



Appeal Decision

Site visit made on 27 June 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/H1840/W/22/3312464

Stable Building Opposite Tudor Cottage, Mill Lane, Radford, Worcestershire WR7 4LP

- 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 Simon Harrison against the decision of Wychavon District Council.
 - The application Ref W/22/00712/CU, dated 18 March 2022, was refused by notice dated 28 September 2022.
 - The development proposed is change of use of existing stables to holiday let accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing stables to holiday let accommodation at Stable Building Opposite Tudor Cottage, Mill Lane, Radford, Worcestershire WR7 4LP, in accordance with the application, Ref W/22/00712/CU dated 18 March 2022 subject to the conditions set out in the schedule to this Decision.

Preliminary Matters

2. The application form refers to the appeal site as Tudor Cottage, however, the Council have referred to the site as 'Stable building opposite Tudor Cottage'. The site address used by the Council is more accurate and have borne this in mind when making my decision.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for new holiday accommodation.

Reasons

4. Mill Lane is a no through road characterised by detached dwellings arranged in a linear manner along the western side of the road. The appeal site is located on the eastern side, in open countryside, and comprises a modest timber stables opposite Tudor Cottage. At the site visit I observed that the building is no longer in use.
5. Policy SWDP 2 of the South Worcestershire Development Plan (2016) (SWDP) outlines the development strategy for new development in the area. Part C sets out that permission for development in the countryside, outside the development boundary of settlements will be strictly controlled to development specifically permitted by other SWDP policies.

6. In respect of visitor accommodation SWDP Policy 35 sets out the criteria against which such schemes are to be assessed. Criterion B.v. sets out that visitor accommodation will be permitted where it re-uses a redundant rural building of permanent and substantial construction. At my site visit I observed that externally the appeal building appears to be structurally sound.
7. There is no definition of redundant in the SWDP or the National Planning Policy Framework (the Framework). Therefore, I consider it sensible to consider the word in its plain meaning. In this context redundant should be taken to mean 'not or no longer needed or useful; superfluous'.
8. It appears that planning permission for the stables was granted in 2016 and constructed shortly after. The appellant advises that the stables are surplus to requirements due to his daughter no longer having an interest in keeping or riding horses and therefore falls within the definition of redundant.
9. In the case of the proposed development the stables were constructed for a specific equestrian purpose. Based on the evidence before me, including my observations at the site visit, it is apparent that the building is no longer being used for any purpose or needed and lays vacant.
10. The Council contend that the building could be put to use by future occupiers of Tudor Cottage or leased to a third party. However, I am mindful that the planning permission for the appeal building is subject to a condition preventing nothing other than private use of the stables, which would restrict use by third parties.
11. Whilst ownership is not a determinative factor there is nothing credible before me to indicate that use by a third party, whether a lessee or a future occupier of Tudor Cottage, is a likely or realistic prospect. Moreover, I have not been directed to any local planning policies that require an exercise demonstrating that alternative options and uses have been discounted before a building can be considered redundant. As such, I give this aspect of the Council's argument limited weight in coming to my decision.
12. The Council in coming to their decision refer to two appeal decisions¹ which they consider relevant. It is evident that the circumstances in both decisions are materially different to those before me, in that they related to ancillary domestic structures closely associated with the main dwellings. This is not the case here, as the stables are segregated from the main dwelling and do not provide ancillary domestic accommodation. In any case, every appeal must be considered on its own merits. The decisions do not lead me to reach a different conclusion on the main issue.
13. As such, and exercising my planning judgement, I find that the building is redundant and the proposal would not be in conflict with SWDP Policies 2 and 35 which, amongst other things, support visitor accommodation in appropriate locations.

Conditions

14. I have considered the imposition of conditions in accordance with the Framework and Planning Practice Guidance. In addition to the standard time

¹ APP/J1860/W/18/3204695 and APP/H1840/W/19/3233905

limit condition, I have imposed conditions specifying the relevant drawings and defining the development and its occupation as this provides certainty.

15. In the interests of highway safety, I have imposed a condition for the vehicle turning area to be laid out prior to the development being brought into use. Finally in the interests of ensuring a satisfactory appearance and protecting wildlife I have imposed a condition in respect of external lighting.

Conclusion

16. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing Number 21-401; Survey of Existing Drawing Number 21-401-01 and Proposed Scheme Draft 1 Drawing Number 21-401-02A.
- 3) The development hereby permitted shall not be brought into use until the parking and turning area for vehicles has been laid out in accordance with Proposed Scheme Draft 1 Drawing Number 21-401-02A. This area shall then be retained thereafter for the life of the development.
- 4) No external lighting shall be installed and brought into use until details of its nature and luminance have first been submitted to and approved in writing by the local planning authority, and any external lighting shall then be installed and used in accordance with the approved details only.
- 5) The holiday let / visitor accommodation hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person or persons main place of residence.