



Appeal Decision

Hearing (Virtual) held on 1st March 2022

Site visit made on 1st March 2022.

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/H1840/W/21/3273643

Barn to the rear of Providence House, Rous Lench WR11 4UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO).
 - The appeal is made by Mrs M Twist against the decision of Wychavon District Council.
 - The application Ref 20/01848/GPDQ, dated 27 August 2020, was refused by notice dated 5 November 2020. The development proposed is Notification for Prior Approval for the proposed change of use of agricultural building to 1no dwellinghouse.
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Decision

1. The appeal is allowed, and prior approval is granted, under the provisions of Article 3(1) and Schedule 2, Part 3, Class Q(a) and Q(b) of the GPDO, for change of use of agricultural building and for building operations reasonably necessary for the conversion, at barn to the rear of Providence House, Rous Lench WR11 4UJ, in accordance with the details submitted with application Ref 20/01848/GPDQ, dated 27 August 2020, including plans numbered 3206 (P) 01, 3206 P(2) 00, 3206 P(2) 01, 3206 P(2) 02 and 3206 P(2) 03, pursuant to Article 3(1) and Schedule 2, Part 3, Class Q.

Application for costs

2. An application for an award of costs was made by Mrs M Twist against the decision of Wychavon District Council. This application will be the subject of a separate Decision.

Main Issue

3. The main issue is the location of the site relative to the Rous Lench Conservation Area (CA) boundary and consequently whether the proposal constitutes permitted development as outlined in Schedule 2, Part 3, Class Q of the GPDO.

Reasons

4. As no formal process to alter the CA boundary has been undertaken since its designation in 1975, I agree with the parties that the definitive plan outlining the CA boundary is that referenced Drg. No. 7/2/61, Dated Feb 1975, which shall be referred to hereafter as the 1975 Map. I also agree with the parties that any map subsequently produced does not alter the definitive status of the 1975 Map.

5. The issue with the 1975 Map that has led to disagreement between the parties regarding whether the site is within or outwith the CA stems from the method used to denote the CA boundary, ie a hand drawn double-dashed line. I shall refer to the 2 lines as being the inner and outer lines. On the 1975 Map, the inner line runs alongside the base of the north-eastern elevation of the barn; the outer line runs broadly through the centre of the barn.
6. Both parties submitted/referred to other maps/map extracts as evidence, some depicting the barn outwith the CA boundary, others depicting the barn within the CA boundary. All maps submitted in addition to the 1975 Map have been produced after it.
7. I note that 2 of the maps depicting the CA boundary either formed or currently form part of the development plan for the area. One of these maps is labelled 'Inset 85, Rous Lench, dated June 2006', which formed part of the area's Local Plan of that period (which I shall hereafter refer to as LPMa2006), and the other is labelled 'Plan 3' on the map provided in the appendices of the appellant's statement. This map forms part of the area's current development plan (which I shall hereafter refer to as LPMa2016).
8. These 2 maps would have formed part of a suite of documents subjected to public consultation. In contrast, I have not been provided with any evidence that the other maps/map extracts submitted/referred to have been subject to any public consultation.
9. On both LPMa2006 and LPMa2016 the CA boundary mirrors the inner dashed line shown on the 1975 Map. Consequently, the barn is shown as being outwith the CA on these 2 maps.
10. The Council produced an amended map of the CA during the 1990s, headed 'Wychavon District Council Conservation Area: Rous Lench' (which I shall refer to hereafter as the 1990s CA Map). On this map the CA boundary is drawn along the base of the south-eastern and south-western facing elevations of the barn. Consequently, the barn is shown as being within the CA.
11. I appreciate that by providing a map with a single line denoting the CA boundary, the Council has sought to remove confusion that may be caused by use of the double-dashed line on the 1975 Map. Additionally, I have no justifiable reason to doubt that the CA boundary on the 1990s CA Map was drawn taking account of relevant guidance from Historic England (English Heritage, as was). For example, not drawing boundary lines through buildings or plots, taking account of physical features on the ground, and considering the spatial relationships between buildings.
12. In my opinion, the inner line on the 1975 Map follows features depicted on the Ordnance Survey (OS) base map. Immediately to the south-east of the barn, the inner line follows a linear feature on the map. The north-eastern facing rear elevation of the barn is adjacent to this linear feature. Based on the evidence before me, and my observations on the ground, I consider this linear feature to be a metal fence. The section of fence adjacent to the north-eastern facing elevation of the barn is no longer upright, but it is still present, laying on the ground. The fence is of a type often used to delineate boundaries on country estates, and it is feasible that the fence was in situ when the CA boundary was drawn on the 1975 Map. Except for the section behind the barn, there is now a hedge along most of the line the fence appears to have originally taken. It is

evident on the ground that the hedge was planted after the fence was installed, as the hedge grows around the fence.

13. There are 3 buildings located north-east of the barn, a short distance from its rear elevation. It is likely that the barn was constructed some years after the other buildings. The design of the barn, and the materials used, are very different to the design of the other buildings and their materials. Access into the barn is via the large opening on the south-western facing elevation. The location of the opening gives the impression that the barn has its back turned towards the other buildings. The barn is sited at a higher ground level than the 3 other buildings. The barn does not have any historical architectural significance.
14. Although the barn is located relatively close to the other 3 buildings, bearing in mind the factors outlined above, I consider the barn does not read on the ground as being related to, or within the curtilage of, the other 3 buildings.
15. For the reasons outlined, I therefore consider that on the 1975 Map the barn is shown as being outside the CA boundary. I therefore conclude that the barn is outwith the CA.

Conditions

16. Prior approval is granted in accordance with conditions outlined in Q.2. of Schedule 2, Part 3, Class Q of the GPDO and in accordance with the details submitted with the application, which includes the plans numbered 3206 (P) 01, 3206 P(2) 00, 3206 P(2) 01, 3206 P(2) 02 and 3206 P(2) 03. I have not attached a condition requiring the installation of features for nesting birds (a matter raised at the Hearing), as the GPDO does not provide any general authority for doing so. Although there are powers that allow the decision maker to attach conditions, these are required to be either reasonably related to the impact of the proposal on the area or adjoining premises, or reasonably related to the matters subject to prior approval. The installation of features for nesting birds do not relate to either of these matters.

Other Matters

17. Parties agree that the application satisfies all other relevant prior approval criteria, and I have no justifiable reason to reach a different conclusion.

Conclusion

18. For the reasons outlined, I conclude that the proposal satisfies the requirements of Schedule 2, Part 3, Class Q of the GPDO. The appeal is therefore allowed, and prior approval is granted.

J Williamson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alex Madden, Partner – Thrings Solicitors

David Powell, Surveyor – PSL Chartered Land Surveyors

Patrick Twist

FOR THE COUNCIL:

Jim Burgin, Head of Heritage Services - Wychavon District Council

Emma Worley, Development Manager - Wychavon District Council

OTHER INTERESTED PERSONS (ATTENDANCE):

Melissa Twist, appellant

Harvey Davies, Solicitor

DOCUMENTS SUBMITTED PRIOR TO, DURING OR FOLLOWING THE HEARING

1. Statement of Common Ground – signed and dated 14 February 2022
2. Costs application from the appellant and associated responses.

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