



Appeal Decision

Site visit made on 29 May 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 June 2024

Appeal Ref: APP/J1860/W/24/3339763

Field Barn, Wood Street Farm, Bushley, Worcestershire GL20 6JA

- 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 Mr R Troughton against the decision of Malvern Hills District Council.
 - The application Ref is M/22/01477/FUL.
 - The development proposed is demolition of barn (with extant Class Q approval for conversion to residential ref: 21/00966/GPDQ) and replacement with a single residential dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would accord with the spatial strategy of the Development Plan for housing, having regard to the character and appearance of the area and access to services and facilities.

Reasons

3. The site consists of a single-storey steel portal framed barn. There are sporadic dwellings located in a loose ribbon along Wood Street. However, the site is located well beyond these properties, in open greenfield countryside. The proposal seeks to replace the existing barn and erect a new dwelling.
4. Policy SWDP2 of the South Worcestershire Development Plan (DP), adopted February 2016, sets out the spatial strategy for new development in the area. It seeks to safeguard the open countryside outside of defined settlement boundaries, such as the appeal site. This is to maintain the high quality of the landscape and because such sites generally have poorer access to local services and facilities, relying on private vehicles. As such, the policy strictly controls new development to certain specific types, none of which include the proposal. It would therefore not accord with DP Policy SWDP2.
5. The proposal would utilise a mix of materials and is intended to be somewhat agricultural in its appearance, whilst also having architectural interest. Nevertheless, it would have a large, tall mass, with high eaves and ridgelines. The building would have several projecting wings, and elevations with solid walling where openings would be expected in a barn, such as closest to and facing the entrance. Some of the openings proposed would be domestic in their proportions.

6. The use of red brick, timber cladding and tiling, whilst being more reflective of dwellings locally, would also give the impression of a domestic building, as would the proposed residential driveway, parking area, garden and associated paraphernalia. For these reasons, the proposal would have a clearly domestic appearance which would harmfully conflict with the agricultural character of the site, thereby failing to maintain the high quality of the surrounding landscape. Public views of its harmful effects would be obtainable from the bridleways close to the site.
7. There is no dispute that the location of the proposal is fairly remote, including from shops, employment opportunities and public transport. As such, its occupiers would be heavily reliant on private vehicles for access to services and facilities.
8. For the reasons given above, the proposal would not accord with the spatial strategy of the Development Plan for housing, having regard to the character and appearance of the area and access to services and facilities. It would therefore conflict with DP policies SWDP2, as well as its policies SWDP21 and SWDP25, which require proposals to have a high quality of design and integrate effectively with the landscape setting and local distinctiveness. It would also conflict with the similar requirements of the National Planning Policy Framework (the Framework) and so I give this conflict significant weight.

Other Considerations

Other Proposals

9. Planning permission for conversion of the existing barn to residential use has already been granted, by means of a Prior Approval application¹ under Class Q of the General Permitted Development Order. As such, the site already has consent for a dwelling at the site, and for domestic use of the land associated with it. I am told that it would be undertaken if permission for the appeal proposal is not forthcoming. There is no dispute that this represents a fallback position and so carries significant weight in the planning balance.
10. The proposal would be built to higher environmental standards, such as insulation and airtightness, than may be possible under the fallback. It would also have further landscaping and biodiversity benefits, although these are not all necessarily reliant on the proposal before me. Both the proposal and the fallback would be similar with regard to occupiers' limited access to services and facilities.
11. However, in utilising the existing building, the fallback would retain the shape and profile of the existing barn, as well as some openings and external materials. Functional agricultural buildings are an expected feature of the countryside. As such, whilst somewhat utilitarian, the form of the fallback building would better integrate with the surrounding agricultural landscape. In contrast, although the proposal would have a smaller footprint, it would have a much taller height and a more overtly domestic design and appearance. Consequently, I consider that the fallback is preferable to the proposal.
12. A subsequent planning application² has been made for a revised proposal. However, although the Council's Planning Officer has indicated that this will be

¹ LPA reference 21/00966/GPDQ

² LPA reference M/23/01762/FUL

recommended for approval, I understand that no formal decision has been made. Furthermore, few details of this proposal have been provided to me and so I can make little useful comparison between them. Accordingly, I can give this only limited weight and it does not change my conclusion on the appeal proposal.

13. Examples have been provided where the Council and others have granted planning permission to replace Class Q consented barns with dwellings that differ in respect of for example the design, footprint or location of the barns to be replaced. However, my concerns relate to the circumstances and effects of the proposal before me. As these are specific to the site and the building, I give little weight to the other examples.

Affordable Housing

14. Although not referred to as a reason for refusal, the Council Officer Report for the appeal application states that a financial contribution towards affordable housing provision should be required. This is in accordance with DP Policy SWDP15, which I understand requires such a contribution on sites of less than five dwellings. No mechanism for securing this contribution, such as a signed legal agreement, is before me. On this basis, the proposal would be contrary to DP Policy SWDP15.
15. However, the policy pre-dates the publication of Framework Paragraph 65, which makes clear such provision should not be sought for proposals of less than five dwellings in Designated Rural Areas. Accordingly, in accordance with Framework Paragraph 225, the policy is not consistent with the Framework and so I give it limited weight. Furthermore, the Council's Affordable Housing Supplementary Planning Document, adopted October 2016, also makes clear that affordable housing contributions should not be sought for proposals of less than five dwellings. Consequently, I give the conflict with DP Policy SWDP15 very little weight, and it has not been crucial to my determination.

Housing Land Supply

16. The Council accepts that it cannot currently demonstrate an adequate supply of housing land. As such, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing an additional dwelling to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework.
17. I have found conflict with DP policies SWDP2, SWDP21 and SWDP25, which are consistent with the Framework and to which I have given significant weight. I therefore find that the proposal would conflict with the Development Plan as a whole. Against that, it would make a positive contribution to the supply of housing and its future occupiers would make a positive social and economic contribution. However, due to the proposal being for only a single dwelling, such benefits would be limited.

Planning Balance and Conclusion

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Given the harm that I have identified, I consider that the adverse impacts of granting permission would significantly

and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

19. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR