



Appeal Decision

Site visit made on 11 March 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2024

Appeal Ref: APP/H1840/W/23/3329200

Land adjacent to Bramble Cottage, Dorsington Road, Pebworth CV37 8AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs C Collins against the decision of Wychavon District Council.
 - The application Ref is W/22/02615/FUL, dated 2 December 2022, was refused by notice dated 26 July 2023.
 - The development proposed is the residential conversion of a barn including replacement roof and extension.
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Decision

1. The appeal is allowed, and planning permission is granted for the residential conversion of a barn including replacement roof and extension at Land adjacent to Bramble Cottage, Pebworth, CV37 8AH in accordance with the terms of the application, Ref W/22/02615/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Prior approval has been previously given for the conversion of the barn, through Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, in January 2021. The Council subsequently gave planning permission for the conversion of the barn to a dwelling plus a roof extension in October 2022. The approved replacement roof that increased its gradient and thus raised the ridge height to a level similar to that proposed in the scheme the subject of this appeal. The approved scheme has not been implemented, but it seems within the submitted evidence, that it would be likely the approval would be undertaken should no further consent be forthcoming. As such, the approved scheme presents an important fall-back position.
3. The site is located within a Designated Rural Area, where a financial contribution towards the provision of local affordable housing would be required. A certified Unilateral Undertaking (UU) has been submitted¹ that would make the required contribution prior to the occupation of the development.
4. A planning appeal² was dismissed for the replacement of the barn with a new dwelling, in 2021. This found that the replacement building would include a substantial form, with as significantly larger floorspace and a domestic appearance. It was found to have a harmful effect on the character and

¹ Unilateral Undertaking, by Caroline Collins, Elizabeth Collins and William Collins, dated 22 April 2024

² Planning Appeal Decision: APP/H1840/W/21/3284614

appearance of the open countryside. The proposal the subject of the current appeal is partly a conversion and retains some of the agricultural features of the existing building. It seeks to extend the approved scheme, which included an increased roof height, with a rear extension. The proposal is therefore materially different to the scheme previously dismissed.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area, and
- whether the proposed dwelling would be located in a suitable location with respect to local and national policies.

Reasons

Character and appearance

6. Dorsington Road is a country lane, through the open countryside, close to the appeal site it serves a small number of dwellings. The site is occupied by an existing barn which has a shallow roof and is accessed from the highway by a unmade track. The barn is enclosed by tree and hedge screening that renders it largely hidden from the highway and views from surrounding fields. The existing building is partially visible from the part of Dorsington Road to the northeast of the site, but these present glimpsed views only through several groups of greenery. As such the building complements the surrounding rural landscape.
7. The proposed scheme would increase the barn's ridge height and extend it to the rear with a 30% increase in footprint. The proposed extension would retain the simple form of the building and follow the extended shape of the building's approved new ridge line. The proposed extensions would increase the overall mass of the building and its prominence, in distant views. Nonetheless, the scale of additions, when compared to the effect of the increased ridge height of the approved scheme, would be marginal. The proposed rear extension would increase the length of the building, with resultant greater mass.
8. Although not determinative in itself, it is noted that a 30% increase to rural buildings is supported by the South Worcestershire Development Plan [2016] (DP) policy SWDP18, for replacement dwellings. Whilst a replacement dwelling is not proposed, this policy objective is useful for my understanding of the Council's normal consideration of what it considers to be suitable and proportionate additions to rural buildings.
9. The Council states that the roof alterations to the previous barn conversion was allowed as a limited exception for it to accommodate solar panels. Nonetheless, the approval gave consent for a conversion and extension to an agricultural building, allowing its enlargement, which are components also proposed by virtue of the current appeal. The previous scheme was deemed to comply with DP policy SWDP21, with respect to design, and this policy is therefore germane in my assessment of the proposal the subject of this appeal.
10. The approved extension has already enabled alterations that would change the form of the modest barn into a building that would be more pronounced, and

essentially taller. By comparison, the proposed rear extension would be modest and proportionate to the approved building's vertically extended form. The proposed development would extend the building in a respectful manner, to the rear of the building causing no discernible increased harm to the character and appearance of the building or the surrounding area.

11. Therefore, the proposal would accord with DP policy SWDP21 and the National Planning Policy Framework (the Framework). These seek, among other matters, for the scale, height and design of development to be appropriate to the setting of the site and the surrounding landscape character and to be sympathetic to the local character.

Suitability of location

12. The DP establishes the Council's housing spatial strategy. DP policy SWDP2 identifies Droitwich Spa, Evesham and Malvern as Main Towns, with Pershore, Tenbury Wells and Upton-upon-Severn as Other Towns and Category 1, 2 and 3 villages as settlements that provide for a limited range of services. The objective of the policy is to direct most new development to higher category settlements where future occupiers would have access to a range of goods and services. This states that development outside the identified settlements will be strictly controlled and limited to certain forms of development or where development is specifically permitted by other DP policies.
13. Consequently, the site is outside a settlement boundary, and deemed to be open countryside for policy purposes. It is also noted that DP policy SWDP4 requires development to demonstrate that it minimises the demand for travel and offers genuinely sustainable travel choices.
14. The scheme is proposed as a conversion and extension to an existing barn in former agricultural use. The Council refers, in its reason for refusal, to DP policies SWDP12 and SWDP18. DP Policy SWDP12 relates to the residential conversion of buildings, as part of a farm diversification scheme, that will only be granted if it can be demonstrated that a commercial use would be unviable. DP Policy SWDP 18 relates to the replacement of a dwelling in the countryside with another dwelling. As the existing building does not solely relate to conversion and is not a dwelling the proposal could not be deemed to be subject to these policies.
15. The location of the proposed dwelling would not comply with the Council's spatial housing DP Policy SWDP2. However, the Framework at paragraph 12 states that local planning authorities may make decisions that depart from an up-to-date development plan, if material considerations in a particular case indicate that the plan should not be followed.
16. The fall-back position establishes that the site has gained consent to accommodate a dwelling and therefor establishes the principle of the site's suitability for residential development. The extant consent could be implemented with no further consent required from the Council and the Appellant has indicated an intention to do so. This therefore presents an important material consideration. As such, the locational conflict found with the development plan and DP policy SWDP2 should carry only modest weight.

Legal agreement

17. The site is located within a Designated Rural Area. DP Policy SWDP15, part B(v), requires a financial contribution towards local affordable housing on sites of 5 or fewer dwellings. The appellant's UU would provide a contribution towards affordable housing in the district in accordance with this policy. The Framework, at paragraph 65, states that affordable housing should not be sought for residential developments that are not major development, other than in Designated Rural Areas (where policies may set a lower threshold). In such a setting it would be appropriate to secure an appropriate sum towards affordable housing.
18. The UU has been shared with the Council and amendments have been addressed through the latest version including in reference to the site area. The UU requires the payment of the affordable housing sum to be paid prior to the first occupation of the dwelling. Although, this is not the agreed trigger point with the Council, preferring 'prior to commencement', it would be clear to an observer when the building was first occupied. Therefore, the Agreement is enforceable. As such, the UU would secure the required sum. This meets the tests of paragraph 57 of the Framework as being both necessary and reasonable.
19. As such, the proposed development would meet the objectives of sustainable development and can be delivered with acceptable impacts on the community and the environment. Therefore, the application complies with the DP Policies SWDP1, 7, 15 and 39, and guidance in the Council's Developer Contributions SPG and Affordable Housing SPG, and the Framework. These seek, inter alia, for development to provide the required affordable housing.

Conditions

20. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity.
21. I have imposed the standard condition with respect to time frame and approved plans as advised by the PPG for clarity and certainty [conditions 1 and 2]. Conditions are also necessary with respect to landscape planting in the interests of the character and appearance of the area [4].
22. Furthermore, it is also required for the scheme to comply with the submitted Water Management Statement, the Tree Protection Plan, and the Energy Statement in accordance with DP policies SWDP22, 27 and 29 [3, 5 and 7]. It is also necessary to attach a condition requiring the proposal to comply with the recommendations of the ecological appraisal in accordance with DP policy SWDP 22 and in the interests of nature conservation [6].
23. The Framework advises that conditions should not be used to restrict permitted development (PD) rights unless there is clear justification to do so. The site is within a secluded location, having limited visual impact on the surrounding area. Nonetheless, based on the size of the plot and the proposed building, and its countryside setting, PD rights associated with enlargement, improvement or other alteration to the dwellinghouse, addition or alteration to its roof, other roof alterations, porch or outbuildings should be removed. A condition is

therefore reasonable to remove such rights in the interests of the character and appearance of the area [8].

24. However, a condition that seeks to limit construction hours would be unnecessary as the proposed works would be limited and temporary, having no material impact on the amenities of the locality. Also, a condition for detail of roofing material would be unnecessary as the plans show that this would be natural slate roofing.

Conclusion

25. The Framework seeks to significantly boost the supply of housing. Although for a single dwelling, the proposal would make a small but positive contribution towards this objective. Furthermore, the Council cannot demonstrate it has a 5-year supply of housing land which lends further support to the proposal.
26. The Council comments that there is no clear policy in the development plan that would support the scheme. However, I have found modest conflict with DP policy SWDP2 that is outweighed by the fall-back position. I have also found no conflict with the Council's policy that seeks to protect the character and appearance of an area in accordance with DP policy SWDP 21. As such, in finding no material conflict with the development plan the proposal should be allowed.
27. For the reasons given above, the proposal would accord with the development plan as a whole. Therefore, the appeal is allowed, and planning permission is granted subject to the attached conditions.

Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 01C – site location plan, 07A – proposed site plan and 08A proposed elevations.
- 3) Prior to the first use/occupation of the development hereby permitted, the details set out in the submitted Water Management Statement (contained within the Planning Statement) shall be fully implemented and remain thereafter.
- 4) Before the first use/occupation of the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:- (i) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas. (ii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants. All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting season following the completion or first occupation/use of the development, whichever is the sooner.
- 5) Prior to development commencing, (including site clearance, demolition, materials delivery, vehicular movement and erection of site huts), temporary fencing for the protection of all retained trees/hedges on site, and for trees outside the site whose Root Protection Areas fall within the site as shown on Hayward Smart Architects drawing number 07A hereby approved, shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction). Nothing should be stored or placed (including soil), nor shall any ground levels be altered, within the fenced area without the previous written consent of the Local Planning Authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.
- 6) The development hereby permitted shall be carried out in strict accordance with the recommendations set out at Section 6 of the Preliminary Ecological Appraisal report carried out by Countryside Consultants Ltd dated 3 May 2022. Following the completion of the development, a letter from a licensed ecologist confirming the recommendations have been implemented in accordance with the PEA shall be submitted to the Local Planning Authority. The approved measures shall remain in place thereafter.
- 7) Prior to the first use/occupation of the development hereby permitted, the renewable energy facilities set out in the AddisonRees Planning Consultancy Ltd Energy Statement shall be incorporated within the development and retained thereafter in working order.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, classes A-E (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellinghouse, addition or alteration to its roof, other roof alterations, porch or buildings incidental to the enjoyment of the dwelling house shall be constructed/carried out following the completion/first use of the development hereby permitted.

End of conditions