



Appeal Decision

Site visit made on 2 November 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal Ref: APP/W1850/W/23/3319453

Annex at Temple Grove, Temple Grove, Middleton, Little Hereford, Herefordshire SY8 4LQ

- 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 Martin Lawn and Jennifer Ozga against the decision of Herefordshire Council.
 - The application Ref 223069, dated 13 September 2022, was refused by notice dated 19 December 2022.
 - The development proposed is change of use of an existing annex to create a single dwellinghouse.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of an existing annex to create a single dwellinghouse at Annex at Temple Grove, Temple Grove, Middleton, Little Hereford, Herefordshire SY8 4LQ in accordance with the terms of the application, Ref 223069, dated 13 September 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. For clarity on the site location, address line 1 from the application form, stating "C1053 From Temple Farm To C1054" is omitted from the above site address.
3. A revised National Planning Policy Framework (Framework) was published on 19 December 2023. Insofar as it is relevant to the matters at hand in this appeal, the Framework is consistent with the previous iteration. References to the Framework in this decision are to the new paragraph numbers.

Main Issue

4. The main issue is whether the location of the appeal site would be acceptable for the development proposed, having particular regard to the provisions of local and national policy in respect of development in the countryside.

Reasons

Brimfield and Little Hereford Neighbourhood Development Plan (March 2016) (NDP)

5. The NDP does not define a precise settlement boundary for Little Hereford nor the extent of its main built up area. The Council's officer report refers to a Little Hereford policies map. Although that does not cover the location of the appeal site, no substantive evidence is before me to indicate that that map should be used to define the extent of Little Hereford's built form with respect to housing development in the NDP area.

6. Whereas, paragraph 6.1.26 of the NDP advises that Little Hereford is characterised by a dispersed settlement pattern of farmsteads, small hamlets and individual rural cottages and properties. Also, that small scale development is appropriate to the rural character of Little Hereford. This clarification immediately precedes Policy BLH5 of the NDP, relating to new housing sites in Little Hereford.
7. Furthermore, paragraph 6.1.19 of the NDP refers to Little Hereford as having been identified in the Core Strategy as a settlement for proportionate housing. This immediately precedes clarification of the broad extent of Little Hereford for the purposes of the NDP, extending up to the Ledwych Brook in the north. The appeal site is located within that broad extent, at the hamlet of Middleton.
8. In addition, paragraph 6.1.20 of the NDP goes on to advise that proposals in smaller settlements such as Little Hereford will need to pay particular attention to the form, layout, character and setting of the site and its location in the settlement. Consequently, whilst the NDP does not explicitly state whether or not the broad extent of Little Hereford it describes (at paragraph 6.1.19) should be used for the purposes of Policy BLH5, I see no reason to conclude otherwise. Accordingly, Policy BLH5 of the NDP applies here.
9. The Policy sets out three criteria. The proposal for a one bedroom house is appropriate to the size and character of Middleton and that of Little Hereford more generally (criterion 1). As reasoned above, the site is within the settlement of Little Hereford as described in the NDP, and within the small hamlet of Middleton. Also, whilst in a rural location, it is not wholly isolated due to its location within the grounds of an existing house and opposite a collection of farm buildings (criterion 2).
10. Conversion of the annex and subdivision of the plot would retain sufficient space and separation from the house (Temple Grove). It would not encroach on land outside of the existing garden. Moreover, as a single bed dwelling it would not significantly impact on the size of the settlement or its local services (criterion 3). It would thus accord with Policy BLH5.

Herefordshire Local Plan Core Strategy 2011 – 2031 (October 2015)
(Core Strategy)

11. Policy RA3 of the Core Strategy applies to locations outside of settlements, as defined in Neighbourhood Development Plans. As reasoned above, the proposal would be within the dispersed settlement of Little Hereford as defined in the NDP. Consequently, Policy RA3 is not relevant to the appeal scheme.
12. Policy RA2 of the Core Strategy confirms that sustainable housing growth is supported within or adjacent to settlements identified at figure 4.15. There are inherent limitations to travel by sustainable transport modes within rural settlements such as Little Hereford. This is fully acknowledged within the NDP. Nonetheless, Little Hereford is listed as a settlement at figure 4.15 of the Core Strategy in which proportionate housing is appropriate.
13. The Policy sets out certain criteria to be addressed by housing proposals. The Council's evidence provides an interpretation of the two main parts of the settlement of Little Hereford that does not include the appeal site. However, this does not appear to be based on any such definition in the NDP. Moreover, given such a dispersed settlement pattern, I am not persuaded that the cluster

of buildings in the vicinity of the parish hall should be regarded as the main built up area for Little Hereford under Policy RA2. In any event, the small scale nature of the proposal would be acceptable having regard to the rural, dispersed character of Little Hereford. Therefore, criterion 1 of Policy RA2 is satisfied. In the absence of substantive evidence of the availability of brownfield sites elsewhere in Little Hereford, I find no conflict with criterion 2 of Policy RA2 on making best use of suitable brownfield sites.

14. The proposal would provide sufficiently high quality accommodation, appropriate to its landscape setting. Moreover, it would minimise the use of natural resources in delivering independent living accommodation in an existing building (criterion 3). It is unclear whether the proposal would meet the specific needs of Little Hereford, albeit I note that a preference for one bed houses was expressed in the NDP. In the absence of robust evidence to the contrary, I find no conflict with criterion 4 and compliance with Policy RA2 as a whole.
15. No definition of rural buildings is provided within the Core Strategy. Whilst ancillary to the existing house, the appeal building nonetheless comprises a building in a rural area. There are possible alternative uses of the building, including for housing visitors. Furthermore, use of the appeal building as an annex appears capable of resuming. Nevertheless, the appellant submits that the building is currently disused, there being no one associated with the occupants of the main house to occupy that building. No substantive evidence is before me to indicate otherwise. As such, the proposal would amount to re-use of a disused rural building and Policy RA5 of the Core Strategy applies. This supports the sustainable re-use of redundant or disused rural buildings, including where this contributes to residential development, subject to five criteria.
16. The proposal would retain the character of the existing building (criterion 1). It would make sufficient provision for protected and priority species and habitats (criterion 2). It would not unacceptably harm the living conditions of neighbours and it would not encroach on land outside the existing garden. Future occupants of the proposal would likely be largely reliant on travel by private car to access goods, facilities and employment. Nevertheless, the harm arising from such travel from a single, one bedroom dwelling would be relatively limited. Therefore, it would not result in undue environmental impacts. It would thus comply with criterion 3.
17. The building is capable of conversion (criterion 4). Whilst an ancillary building is proposed along with a modest increase in hardstanding, this would be of a limited scale that would not harm the character and appearance of the site and its surroundings (criterion 5). Therefore, the proposal would comply with Policy RA5 as a whole.

National Planning Policy Framework

18. The Framework seeks to maximise opportunities for travel by sustainable transport modes, and focus significant development on locations which are or can be made sustainable. Nevertheless, paragraph 109 of the Framework also recognises that such opportunities will vary between urban and rural areas, and that this should be taken into account in decision-making. With respect to paragraph 84 of the Framework, although the appeal site would be remote from services and facilities, it would not be isolated due to its proximity to

other dwellings. Accordingly, in the particular circumstances of this case, paragraph 84 on proposals for isolated homes in the countryside would not apply.

Conclusions on Main Issue

19. Therefore, the location of the appeal site would be acceptable for the development proposed, having particular regard to the provisions of local and national policy in respect of development in the countryside. As such, it would comply with Policy BLH5 of the NDP and Policies RA2 and RA5 of the Core Strategy. Consequently, it would also comply with Policy SS1 of the Core Strategy. This seeks to approve proposals that accord with policies in the Core Strategy and Neighbourhood Development Plans, unless material considerations indicate otherwise.
20. I have had regard to the Brinkworth appeal decision (Ref APP/Y3940/W/19/3235985). There, the Inspector found that the proposal would result in undue reliance on the private car. Whilst there are similarities in the nature of that proposal and this appeal scheme, in that case the Inspector found that the proposal was contrary to policies in the Wiltshire Core Strategy on the location of development. Whereas I have found that the proposal would accord with such development plan policies here. In light of the different policy context, that decision does not alter my reasoning.

Other Matters

21. Temple Farmhouse is a grade II listed building. I have undertaken my statutory duty pursuant to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting, or any features of special architectural or historic interest which it possesses. Insofar as it is relevant to this appeal, the significance of Temple Farmhouse primarily derives from its architectural and historic interest as a noteworthy farm building.
22. However, there is nothing to indicate that the appeal site has a particular historic resonance with the listed building other than being a small part of a broad setting. I have also had regard to the modest scale of the proposal which does not alter the appeal building, the intervening distance and the presence of other existing built form. Consequently, the appeal scheme would not harm the significance of the listed building. Therefore it would not detract from its setting or the ability to appreciate it.
23. Planning permission for the appeal building is said to contain a condition requiring that it is not sold separately from the main house, Temple Grove. That is said to have been imposed on the basis that a separate dwelling would not be acceptable in this location. Nevertheless, I have found that a separate dwelling would be acceptable, having regard to the current development plan. In any event, whether or not the appeal building is sold separately to the main house is outside the matters for consideration in this appeal.

Conditions

24. The Council has suggested conditions in the event the appeal is successful. I have considered those in light of the Framework and Planning Practice Guidance and made small changes in some instances as set out below. It is necessary to specify the approved plans as this provides certainty. For

simplicity I have combined two conditions relating to landscaping. The condition is necessary in the interests of biodiversity, achieving good design, and ensuring sufficient parking provision. In the interests of certainty, the condition is required to be implemented prior to the development being first brought into use.

25. A condition was suggested by the Council's ecology officer to control external lighting. Such a condition is necessary to limit the number and position of external lights, in the interests of wildlife. To avoid the condition being unduly restrictive whilst remaining effective, the wording is amended to enable details of external lighting to be agreed with the Council prior to their installation.

Conclusion

26. The proposal would accord with the development plan as a whole. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Rachel Hall

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: E.01; P.03; and P.40.
- 3) Notwithstanding condition 2, the development hereby permitted shall not be brought into use until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include:
 - i) a planting plan and species specific enhancements such as provision of bird and bat boxes; and
 - ii) hard surfacing materials, including for an area for the parking of vehicles, and boundary treatments.

The approved hard and soft landscaping scheme shall be implemented before the development hereby permitted is first brought into use. Any trees or plants comprised in the approved details of landscaping which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 4) Prior to the installation of any external lighting, details of the type, design and location of such lighting shall be submitted to and approved in writing by the local planning authority. Such lighting shall be carried out in accordance with the approved details.