



Appeal Decision

Site visit made on 1 October 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/J1860/W/24/3346772

Barn to south of A456, Mamble, Kidderminster DY14 9JF

- 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 Tramontana against the decision of Malvern Hills District Council.
 - The application Ref is M/24/00169/FUL.
 - The development proposed is conversion of barn into a live/work unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form uses the following address 'Mamble, Kidderminster, DY14 9JF' which fails to include a specific reference to the appeal site. Therefore, I have included the description of the appeal site as referred to in the application form in the banner heading above.
3. The Council provided the listings for the following designated heritage assets known as Sodington Hall (List entry: 1081404), Moat Bridge about 30 yards north-west of Sodington Hall (List Entry: 1172727) and the Moated Site at Sodington Hall (List Entry: 1016478). Both parties were asked to provide any comments regarding the implication of the appeal scheme upon these assets. I have had regard to any comments made.
4. The Council referred to a previous planning appeal decision (APP/J1860/C/21/3270783) in their statement of case. I requested a copy of this decision as this was not included in the original submission. The appellant had also referred to this appeal decision and therefore there was no need to invite the appellant to make any further comments.
5. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal.

Main Issues

6. The main issues are:
 - The effect of the proposed development on the character and appearance of the appeal site and the surrounding area, and nearby designated heritage assets.

- Whether the appeal site is a suitable location for the development, having regard to local and national policy.

Reasons

Significance and setting of designated heritage assets

7. Located to the south of the appeal site is Sodington Hall, a grade II, early 19th Century, three storey house constructed in brick with hipped slate roof and end stacks. The early 19th century moat bridge was listed in 1986 and was included for group value. The Hall is on a medieval moated site (subject of a separate listing as a scheduled monument) and replaces an older structure which was the seat of the Blount Family. The appeal site was once part of the farming operation of Sodington Hall as a grain drying facility.
8. The significance of the designated heritage assets at Sodington Hall derive partly from its status as a country manor house that historically would have been intrinsically associated with the agricultural use of its rural surroundings. Located within these associated grounds, the appeal site makes a considerable contribution given its location to the main approach road to the Hall, despite the lack of intervisibility between the site and the assets. The existing building itself makes a neutral contribution to this setting.
9. The largely undisturbed moated site of Sodington Hall would once have demonstrated the wealth of the families that once resided in the Hall and their relationship with the surrounding countryside. The island will, amongst other things, preserve buried evidence of domestic and ancillary buildings and their occupation levels.

Effect of the proposal on the significance of the designated heritage assets

10. Annex 2 of the Framework defines the setting of a heritage asset as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.*'
11. The existing barn is a steel-portal framed barn with corrugated sheeting on the walls and roof. It is served by a large area of hardcore and there is a public right of way which runs through the appeal site.
12. As a result of size and location it is a prominent building in its wider setting including Sodington Hall and its moat.
13. The palette of materials which are proposed to be used include timber cladding of the type typically used in the construction of agricultural buildings. As a consequence this aspect of the design is appropriate.
14. However, the introduction of windows and doors to facilitate a residential use of part of the barn would result in it having a domestic appearance at odds with the utilitarian appearance of the barn in its context.
15. In particular, it would be an incongruous feature within the agricultural and rural setting of the barn. Furthermore, this alteration in the appearance would undermine the historic working relationship of the barn to the Hall and moat.
16. There is no evidence before me to demonstrate that the number of windows could be reduced or the design of the doors altered whilst allowing for the residential occupation. Therefore, it would be not be reasonable for me to

impose planning conditions to secure changes to the appearance of the barn which would have a less harmful impact.

17. Additionally, my attention has been drawn to a previous enforcement appeal decision at the appeal site¹. The enforcement appeal was in relation to the change of use of the barn to a mixed use without any residential component. Consequently, it is not wholly comparable to the appeal before me and nonetheless each case is determined on its own merits.
18. Overall, the appeal scheme would result in a building which would be harmful to the significance of the designated heritage assets by way of impact on their settings.
19. Whilst the Council refers to Policy SWDP25 of the South Worcestershire Development Plan 2016 this relates to the wider landscape character and is therefore not determinative for this main issue.

