



Appeal Decision

Site visit made on 20 August 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2024

Appeal Ref: APP/W1850/W/24/3343691

Great Treadow Farm, A4137 from A49 to Great Treadow, St Owen's Cross, Herefordshire HR2 8LQ

- 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 Ms Rebecca Field against the decision of Herefordshire Council.
 - The application Ref is 232728.
 - The development proposed is the change of use existing agricultural barn to a residential dwelling including internal alterations, retained access, landscaping and services.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the application a new version of the National Planning Policy Framework (the Framework)¹ came into effect. During the appeal, the main parties have had the opportunity to provide further comments on the revised Framework and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issue

3. The main issue is whether the location of the appeal site is suitable for the proposed development, having regard to the local development strategy and the Framework.

Reasons

4. As the appeal site is located beyond a settlement boundary, as defined by Policy BBH1 of the BBHNDP², Policy RA3 of the Core Strategy³ restricts residential development unless one or more criteria are satisfied. Given the proposed development involves the re-use of a building, the following criterion is pertinent to this appeal, *where development would result in the sustainable re-use of a redundant or disused building(s) where it complies with Policy RA5 and leads to an enhancement of its immediate setting*.
5. The aforementioned criterion reflects one of the circumstances set out in paragraph 84 of the Framework. Whilst this paragraph specifically refers to

¹ December 2023

² Ballingham, Bolstone and Hentland Neighbourhood Development Plan (the BBHNDP)

³ Herefordshire Local Plan Core Strategy 2011-2031 (the Core Strategy)

when isolated homes in the countryside may be acceptable, it does not preclude the application of similarly restrictive policies. Consequently, Policy RA3 is broadly consistent with the Framework's objective of promoting sustainable patterns of development in rural areas.

6. Policy RA5 of the Core Strategy supports the re-use of rural buildings for residential development in locations beyond a settlement boundary if it complies with five criteria. This includes the following criteria which the main parties dispute the proposed development meets:
 - is of permanent and substantial construction capable of conversion without major or complete reconstruction (criterion 4); and
 - does not need substantial alteration or extensions or development which individually or taken together would be detrimental to the character or appearance of the building, its surroundings or landscape setting (criterion 5).
7. The existing barn is constructed using steel frames with timber roof purlins and comprises two forms; a taller dual-pitched roof section supported by six frames with no internal dividing walls attached to which is a lower and wider mono-pitched section with concrete walls defining separate bays beneath. The entire roof structure is clad with corrugated sheets whilst the barn's elevations are a combination of open, part concrete wall/part open and part concrete wall/part clad with metal sheets. In combination with its siting in the countryside, the barn's form, scale and use of construction materials display a clear agricultural function and character to the building.
8. The Structural Report⁴ submitted with the planning application indicated that, based on excavations to determine the barn's substructure, there was no sign of movement or settlement. In addition, I saw no evidence during my site visit to dispute the conclusion that the barn is of permanent and substantial construction. Furthermore, the structural assessment set out in the Structural Report confirms that the steel frame and existing foundations are capable of supporting the additional load from the proposed development.
9. Notwithstanding this, the Structural Report refers to the proposed development comprising a single storey dwelling with new external and internal walls. This differs from the plans and Planning/Design Statement⁵ before me which indicate that the barn will be unaltered externally and includes accommodation at Level 1. On this basis, I am unable to conclude with certainty that the assessment within the Structural Report demonstrates that the barn can support the proposed development, as shown on the plans, without major reconstruction.
10. Policy RA5 does not define what constitutes a conversion or how development proposals will be assessed against criterion 4. Instead, the Council refers to the Hibbitt case⁶ where it was held that a building must be capable of conversion to residential use without operations amounting to complete or substantial rebuilding of the pre-existing structure or, in effect, the creation of a new building. Although related to a prior approval application, nonetheless the Hibbitt case demonstrates that it is a matter of judgment for the decision maker as to whether a proposal is deemed to comprise reasonably necessary works only to constitute a conversion.

⁴ Prepared by DAT Design Ltd, dated November 2017

⁵ Prepared by FTAA Ltd, dated June 2023

⁶ Hibbitt v SSCLG [2016] EWHC 2853 (Admin)

11. The proposed dwelling would be constructed within the existing footprint of the barn, retaining the steel frames and the majority of the external construction materials. The existing open sections of the barn would also remain with new external walls set back from the existing elevations. This would, however, result in a significant proportion of the perimeter of the dwelling being newly constructed irrespective of the lack of modern materials on the existing barn's cladding fabric.
12. In addition, new roof areas would be created below the existing roof structure. Despite the tying of the new walls and ground floor slab to the existing steel frame, the dwelling would be tantamount to a new dwelling located beneath the existing barn envelope. The design approach to replicate the effect of stacked bales of hay or straw within the barn does not justify the scale of works required to create the dwelling which goes beyond works that are reasonably necessary to be a conversion. As such, the proposed development conflicts with Criterion 4 of Policy RA5.
13. A large, glazed extension is also proposed to the barn to create glasshouses for food preparation, sited within an area adjacent to the barn currently comprising hardstanding and partially bounded by concrete walls. There is no dispute that the use of glasshouses in an agricultural environment is not unusual. However, glasshouse extensions to an existing barn are less common. In combination with the domestic scale of the proposed glasshouse, the extension would result in harm to the character and appearance of the barn thereby conflicting with Criterion 5 of Policy RA5.
14. Whilst evolved from other refused planning applications and in response to pre-application advice⁷, the proposed development fails to comply with Policy RA5. Consequently, it would not fall within any circumstance set out in Policy RA3 relating to the provision of new residential development beyond settlement boundaries. I conclude, therefore, that the location of the appeal site would not be suitable for the proposed development and would harm the Council's local development strategy through its conflict with policies RA3 and RA5 of the Core Strategy. I also find conflict with policies LD1 and SD1 of the Core Strategy which, amongst other things, require the character of the landscape and local distinctiveness to positively influence its design.
15. Although referenced in the officer report but not on the decision letter, I also find conflict with Policy BBH1 of the BBHNDP given the appeal site's location beyond the settlement boundaries of Hoarwithy and St Owen's Cross.

Other Matters

16. The proposed development would provide social and economic benefits from the construction and occupation of a new dwelling, supporting the Framework's objective of significantly boosting the supply of housing. However, given the small scale of the development, any such benefits would be limited. From an environmental perspective, the appeal scheme incorporates Passivhaus design principles which maximise solar gains and, coupled with the insulation proposed, would reduce energy demands. Again, these benefits would be minimal given the scale of the development and I attribute limited weight to them.

⁷ Council ref: 201827/CE, dated 11 June 2020

17. Great Treaddow Farmhouse (the Farmhouse) and an associated barn, both Grade II listed buildings, are located close to the site. As a result, I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard for the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
18. Although with later extensions, parts of the timber frame and lime render external walls remain alongside the bulk of the dwelling constructed using sandstone rubble. Based on the evidence before me, including the statutory listing descriptions, I consider the significance/special interest of the Farmhouse to be largely derived from its age, method of construction, quality of architectural features and materials. Located within the setting of the Farmhouse, the associated barn has a timber frame construction with part rubble walls on a rubble base with clay roof tiles. The associated barn is in poor condition with exposed sections of the timber frame and missing struts. Similarly to the Farmhouse, the associated barn's significance/special interest is principally derived from its age and method of construction.
19. Given the appeal site is located beyond the gardens and paddocks associated with the Farmhouse and the adjacent Home Barn, combined with the intervening outbuildings and landscape features, the intervisibility between the site and the Farmhouse is significantly restricted. The Farmhouse and Home Barn block any views from the appeal site of the Grade II listed associated barn. I conclude, therefore, that, no harm to the setting of the listed buildings would result from the proposed development.
20. The appeal site is located within the catchment of the River Wye Special Area of Conservation (SAC) and within 10km of the Wye Woodlands SAC, European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposed development upon the SACs, in accordance with the Habitat Regulations. However, as I am dismissing the appeal on the main issue above, I have not found it necessary to consider such matters any further.
21. The appellant has drawn my attention to the approved development at Upperfields Farm⁸ given it also involved substantial works to enable the re-use of a Dutch Barn. However, any further comparisons between the appeal scheme and Upperfields Farm are limited as the latter comprises tourist accommodation. Therefore, although also located beyond a settlement boundary, the Upperfields Farm scheme was assessed against different policies of the Core Strategy. Given this, it provides no substantive justification for the appeal scheme.
22. The behaviour of the Council, including an alleged lack of communication with the appellant during the application determination period, is not a determinative matter in my decision.

Conclusion

⁸ Council ref: 201475, dated 26 May 2020

23. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR