



Appeal Decision

Site visit made on 7 June 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Appeal Ref: APP/J1860/W/21/3289094

**1 The Old School House, Highwood, Eastham, Tenbury Wells,
Worcestershire WR15 8PB**

- 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 Jack Kemp against the decision of Malvern Hills District Council.
 - The application Ref 21/01336/CU, dated 5 July 2021, was refused by notice dated 7 October 2021.
 - The development proposed is to convert existing detached garage/storage unit into residential/holiday let property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the building and its location would be appropriate for visitor accommodation, with particular regard to whether the existing use of the building is redundant, and the accessibility of the site to nearby facilities and sustainable transport modes.

Reasons

3. The appeal site is located in open countryside where Policy SWDP 2 of the South Worcestershire Development Plan (February 2016) (Local Plan) requires that development is strictly controlled and limited to certain forms, including that which is specifically permitted by other Local Plan policies. Policy SWDP 35 of the Local Plan applies to proposals for new visitor accommodation outside development boundaries. Given that the proposal is for self-catering accommodation with a single bedroom, it would not be out of scale with its rural surroundings. Therefore, in respect of criterion A.i, it is an appropriate type and scale for its location. It is not a matter in dispute between the main parties that the proposal would be acceptable with respect to its impact on neighbouring amenity and I see no reason to disagree (criterion A.ii).
4. In addition, Policy SWDP 35 requires that proposals satisfy one of the part B criterion (ii – vi). The appeal is submitted on the basis that the proposal comprises the re-use of a redundant rural building of permanent and substantial construction (criterion B.v.). The main parties disagree over whether the use of the appeal building satisfies the policy requirement of being redundant. As that term is not defined in the Local Plan, I have had regard to its dictionary definition, which refers to something that is superfluous, being no

longer used or needed for the original purpose (OED Online. Oxford University Press, June 2022).

5. The appeal building comprises a garage that is accessed via a garage door fronting on to the road. In addition, a storage area at lower ground level, said to have formerly been used as a utility room, and for garden and log storage, is accessible via a side door. Both floors of the building are currently vacant. The appellant submits that there is alternative accommodation available to occupants of No 1 such that the existing use of the appeal building has become redundant.
6. I observed that there is a utility room within the main house. Whilst smaller than the lower ground floor of the appeal building it nonetheless provides space for activities such as washing and drying clothes. A separate log store is located on the patio to the rear of No 1. The appellant also indicates that there is a shed and a summer house, however neither of these was clearly visible or accessible during my site visit due to intervening vegetation in the rear garden. In addition, no photographs, dimensions or other information on the state of repair of these buildings has been provided to confirm their suitability as alternative storage space.
7. Ground levels in the rear garden fall steeply away from the house. As such, any external storage space there would be considerably less accessible to occupants of No 1 than the existing building, which is very conveniently located for access from the house and road. Although the garage may not be required for vehicle storage, garages are commonly used instead for general domestic storage. Notwithstanding the existence of a replacement utility room and log store, it has not been robustly demonstrated that alternative storage space is provided of a similar scale, quality and useability as the garage area of the appeal building.
8. I acknowledge that the appeal building may not be original to the house at No 1 and that the current occupants have chosen not to use the space. However, in the event that the appeal proposal was unsuccessful, for the above reasons, it appears reasonably likely that occupants of No 1 would make use of the appeal building as ancillary storage space. Therefore, in the particular circumstances of this case, I do not find that it is superfluous, unnecessary or redundant space. Consequently, the location of the site would not be appropriate for visitor accommodation, with regard to whether the existing use of the building is redundant. As such, it would conflict with Policy SWDP 35 (criterion B.v.) and the policy as a whole.
9. The appellant highlights two other proposals where the Council has accepted that the building proposed for conversion is redundant. At Colley Brook Fine Furnishings (Ref 17/00740/FUL), the Council was satisfied that the building would be redundant on the retirement of the applicant and the cessation of trading of their business. On the evidence before me that appears to be a logical conclusion in respect of Policy SWDP 35, where the existing use of the building would become redundant without its owners actively seeking to secure its reuse by some alternative business.
10. In respect of conversion of The Granary (Ref 19/00199/FUL), the Council's officer report refers to there being extensive accommodation and storage space within the main house and grounds, and therefore that the application building was surplus to requirements. Whereas, in this case I have not found that

alternative storage space is so extensive and accessible to occupants of No 1 as to render use of the appeal building redundant. These two cases do not alter my conclusions in respect of this appeal.

11. The appellant also highlights that the Council granted planning permission for conversion of a barn to a holiday let at Hill Top, Rochford (Ref 20/00615/FUL). That scheme is also described as being within open countryside and is therefore likely to be relatively remote from sustainable travel choices. However, as the barn was found to be redundant, the proposal did not conflict with Policy SWDP 35 as a whole.
12. In respect of a proposal at Old Farm, Eastham (Ref 20/00360/HP), the proposed accommodation was considered to satisfy criterion v. as a redundant building. In addition, benefits of the proposal included preserving the special interest of a listed building. Therefore, whilst access to sustainable travel modes and facilities there might be similarly limited, other key benefits of that proposal are not directly comparable to this appeal.
13. Given its rural location and lack of nearby facilities, visitors to the appeal site would likely access the site by car and be reliant on travel by car for goods and facilities to a large extent. Even if bicycles were to be made available for its occupants, in the circumstances of this case I am not satisfied that they would provide a realistic alternative to travel by car on a sufficiently regular basis. No robust evidence is before me to the contrary.
14. Consequently, I conclude that the proposed location of this site would not be appropriate for visitor accommodation, with regard to the accessibility of the site to nearby facilities and sustainable transport modes. It would therefore conflict with policy SWDP 2, which aims to limit development in open countryside and prioritise locations with access to local services and facilities.
15. The SWDP strategy seeks to ensure a sustainable pattern of development. This focusses new development on larger settlements where there is greater access to local services, and consequently less reliance on travel by private car and associated emissions. The scheme would not be consistent with these development plan objectives. In addition, the proposal would not be supported by Policy SWDP 4 which requires proposals to demonstrate accessibility to sustainable travel choices.

Planning Balance

16. Conversion of the appeal building to holiday accommodation would provide an income stream representing a private benefit to the appellant. The proposal would refurbish an existing building in a rural area, without harm to the character of the surrounding area, or increasing the building's scale or footprint. Such refurbishment could improve the appearance of the building, albeit such benefit would be relatively minor and not dependent on the current appeal scheme. In addition, its occupants would contribute to local tourism and visitor spend.
17. These factors are afforded support by paragraphs 84 and 85 of the National Planning Policy Framework. However, given the scale of the proposal, such benefits would be highly limited, and not sufficient to outweigh the harm from converting useful domestic storage space in a location remote from local

services and sustainable travel choices, contrary to the development plan when taken as a whole.

Conclusion

18. For the above reasons, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR