



Appeal Decision

Site visit made on 1 March 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/Q3305/W/21/3287495

Redhill Farm, Townsend Lane, Emborough, Wells BA3 4SH

- 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 Alan Brown against the decision of Mendip District Council.
 - The application Ref 2021/1094/HSE, dated 12 May 2021, was refused by notice dated 3 November 2021.
 - The development proposed is partial conversion of agricultural store to residential C3 use for staff accommodation ancillary to the host dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the header is taken from the Council's decision notice and the appeal form. It is slightly different to that on the application form but it more succinctly describes the proposal. As it is used by both main parties, the above description forms the basis of my assessment.

Main Issues

3. The main issues are (i) whether the development would be in a suitable location having regard to the policies of the Mendip Local Plan Part 1 adopted 2014 (the LP), the National Planning Policy Framework (the Framework) and accessibility, (ii) its effect on the character and appearance of the area, and (iii) whether the development would preserve the setting and significance of Redhill Farmhouse with attached barn, a grade II listed building (the LB).

Reasons

Suitability of location

4. Core Policy 1 of the LP looks to direct development to towns and villages and to strictly control it in the open countryside. It is supported by LP Core Policy 2 which sets out where new housing will be located and LP Core Policy 4 which explains how villages will be sustained. These also look to focus development in settlements. The proposal would be located in open countryside and so it would conflict with these policies and the main thrust of the LP's spatial strategy.
5. At the same time, LP policy DP13 allows accommodation in the countryside where it is necessary to support a rural enterprise and 3 years of business accounts show the enterprise is financially sound. The proposed development would accommodate staff employed to maintain the house and its grounds rather than to support any business. In any case, no business accounts have

been submitted. Therefore, insufficient information has been provided to show the development would comply with LP policy DP13.

6. On my visit I saw part of the store being utilised as horse stabling. Moreover, the proposal would retain part of the building as agricultural storage, so indicating its existing use is not redundant. As such, the development gains no support from LP policy DP22, which allows the conversion of redundant or disused rural buildings for residential use.
7. Paragraph 80 of the Framework seeks to avoid isolated new homes in the countryside unless the proposal complies with one of a number of specific circumstances. However, there is no compelling evidence to demonstrate any of these circumstances apply in this case.
8. Also, the significant distances between the site and the nearest settlements would discourage future occupiers from travelling to support facilities at villages. Therefore, the development would be contrary to the aim of the Framework to locate new rural housing where it would enhance or maintain the vitality of rural communities. Residents would be near to their place of employment but they would be highly reliant on the car to access all other services necessary for day to day living. As such, the development would not be located so as to fully support walking, cycling and public transport trips as advocated by the Framework.
9. The appellant contends the proposed development would not lead to a new dwelling as it would be occupied by staff associated with the main house and residents would share the existing access, parking and garden space. However, it seems to me that LP policies DP13 and DP22 are relevant as they refer to rural workers' accommodation as well as new residential use and not just to proposals for new dwellings. In any case, even if I was to accept the argument that these policies are irrelevant, no other LP policy or part of the Framework has been highlighted that supports the change of use of an agricultural store in the countryside to ancillary residential accommodation. The referred to appeal decision reference APP/C1625/W/21/3266664 is of limited relevance as it relates to a site in another district with different development plan policies.
10. For the above reasons, I conclude the development would not be in a suitable location having regard to LP policies, the Framework and accessibility.

Character and appearance

11. The store is located in a paddock to the side of a complex of buildings including Redhill Farmhouse, an annexe and stables. An extensive network of fields around the site gives the area a strong rural feel. The proposed alterations would be relatively minor and typical barn features such as timber cladding, pantile roofing and tall wooden doors would be retained. Accordingly, the building's agricultural form and character would remain. Also, the partial residential use would harmonise with the domestic elements of the nearby Farmhouse complex. The area's rural nature would be largely unaffected by the scheme.
12. As such, I conclude the development would not harm the character and appearance of the area. In these respects, it would accord with LP policy DP7 which, amongst other things, supports proposals that are appropriate to their context.

Setting and significance of the listed building

13. The LB is a 17th century stone dwelling with barn. Its significance comes from its obvious age and the retention of architectural features which illustrate its origins as a traditional farmhouse. The agricultural aspects of the complex and its surroundings reflect the LB's history and so contribute to its significance.
14. The store is set away from the LB and there would be limited intervisibility between the proposed accommodation and the farmhouse due to intervening buildings. The main views of the LB from the front would be unaffected. The development would have no meaningful impact on the rural feel of the complex and its surroundings.
15. As such, I conclude the development would preserve the setting and significance of the LB. In these regards, it would accord with LP policies DP1 and DP3 which, amongst other things, look to ensure proposals preserve the significance and setting of heritage assets. LP policy DP7 is also referred to but this contains no provisions relevant to this particular issue.

Other considerations

16. The Council is unable to demonstrate a 5 year supply of housing land as required under the terms of the Framework. In such circumstances, footnote 8 and paragraph 11 of the Framework states the most important development plan policies should be deemed as out-of-date for housing planning applications. If the Council's stance on the issue is accepted, the development would create a new dwelling and so the "tilted balance" as set out in paragraph 11 of the Framework is applicable. This requires assessing the benefits of the development against its adverse impacts.
17. The lack of harm to the character and appearance of the area and the significance of the LB is a neutral factor in my assessment. The proposal would be used to accommodate staff and so to a limited extent it would promote the rural economy. Also, the development would help address housing needs, although the contribution in these regards would be modest.
18. Against these benefits, the development would be in the countryside away from any settlements and where occupants would be unable to easily support the vitality of rural communities without resorting to car travel. In these respects, it would be in direct conflict with parts of the Framework and so I find the harm caused would significantly and demonstrably outweigh the benefits of the proposal. Accordingly, the presumption in favour of granting permission as set out in paragraph 11 of the Framework does not apply.

Conclusion

19. I have found no harm would be caused in respect of the second and third main issues. However, the unsuitable location of the proposal means the development would be contrary to LP policies when read as a whole. There is insufficient justification to grant planning permission contrary to the development plan policies and so I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR