



Appeal Decision

Site visit made on 9 May 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/W1850/W/22/3304980

Parklands, Bullocks Mill, Lyonshall HR5 3LN

- 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 Mrs Maria Parker against the decision of Herefordshire Council.
 - The application Ref 210088, dated 10 January 2021, was refused by notice dated 17 March 2022.
 - The development proposed is conversion of redundant barn to a 2-bed dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has produced updated ecological information following determination of the planning application. Consequently, the Council advise that they no longer wish to defend the third reason for refusal. I therefore have not addressed this matter in the reasoning below.

Main Issues

3. The main issues are:
 - Whether the proposed development would be consistent with local policies relating to the location of new housing; and
 - The effect of the proposal upon the River Wye Special Area of Conservation (SAC).

Reasons

4. The appeal site is formed of a single storey building. The building has a sectional concrete floor with a slender concrete frame infilled with masonry bricks and timber panels. The roof is covered with corrugated sheets supported by timber purlins.
5. At the time of the site visit the building was being used to store miscellaneous items. Having regard to my own observations at the site visit, large areas of the building have been overtaken by vegetation. There appears to be areas of deterioration consistent with prolonged periods of neglect and lack of maintenance including significantly weathered and damaged panels.
6. The site is located within open countryside, located approximately 1km northwest of the settlement of Lyonshall accessed via a country lane and track. In rural locations outside settlement boundaries, Policy RA3 of the

Herefordshire Local Plan – Core Strategy (2015) (CS) sets out that residential development will be limited to a number of exceptions, including the sustainable re-use of a redundant or disused building, where it would comply with CS Policy RA5 and lead to an enhancement of its immediate setting.

7. Policy RA5 introduces further policy criteria for such developments. Criterion 4 states that development will be permitted where the building is of permanent and substantial construction capable of conversion without major or complete reconstruction and Criterion 5 sets out that buildings are to be capable of accommodating the proposed new use without the need for substantial alteration or extension.
8. The policy nor its supporting text sets out a definition of what constitutes permanent and substantial construction or major or complete reconstruction. Therefore, consideration of such matters are matters of planning judgement based on the evidence submitted and the individual merits of the case.
9. The appellant's structural evidence indicates that the building is in relatively good condition for its age. However, it states that in places the minimum depth of the foundations should be increased to 450mm. It also states that the concrete frame would need to be repaired, including replacing reinforcements, the bolts joining the frame and rafters should be replaced and new metal bracket connections between the frame and foundations are required.
10. I acknowledge that the need for urgent repairs can be taken on a building that is structurally sound. However, it is not unreasonable to expect these improvements or alterations to take place once a defect has been identified in order to maintain the integrity of the building. Based on the evidence before me, this is not the case here and the works outlined in the structural evidence including repairs to the concrete frames, new bracket supports, and increased foundation depth are required to facilitate the development rather than to maintain the structural integrity of the existing building.
11. In addition to the recommended structural works the proposed development would include a new metal roof, a significant number of new apertures for windows and doors and vertical timber cladding.
12. I note the intention to retain the walls of the building. However, given its makeup comprising masonry blocks and timber panels and the number and position of the openings proposed it is unlikely that much of the existing in fill panels would be retained.
13. When taking to consideration the make-up and condition of the existing building, the proposed works would include a significant level of new construction and the building would most likely be reduced to an extent that it would be considered a skeletal or minimalist structure. In my judgement, the proposed works cumulatively would be so extensive to go beyond the normal understanding of a conversion.
14. Taking the above into account and my observations on site I am not persuaded that the building would be capable of being converted into residential use without substantial alteration or rebuilding and would be tantamount to a new dwelling in the countryside.
15. As such, the appeal site would not be an appropriate location for new housing in respect of the Council's spatial strategy. It would, therefore, be contrary to

CS Policies RA3 and RA5 which, amongst other things, seek to direct new residential development to appropriate locations and secure the sustainable re-use of rural buildings.

Other Matters

16. The appeal site is located within the River Lugg catchment area which forms part of the River Wye SAC. The Council's second reason for refusal relates to the potential impact on the integrity of this habitat site. However, as I have found that the site is not an appropriate location for residential development, and which is significant enough to dismiss the appeal there is no benefit in me pursuing this matter any further.
17. I note the appellant's personal circumstances and I have given it careful consideration. I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I find that this factor is not sufficient to outweigh the harm that I have identified.
18. The support of local residents and the green credentials of the scheme count neither for nor against the proposal. I find that the benefits of a small self-build property do not overcome the harm I have identified in relation to the main issue.

Conclusion

19. For the reasons set out above the appeal is dismissed.

B Thandi

INSPECTOR