not engage. It is not therefore necessary for me to consider this matter further.
18. The appellant has submitted that the proposal would lead to improvements to a number of issues including site drainage, car parking, accessibility, renewable energy and energy efficiency. However, I have not been provided with any evidence to demonstrate that the Class Q Conversion would not also result in similar benefits, or how these improvements would be achieved.
19. Whilst it has also been suggested that the larger garden would allow for more native planting to be provided, it has not been demonstrated that the development would be necessary for native planting to be provided on site.
20. However, the larger garden area would provide a greater amount of space for future occupiers to use and as such would be an improvement over the living

conditions afforded by the Class Q conversion. Although I do not find that the proposed outbuilding being closer to Kerswell House would improve the living conditions of occupiers on or adjoining the site. As such, I attach very limited weight to the improvements to the living conditions of the future occupiers.

21. Notwithstanding the concerns regarding the right to use the lane for private motor vehicles, which is a matter which would need to be dealt with by the appellant separately, I note that no highway concerns were raised regard the proposal. This is not, however, a benefit of the scheme and as such affords only neutral weight.

Planning Balance

22. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new dwelling. The scheme would also lead to a small and time-limited economic benefit during the construction phase, as well as potentially some economic and social benefits from future occupiers. The scheme would also result in a limited improvement to living conditions. Given the small scale of the proposal, these benefits attract modest weight.
23. Conversely, the location of the proposal outside a settlement boundary would undermine the Council's plan-led approach to the delivery of housing. Moreover, it would harm the character and appearance of the surrounding area. These matters attract significant weight and even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits outlined above.

Conclusion

24. For the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR