



Appeal Decision

Site visit made on 23 July 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2024

Appeal Ref: APP/W1850/W/24/3341048

Cherry Tree Barn, Cherry Tree Lane, Walford HR9 5RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Duncan Roy against Herefordshire Council.
 - The application Ref is P213718/F.
 - The development proposed is restoration of barn to office for the logging business.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the Council's officer report, on the basis that it accurately and clearly describes the proposed development and I have assessed the appeal on that basis.
3. The appeal follows the Council's failure to determine the application within the prescribed period. However, the Council has indicated in its statement, that had the Council determined the application, it would have refused planning permission. The substance of the Council's statement has informed the main issues of the appeal.

Main Issues

4. The main issues are:
 - whether the appeal building is capable of being converted into a use as an office without major or complete reconstruction; and,
 - highway safety.

Reasons

Whether the appeal building is capable of being converted

5. The appeal site is a parcel of land that is accessed from Cherry Tree Lane and contains a stone building. The wider area is covered by dense woodland and is generally sloped with the appeal site itself being accessed by a steep gravelled slope from the road.
6. Policy RA6 of the Herefordshire Local Plan Core Strategy 2011-2031 (CS) supports employment generating proposals which help diversify the rural economy. Policy RA5 of the CS relates to the re-use of rural buildings in

- particular and supports the sustainable re-use of redundant or disused building providing that, amongst other things, the building is of permanent and substantial construction capable of conversion without major or complete reconstruction.
7. The Council consider that the appeal building is not capable of conversion without major reconstruction. The appellant has submitted very little information in relation to the conversion of the building other than that the existing walls have been maintained and a new roof is required.
 8. I observed from my site visit that the site contains the remains of an existing building which consist of stone walls that extend to the existing ridge. There is no roof and there are also large gaps which appear to have formed the doorways on either side of the building.
 9. The existing walls visibly appear intact, however, the evidence before me does not demonstrate that the walls would remain without major reconstruction, and in particular it is noted that the submitted plans suggest that the stone walls and dividers would be re-built. I therefore consider that these works, combined with the new roof would be tantamount to a major reconstruction of the building.
 10. I therefore conclude that the appeal building would not be capable of being converted into a use as an office without major or complete reconstruction. It would be contrary to Policy RA5 of the CS and Paragraph 88 of the National Planning Policy Framework (the Framework) which amongst other things, supports the sustainable re-use of redundant or disused buildings without major or complete reconstruction.

Highway safety

11. The appellant has provided little information in regard to existing and proposed traffic movements to and from the site. However, on the basis of the evidence before me, current traffic levels would be very low and largely associated with the management and maintenance of the land. The proposal is likely to increase traffic to and from the site through the employment of staff and the potential sale and display of products.
12. Cherry Tree Lane is a narrow single-track lane with very limited passing places and as such would be unsuitable for a large increase in vehicle movements to and from the site. Based on the very limited information before me the proposed development would lead to large increase in vehicle movements compared to the previous situation which in my opinion, would undermine road safety.
13. I therefore conclude that the proposed development would unacceptably harm highway safety. It would be contrary to Policy MT1 of the CS and Paragraph 108 of the Framework. Amongst other things, these seek to ensure that the local highway network can absorb traffic impacts without adversely affecting the safe and efficient flow of traffic.

Other Matters

14. The appeal site falls within the zone of influence for the River Wye Special Area of Conservation and Wye Valley Woodlands Special Area of Conservation. As the competent decision-making authority, if I had been minded to allow the

appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

15. The Council have found that the proposed development would not harm the character and appearance of the area. I have no reason to conclude otherwise, however, this is a neutral matter.
16. The proposed development would provide economic benefits through supporting the rural economy which is supported by the Government. The proposal would also secure work during construction and create jobs for the proposed use. However, these economic benefits do not outweigh the harm I have identified.

Conclusion

17. For the reasons given above the appeal should be dismissed and planning permission refused.

D Wilson

INSPECTOR