

Appeal Decision

Site visit made on 1 December 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/R1845/D/23/3331657
Lye Head Farm, Lye Head Road, Lye Head, Bewdley,
Worcestershire, DY12 2UT

- 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 Rowles against the decision of Wye Forest District Council.
 - The application Ref 23/0408/HOU, dated 5 June 2023, was refused by notice dated 4 September 2023.
 - The development proposed is utilisation of existing outbuilding as a residential annex ancillary to Lye Head Farm.
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Costs

1. An application for costs was made by Mr Alan Rowles against Wye Forest District Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for utilisation of existing outbuilding as a residential annex ancillary to Lye Head Farm at Lye Head Farm, Lye Head Road, Lye Head, Bewdley, Worcestershire, DY12 2UT in accordance with the terms of the application Ref 23/0408/HOU, dated 5 June 2023 and in accordance with the conditions set out in the attached schedule.

Main Issue

3. The main issue in this case is whether or not the proposed development would comprise sustainable development.

Procedural Matters

4. The proposed development seeks to utilise a domestic outbuilding as a residential annex ancillary to the appeal property's existing use.
 5. It is the Council's consideration that the proposal comprises the conversion of a domestic outbuilding and that the proposed development would be able to function independently of the main dwelling house and therefore, would not be ancillary to Lye Head Farm.
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6. The Council's officer's report refers to the impacts of the proposal on character and appearance and residential amenity. It identifies no harm in either of these respects.
7. The appeal property is a non-designated heritage asset and the application the subject of this appeal was supported by a heritage statement. The Council has not identified any harm in respect of any heritage matter.

Reasons

8. Lye Head Farm is a detached two storey dwelling. It is set well back from the road behind a hedgerow and gates and comprises one of three buildings set around a courtyard. The other two buildings comprise detached outbuildings, one of which, a modest single storey outbuilding, it is proposed to convert to a residential annex.
9. Lye Head Farm is located in the countryside. It is situated along a country lane in rural surroundings.
10. The Local Plan¹ provides for re-use and adaptation of rural buildings and supports the provision of annex accommodation. In so doing, the Local Plan seeks to ensure that development does not harm local character and that new annex accommodation is limited to two bedrooms and is physically linked to and shares access arrangements with, the existing dwelling.
11. I acknowledge the Council's concern in respect of the proposal not comprising annex accommodation, noting that, with regard to Local Plan Policy SP.13 (*"Housing for Older People and others with special housing requirements"*), the proposal would not be physically linked to the existing dwelling.
12. However, the proposed development would be located immediately across a short courtyard from and would share services, an address, gardens, parking and access with, the existing house. In this regard, I observed during my site visit that the proposed development would appear very much as part of the same farmhouse complex, with its single gated access leading to the courtyard around which the farmhouse and its outbuildings are situated.
13. Further, I am mindful that a planning condition can be imposed in respect of securing ancillary status and taking this and all of the above into account, I am satisfied that even without a physical link, the proposed development would be ancillary to the existing dwelling.
14. Furthermore, no additional extensions or significant works to the outbuilding are proposed and notably, as set out above, whilst it referred explicitly to the proposal's impact on character and appearance in its officer's report, the Council did not identify any harm in this regard, nor did it identify any harm in respect of any heritage matters.
15. Taking all of the above into account, I am satisfied that the proposal would comprise sustainable development and that it would not be contrary to the National Planning Policy Framework or to Local Plan Policies SP.13 and DM.29 which together amongst other things, seek to provide for sustainable development.

¹ Reference: Wyre Forest Local Plan 2016-2036 (2022).

Conditions

16. I have considered the conditions suggested by the Council against the tests set out in Paragraph 56 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
17. A condition controlling external surfaces is necessary in the interests of local character. A condition requiring the removal of permitted development rights is necessary in the interests of safeguarding local character.
18. A condition preventing the annex being sold, let or otherwise being severed from the main property is necessary to prevent the creation of a separate residential unit.

Conclusion

19. For the reasons given above, the appeal is successful.

N McGurk

INSPECTOR

**Schedule of Conditions attached to
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Lye Head Farm, Lye Head Road, Bewdley,
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- 1) The development hereby permitted shall begin not later than three years from the date of this decision;
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 3678-1 Existing and Proposed Site Plan; and 3678-2 Garage Conversion.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Part 1 Classes A, B, C, D, E, F, G and H and/or Part 2 Classes A, B, C and D and/or Part 14 Classes A, B, C, D, E, F, G, H and I, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
- 5) The annex hereby approved shall remain permanently in the same ownership as Lye Head Farm, Bewdley, and shall at no time be sold, let, or otherwise severed from the main property.