



Appeal Decision

Site visit made on 22 August 2024

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2025

Appeal Ref: APP/J1860/W/24/3342987

Field at Grid Ref: SO793539/ Easting 379398, Northing 253965, Upper Howsen Farm, Howsen, Cotheridge, Worcestershire WR6 5LR

- 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 Mr Peter Burgoyne against the decision of Malvern Hills District Council.
 - The application Ref M/23/01065/CU, dated 19 July 2023, was refused by notice dated 28 November 2023.
 - The development proposed is installation of 3 no. log-cabin styled holiday lodges.
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Decision

1. The appeal is allowed, and planning permission is granted for the installation of 3 no. log-cabin styled holiday lodges subject to the conditions in the Annexe A at the end of the decision.

Application for costs

2. An application for costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appeal site is proximate to the Grade II Upper Howsen Farmhouse listed building, list entry number 1349348, and the Grade II Lower Howsen Farmhouse listed building, list entry 1302104. The second reason for refusal makes reference to the effect of the proposal on their settings and this is therefore a main issue.
4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the historic environment policies within the Framework that relate to the significance of designated heritage assets and their settings.

Main Issues

5. The first reason for refusal refers to the effect of the proposal on the character and appearance of the area. This is therefore also a main issue.
6. The main issues are therefore:

- whether the proposal would preserve the settings of the Grade II listed Upper Howsen Farmhouse and the Grade II listed Lower Howsen Farmhouse; and
- the effect of the proposal on the character and appearance of the area.

Reasons

The settings of the listed buildings

7. The proposed lodges would be at the side of a field with a backdrop of a hedge and trees. They would be within an extensive agricultural holding which includes Upper and Lower Howsen Farmhouses and their widespread utilitarian agricultural buildings.
8. The special interest and significance of both listed buildings is derived from their well weathered red brick architecture and simple muted colours. Whilst both buildings appear to have had contemporary extensions, the original form and detailing are nonetheless readily evident.
9. Their settings are largely derived from the surrounding farm buildings and hardstandings, which are not attractive rather functional and extensive. The surrounding fields also form part of their settings, but the siting and fenestration of the farmhouses do not appear to be directly oriented towards any particular view towards or from the fields. Indeed the 1812 Ordnance Survey map¹ shows an orchard (now gone) between the appeal site and the heritage assets, thereby limiting potential intervisibility. The Upper Farmhouse's setting also includes a converted grain store and brick built hop dryer.
10. The settings contribute to the listed buildings, by helping to assert their agricultural function and role of the farmhouses although this is lessened by their domestic looking gardens. The size and extent of the surrounding fields also reinforce the perception of the historic importance of the farmhouses. The appeal site is part of one such field and contributes in these respects.
11. As the appeal proposal would change the use of appeal site as agricultural land, it would harm the settings of the farmhouses. However, this is very small so that harm would be very slight.
12. Whilst the lodges would not have an agricultural appearance, they would be low height and have muted timber boarded walling so would not appear prominent, nor would the timber decking. They would be considerably distanced from the heritage assets and the existing trees would filter the intervisibility, reinforced by the proposed landscaping when established. Consequently, the lodges would not be prominent and would be experienced distinctly from the assets.
13. Domestic paraphernalia would be expected to be limited for holiday accommodation and in any event would also be distanced from the heritage assets. Therefore, aside from the loss of agricultural land, the lodges themselves would not be harmful.
14. The proposed access track would be around the edge of the field and if simply surfaced would appear functional and unobtrusive.

¹ Figure 3 Heritage Assessment

15. The Heritage Assessment shows that there are other listed buildings within 1km of the site, including Rose Cottage, Lower Court Cottage, Lower Court Farmhouse and one of its barns. However, I find that the appeal site does not form part of their settings and so would not be harmed by the proposal. The Council also raised no objection in this respect.
16. I therefore find that overall, the proposal would harm the settings of the listed Upper and Lower Farmhouses albeit that harm would be very slight.
17. Policies SWDP6 and SWDP24 of South Worcestershire Development Plan (SWDP) require proposals conserve and enhance heritage assets and their setting as well as their contribution to the landscape. Accordingly, the proposal would be in conflict.

The effect of the proposal on the character and appearance of the area

18. The appeal site is not within any designated landscape. Whilst the landscape here is pleasant, it is not distinctive. A public right of way emanates from the access road serving the farmhouses and stretches into the countryside beyond. From here there are only very fleeting open views of the appeal site.
19. As I have found above, the timber lodges and their decking would blend into the landscape, particularly the backdrop of trees. The new hedge and tree planting should become established after several seasons and would assist the filtering of views. In addition, the lodges would be a very small component of the views and the landscape experience is also influenced by the presence of buildings namely the farmhouses and the extensive outbuildings. The access track would blend into the agricultural landscape.
20. The proposal would inevitably lead to parked cars, but they would be occasional and would be small within the wider landscape. The movement of cars associated with the lodges would be minimal and, in any event, the agricultural activity generates vehicles. Therefore, the proposal would not impair tranquillity.
21. I therefore find that the proposal would not harm the character and appearance of the area.
22. Policy SWDP 21 of the SWDP requires a high quality design which integrates with its surroundings and reinforces local distinctiveness. One criterion makes reference to the setting of heritage assets, so would conflict in that respect but when taken overall, I find the proposal would comply. SWDP 25 of the SWDP states proposals should conserve, enhance, and integrate with the landscape and I find that the proposal would comply. Similarly, SWDP 36 of the SWDP requires holiday chalets are visually unobtrusive with good landscaping.