Public Benefits

20. The statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is a matter of considerable importance and weight. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
21. Therefore, the harm I have identified above regarding the erosion of the historical relationship of the appeal site with that of Sodington Hall as a consequence of the domestication of the barn, would equate to less than substantial harm to the significance of the designated heritage assets. Accordingly, paragraph 208 of the Framework highlights that this harm should be weighed against the public benefits of proposals.
22. The proposal would provide a private dwelling which would contribute to the supply of housing in the district whilst also repurposing a redundant barn. The proposal would also contribute to the local economy with regard to the proposed business use and possible boost of local jobs, all of which would constitute benefits in social and economic terms.
23. In accordance with paragraphs 205 and 208 of the Framework, considered together, I conclude that the public benefits I have identified above do not outweigh the great weight to be given to the less than substantial harm that I have identified.
24. Consequently, the proposal would fail to satisfy the requirements of the Act, paragraphs 205 and 208 of the Framework and conflicts with Policies SWDP6 SWDP21 and SWDP24 of the South Worcestershire Development Plan 2016. These seek, amongst other things, to ensure that proposals which affect the significance of designated heritage assets are not permitted where they would have a detrimental impact on its character and setting.
25. Furthermore, there is no statutory duty with regard to the setting of scheduled monuments, the Framework states that great weight should be given to scheduled monuments conservation and that substantial harm or loss of it should be wholly exceptional.

¹ Planning appeal reference: APP/J1860/C/21/3270783

26. Given the importance of the site and its historical agricultural relationship with the surrounding rural land, the domestication of the barn would result in a significant adverse impact on the setting of the scheduled monument.
27. In conclusion, considering the great weight given to the scheduled monuments conservation as outlined in the Framework, the proposal would result in harm to the setting of the scheduled monument. Consequently, it would conflict with Policies SWDP6, SWDP21 and SWDP24 of the South Worcestershire Development Plan 2016. These policies seek, amongst other things, to conserve and enhance the historic environment including scheduled monuments.
28. Whilst the Council refers to Policy SWDP25 of the South Worcestershire Development Plan 2016 this relates to landscape character which is not determinative for this main issue.

Suitable Location

29. Policies SWDP1 and SWDP2 of the South Worcestershire Development Plan 2016 (SWDP) outline how and where growth will be managed within the district and the established settlement boundaries. The village of Mable is categorised as open countryside due to the absence of a development boundary. Consequently, Policy SWDP2(c) outlines exceptions for development in the open countryside, notably Policy SWDP8. SWDP8(g) provides certain criteria which need to be met with regard to live/work units. The parties do not dispute that the proposal would meet these criteria.
30. The location of the development is isolated in nature and there would be a reliance upon a private vehicle to access larger settlements such as Bewdley, Kidderminster, Worcester and Tenbury Wells. However, in the reasoned justification of Policy SWDP8 it is highlighted that live/work arrangements are dispersed throughout the rural areas and that they can provide sustainability benefits particularly in the more rural parts of South Worcestershire. For example, the diversification of the local economy to create wider employment and therefore be less vulnerable to international and national economic changes. Consequently, the proposal would contribute to the overall aim of the policy regarding the diversification of the local economy and therefore its location is suitable for a live/work unit.
31. Furthermore, Policy SWDP4 of the SWDP seeks to ensure, amongst other things, that developments minimise demand for travel as well as provide genuine travel choices. The proposed live/work unit could result in there being a decrease of daily commute trips because it would offer the opportunity for the occupant(s) to live and work in the same building, as opposed to commuting to an office.
32. Additionally, there is no requirement in Policy SWDP8 for an end user to be specified in relation to the work element. Consequently, I have given limited weight to concerns regarding the trips associated with a furniture repair business. Whilst it is likely there would be trips associated with the work element these would be outweighed by the benefits of a live/work unit and its compliance with the policies I have identified above.
33. The proposal would consist of three bedrooms which complies with Policy SWDP8(g). Therefore, it does not follow that this number of bedrooms equates

to an unreasonable live/work unit. Especially when considered in conjunction with the aforementioned reasoned justification for the policy.

34. The reasoned justification for Policy SWDP4 acknowledges that rural residents are more reliant on the use of cars when compared to residents in urban areas of South Worcestershire. There are bus stops near to the appeal site, but any future occupants would need to walk the single track road to the A456 and then use the limited footpaths. There is a lack of lighting due to the rural nature of the roads and this could result in future occupants choosing to use private motor vehicle over more sustainable methods of travel. However, there would be sustainable travel choices available to future occupants. Therefore, the development would comply with SWDP4 regarding genuine sustainable travel choices but still have limited conflict with the policy regarding minimising demand for travel given its isolated location.
35. I cannot be sure that an appeal decision at Bell Acre² is wholly comparable to the appeal before me given that I do not have the full details, it is dated 2015 and consequently was assessed against a different policy context.
36. The Council have also provided another appeal decision relating to the construction of four detached live work units at Land off A456 and Mamble Road³. I do not have the full details of this appeal before me. Accordingly, I cannot be certain that the site constraints are wholly comparable to the appeal before me. Nevertheless, whilst I acknowledge that the appeal scheme would have a limited conflict with minimising demand for travel, I have still identified above that there would be genuine sustainable travel choices available to any future occupants.
37. In conclusion, the appeal scheme would accord with Policy SWDP8 which outlines criteria regarding live/work units as well as Policies SWDP1, SWDP2 and SWDP4 of the South Worcestershire Development Plan 2016. These policies seek, amongst other things, to facilitate sustainable development as well as sustainable transport choices.
38. Additionally, given the above, the appeal site is a suitable location for the proposed development and complies with Policies SWDP1 and SWDP2 insofar as they seek to ensure sustainable development principles and provide support for employment development including in rural areas. The appeal scheme also complies with Policy SWDP8 insofar as it seeks to establish support for live/work units. Additionally, despite the small conflict with SWDP4 insofar as it seeks to minimise travel demand, the proposal complies with the SWDP4 as a whole.

Other Matters

39. The Council is unable to demonstrate a 5-year housing land supply and therefore a presumption in favour of sustainable development applies. However, with reference to paragraph 11 d) of the Framework, an exception is provided where policies in the Framework that protect assets of particular importance provide a clear reason for refusing the proposal. Footnote 7 establishes that this includes designated heritage assets. I have found that the proposal would harm the setting of the nearby listed buildings. It would

² Planning Appeal Ref: APP/J1860/W/15/3130912

³ Planning Appeal Ref: APP/J1860/W/23/3321898

therefore not accord with policies of the Framework. Consequently, those policies provide a clear reason for refusing the development proposed.

40. Furthermore, I have assessed the appeal on the evidence before me and I am not persuaded that the proposed development would result in an improved visual appearance. Moreover, the presence of the remnants of historic coal mining activity in the area does not justify a development that would harm the setting of the listed buildings and scheduled monument, which I have identified above.
41. The positive contribution the appellant has made to the local area is not a factor which falls to be considered in the determination of the appeal.
42. My attention has been drawn to other decisions relating to live/work units in the district. However, I do not have the full details of these cases and they relate to different sites and settlements. Consequently, I cannot be certain that they are wholly comparable. Nevertheless, I have determined this case on its own merits.

Planning Balance

43. The appeal site is a suitable location for the proposed development. However, the harm to the character and appearance of the surrounding area as well as the designated heritage assets outweighs any benefits associated with the appeal scheme.

Conclusion

44. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR