



Appeal Decision

Site visit made on 15 November 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/J1860/W/23/3322958

New House, C2024 Stockton, Stockton, Worcestershire WR6 6XF

- 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 Marsh against the decision of Malvern Hills District Council.
 - The application Ref M/22/01050/FUL, dated 12 July 2022, was refused by notice dated 7 December 2022.
 - The development proposed is the change of use and conversion of garage/studio and potting shed to short-term holiday lets.
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Decision

1. The appeal is allowed and planning permission is granted for Change of Use and conversion of garage/studio and potting shed to short term holiday lets at New House, C2024 Stockton, Stockton, Worcestershire WR6 6XF in accordance with the terms of the application, Ref M/22/01050/FUL, dated 12 July 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have taken the description of development from the application form, removing elements that are not acts of development.
3. At my site visit I noted that the buildings at the appeal site are already in use as holiday lets, however I have determined the appeal on the basis of the development applied for and the submitted drawings.
4. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to the provisions of the Framework below, I have done so with numbering from the revised version.

Main Issues

5. The main issues are:
 - whether the proposal represents an acceptable form of visitor accommodation having regard to the relevant development plan policies; and
 - whether the appeal site is in an appropriate location for visitor accommodation having regard to the relevant development plan policies and national planning policy.

Reasons

Visitor accommodation

6. The appeal site comprises part of New House Farm, which is located within the open countryside, outside of any settlement boundary.
7. Policy SWDP2 of the South Worcestershire Development Plan (DP) (adopted 2016) strictly controls development in the open countryside unless it falls under certain exceptions such as being specifically permitted by other SWDP Policies, including Policy SWDP35.
8. Policy SWDP35 B supports new visitor accommodation outside a development boundary where it is of an appropriate type and scale for the location or building, there is no adverse impact on neighbouring amenity and falls within one of the circumstances outlined at ii) – vi) of the Policy.
9. The parties agree that the buildings were not redundant at the time of their conversion and therefore SWDP35 B v) does not apply. I have been referred to a number of appeal decisions which the Council considers are comparable to the appeal scheme, however they relate to whether or not buildings were 'redundant' in the terms of SWDP35 B v). The appellant, however, contends that the proposal forms part of a farm diversification scheme and therefore should be assessed against SWDP B ii). Policy SWDP12 states that proposals to diversify farm businesses for tourism will be permitted subject to three criteria (i) – iii)).
10. The farming activities at New House Farm include the breeding, keeping and grazing of sheep and hay making. The use of the garage/studio and potting shed as visitor accommodation has added to the range of activities and sources of income from the farm. The appellant states that this allows them to reinvest in the business. Whilst the farm is modest in size, Policy SWDP12 does not preclude such farms from diversification schemes.
11. The buildings are adjacent to the existing farmhouse and whilst they are near to grazing land and farm buildings, they are fenced off and visitors have no need to enter the operational areas of the farm. As such their use as holiday lets does not detract from or prejudice the existing agricultural undertaking or its future operation. The use of the two modest one bedroom holiday lets generates low levels of activity which does not detract from the rural character of the area. Whilst the garage and potting shed were relatively recently constructed as domestic outbuildings to New House, they nonetheless existed at the time of their conversion reducing the need for additional built development. For these reasons the proposal complies with criteria i) – iii) of Policy SWDP12.
12. The Council contend that the use of the buildings as holiday lets does not constitute farm diversification because they were previously in domestic use and did not form part of the farming unit. However, farms often contain a farmhouse, domestic garden and ancillary outbuildings which are not directly used for agricultural activities but nevertheless are part and parcel of the farm as is the case here. They also consider that the holiday let use was introduced prior to any substantial agricultural activity taking place and that it cannot be regarded to accord with the aim and intention behind Policy SWDP35(ii). However, I have considered the appeal based on the current circumstances.

13. I conclude that, as a farm diversification scheme, the proposal is an acceptable form of visitor accommodation and therefore complies with Policies SWDP2, SWDP12 and SWDP35 of the DP. Collectively these seek to safeguard the open countryside and ensure that visitor accommodation outside of a development boundary is only permitted where, amongst other things, it forms part of a farm diversification scheme and that such proposals do not detract from the existing agricultural undertaking, that the scale of activities is appropriate to the rural area and that where possible existing buildings are used.

Location of development

14. The site is located within the open countryside outside of any settlement, accessed from a rural lane. The site is easily accessible by the local road network, being close to the A443. The nearest village to the site, Stockton on Teme, has low service and facilities provision, whilst Abberley Common and Stanford Bridge are within approximately 2 miles of the site and provide a number of services and facilities.
15. The nearby roads do not generally have footways and are unlit meaning they are unlikely to be used to access nearby facilities and services by foot. Furthermore, there are limited public transport options locally.
16. Overall, it is clear that the majority of visitors are likely to be reliant on a private motor vehicle to travel to the accommodation and to access a wide range of facilities and services during their stay. However, this is a function of the countryside setting of the appeal site. It is not always feasible that all development is easily accessible by sustainable modes of travel. Paragraph 109 of the National Planning Policy Framework (the Framework) explicitly acknowledges that *"...opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-making."* It further states at para 89 that *"...decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport."*
17. However, the appeal site is in close proximity to a network of footpaths offering an opportunity for recreational walking in the surrounding countryside, which does not require the use of a private car. In addition, although there are limited cycle paths locally, a number of facilities are close enough to be a relatively easy cycle ride along the existing road network. Therefore, in the context of its rural location the site does minimise the need to travel and offer some sustainable transport choices.
18. Having regard to all of the above, I conclude that the appeal site is in an appropriate location for visitor accommodation. It therefore complies with Policy SWDP 4 of the DP, which requires development to minimise the need to travel and to offer sustainable transport choices. It also complies with Policy SWDP 35 A i) which seeks to ensure that visitor accommodation is of an appropriate type and scale for its location.

Other Matters

19. Third party concerns have been raised in relation to a number of matters. Given the distance between the appeal site and adjacent properties I am satisfied that there is no adverse impact on the living conditions of

neighbouring occupants by reason of overlooking or noise. Visitors would use the access to the southwest of New House. The modest increase in the use of this access which would occur as a result of the scheme would not have a material effect on noise levels and the Council confirm that there would be no adverse impact upon highway safety. The increase in light levels from the site is minimal and seen in the context of the adjacent farmhouse. Whilst I acknowledge the concerns that to allow the appeal would set a precedent, I have considered the appeal on its own merits.

Conditions

20. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. As the proposal has been commenced the standard time limit condition is not necessary. I have imposed a condition requiring that the development is carried out in accordance with the approved plans, in the interests of certainty.
21. The condition restricting the occupancy of the accommodation to short-term lets is necessary to ensure that it is for tourism accommodation and not permanent residential accommodation.
22. The condition requiring the closure of the existing vehicular access is necessary to ensure highway safety.

Conclusion

23. The proposal would accord with the development plan as a whole and there are no other considerations, including the Framework, which indicate that the appeal should be determined, other than in accordance with it. Therefore, the appeal is allowed.

E Pickernell

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan (drawing 1), Block Plan (drawing 2), 3a, 3b, 3c, 4a and 4b.
2. The use of the garage/studio and potting shed shall be restricted to short-term holiday letting purposes only. In particular:
 - a) no individual shall reside on site in any accommodation hereby permitted for more than 28 consecutive days and for no more than a total of 140 days in any calendar year;
 - b) the owner/operator of the holiday accommodation shall maintain an up-to-date register of the names of all occupiers of the units. This register shall be made available within 1 calendar month of a written request by the local planning authority; and,
 - c) the holiday accommodation hereby approved shall not be occupied as a person or persons' sole, or main place of residence.

3. Within 3 months of the date of this decision the northern vehicular access, adjacent to the garage/studio shall be closed to vehicular traffic, in accordance with Drawing 1. Thereafter the northern vehicular access shall remain closed, and the site shall be accessed from the southern vehicular access.