Other matters

23. The Hop Dryer and Grain Store are non-designated heritage assets. They are adjacent to the Upper Farmhouse and have an agricultural setting. However, no evidence has been provided to indicate a notable historic or cultural connection with the appeal site. In addition, the Grain Store has been converted to a dwelling and now has a domestic character. Both are considerably distanced from the appeal site, and the proposal would be muted in appearance. I therefore find the proposal would not harm the setting of the non-designated assets.

24. The Appellant makes reference to permissions for a log cabin at Rowley Farm and 3 holiday chalets at Holt Heath². However, I am not fully aware of all the details to know whether they are wholly comparable to the appeal site, so they do not lead me to a particular decision.

Heritage and Planning Balances

25. As I have found above the proposal would harm the designated heritage assets, contrary to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Whilst the harm arising would be less than substantial; however, Paragraph 212 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. Paragraph 213 states harm to a designated heritage asset, should require clear and convincing justification. Paragraph 215 states where a development will lead to less than substantial harm to the significance of an asset, the harm should be weighed against the public benefits, including securing its optimum viable use.
26. The proposal would provide economic benefits to the area as those staying would be likely to support local services. In addition, the rent from the lodges would diversify the income stream for the farm. The installation of the lodges and their management would also support employment. The occupants of the lodges would also have direct access to appreciate the countryside, thereby helping their well-being.
27. Taking the public benefits together as a whole I conclude that they would be of sufficient weight to outweigh the harm identified to the significance and special interest of the designated heritage assets.
28. I have found above that the proposal would conflict with Policies SWDP 6 and SWDP 24. SWDP 6 refers to the need to consider the requirements of SWDP 24, which states that heritage assets need to be considered in the light of national guidance, policies and legalisation, including the Framework. The Framework makes provision for the harm should be weighed against the public benefits, as I have considered above. In respect of Policies SWDP 21, SWDP 25 and SWDP 36, I find that the proposal would accord.
29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 11(c) of the Framework states that decision taking means approving development proposals that accord with an up-to-date development plan without delay. I therefore find that the proposal would accord with the Development Plan when taken as a whole.

Conditions

30. Paragraph 58 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly.

² Appeal decision: APP/J1860/W/22/3310222

31. Conditions on the length of time of the permission and compliance with the approved plans would help clarity and are so imposed. The condition to limit the development to 3 lodges is unnecessary as this is evident in the approved plans.
32. The conditions restricting the use to holiday accommodation is necessary to define their occupation and similarly a condition is necessary to confirm the lodges would operate within the Caravan Act.
33. The condition on ecological mitigation is necessary to ensure that enhancement measures compensate for the works proposed and disturbance during construction. The timing is changed to occupation to avoid a pre-commencement timing which is unwarranted. Similarly, the requirements to show compliance have been simplified. A condition on water management is warranted bearing in mind climate change.
34. A simplified condition on external lighting is necessary to help maintain dark skies and biodiversity. A condition is imposed on the materials of the lodges, their decking, and the access to ensure they blend with the landscape. A condition for landscape implementation and after care is needed to ensure that the new planting flourishes which is necessary as I have found above.
35. A condition is suggested requiring archaeological investigation, as the Council's officer comments on the potential for remains. This is therefore imposed.

Conclusion

36. I therefore conclude that the appeal should be allowed, subject to the conditions in the Annexe A below.

John Longmuir

INSPECTOR

Annexe A (conditions)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans: ZLA_1167 - L-101 rev A, L-103, L-201 rev D, 22284-02, 22284-32
3. The lodges shall be occupied for holiday purposes only and shall not be occupied as a person or persons' sole, or main place of residence. The owners/operators of the lodges shall maintain an up-to-date register of the names of all visitors of the units. This register shall be made available within 1 calendar month of a written request by the Local Planning Authority.
4. The lodges shall comply with the definition of a caravan set down in Section 29(1) of the Caravan Sites and Control of Development Act 1960, Section 13(1) of the Caravan Sites Act 1968 and the Social Landlords (Permissible Additional

Purposes) (England) Order 2006 (Definition of Caravan) (Amendment)(England) Order 2006.

5. No occupation shall take place until an ecological mitigation, enhancement and management scheme has been drawn up by a suitably qualified ecologist, submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the recommendations contained within the Phase 1 Ecological Survey Extended Report by H.E.C. Heritage Environmental Contractors and based on site specific and prescriptive actions to include but not be limited to measures for nesting birds, amphibians and reptiles along with an implementation timetable. The works shall thereafter be carried out in accordance with the approved details and timetable and shall be confirmed as such in writing within 10 days of completion.

6. Prior to the first use of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and remain as such thereafter.

7. Only external lighting shall be installed which is in accordance with details submitted to and approved by the Local Planning Authority beforehand.

8. Prior to first use of the lodges and access, all the external surfaces of the lodges, their decking and access shall be finished in accordance with samples submitted to the Local Planning Authority for approval beforehand and maintained as such thereafter.

9. All planting, seeding or turfing comprised in the submitted landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants 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.

10. No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording.
- 2) The programme for post investigation assessment.
- 3) Provision to be made for analysis of the site investigation and recording.
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation.
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

End of conditions