



Appeal Decision

Site visit made on 27 May 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2025

Appeal Ref: APP/H1840/W/25/3359446

Land At (OS 0656 4608) Merry Lane, Offenham, Worcestershire WR11 8SA

- 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 Mrs Donna Evans-Langwith against the decision of Wychavon District Council.
 - The application Ref is W/24/01069/FUL.
 - The development proposed is 'change of use from dog field with use of shepherds hut for customers to shepherds hut holiday let for couples'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from dog field with use of shepherds hut for customers to shepherds hut holiday let at Land at (OS 0656 4608) Merry Lane, Offenham, Worcestershire WR11 8SA in accordance with the terms of the application, Ref W/24/01069/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. Notwithstanding the description of development in the heading above, the description used in the above Decision omits reference to the holiday let being for couples. That is consistent with the description used on the Council's decision notice and is adequate to describe the use. It is understood that the application was made on the basis that use of the appeal site as a field for dog exercise would cease and be replaced by its use solely associated with the proposed shepherd hut holiday let. The appeal is determined on that basis.

Main Issue

3. The main issue is whether the appeal site is an acceptable location for the proposed shepherds hut holiday let, having regard to development plan policy for such uses.

Reasons

4. Policy SWDP2 part C of the South Worcestershire Development Plan (February 2016) (Local Plan) applies to development in open countryside locations such as this. It seeks to limit development to the uses specified in SWDP2 part C and development permitted by other SWDP policies. Footnote 3 to part C lists examples of such policies. This includes Policy SWDP35 relating to visitor accommodation and Policy SWDP36 which relates to new static and touring caravan, chalet and camping sites.

5. The Council assessed the proposal against Policy SWDP35 relating to visitor accommodation. Footnote 79 to the Policy confirms that visitor accommodation includes hotels, guest houses, bed and breakfast accommodation and holiday lets. The Policy permits new visitor accommodation in locations outside settlement boundaries, provided certain criteria are met. As a single shepherd's hut of a modest size, and sufficiently remote from neighbouring houses, the type and scale of the proposal would be acceptable (criterion i.). However, in order to comply with the policy, one of criterion ii. to vi. must also be met.
6. The proposal is not submitted as one that comprises farm diversification (criterion ii). It is not ancillary to an existing pub or other similar venue, and is not an extension to a hotel or other venue (criteria iii and iv). It is also not a redundant rural building (criterion v). Further, it does not adjoin the development boundary or comprise development physically related to visitor accommodation within the boundary (criterion vi). Consequently, as it does not satisfy any of the part B. ii to vi. criteria, Policy SWDP35 does not offer support for the proposal.
7. Policy SWDP36 supports proposals for new static and touring caravan, chalet (including log cabins) and camping sites where criteria i. to vi. are met. As such, this Policy logically applies to both static and touring accommodation. It also does not specify the size of accommodation to which it relates. As a shepherd hut is akin to a chalet and camping accommodation, I find that Policy SWDP36 is relevant here.
8. The proposal is not within flood zones 2 or 3 (criterion i.). The site is discreet, being well screened from neighbouring land, with mature landscaping at its boundaries (criterion ii. and iii.). The shepherd hut is modest in scale and of a suitable design for its rural setting (criterion iv.). Given the scale of the proposal, it would generate limited vehicular traffic that could be safely accommodated on local roads (criterion v.). Evidence also indicates that the proposal would be acceptable with respect to drainage and water supply (criterion vi.). Therefore, the proposal accords with Policy SWDP36.
9. Consequently, although there is some overlap between policies SWDP35 and 36, I find that the proposal would comprise development that is supported by SWDP36. Therefore, it would also be acceptable with regard to Policy SWDP2 part C. Consequently, the appeal site is an acceptable location for the proposed shepherds hut holiday let, having regard to development plan policy for such uses.

Conditions

10. I have had regard to the conditions suggested by the Council in the event of the appeal being allowed. In addition to the time limit condition (1), a condition is imposed to require that the development is carried out in accordance with the submitted plans (2), for certainty. A condition (3) requiring submission of a landscaping scheme is necessary to maintain the character and appearance of the area. A condition (4) relating to drainage is necessary in the interests of pollution prevention. A condition (5) requiring that the development is used solely as holiday accommodation and not as any person's main place of residence is necessary to ensure the development does not conflict with the development strategy for the district.
11. A condition (6) limiting the number of shepherd huts to one is also required for certainty. In light of these conditions specifying the location of the proposal and the

nature of its use, I find that separate conditions limiting the position of the shepherd hut to that shown on the proposed site plan and requiring that the shepherds hut meets the definition of a caravan, are not necessary.

Conclusion

12. Therefore, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Rachel Hall

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: W-24-01069-FUL Planning Location Plan; W-24-01069-FUL Planning Site Plan; and W-24-01069-FUL Planning Shepherds Hut Plan and Elevations.
- 3) The development hereby permitted shall not be first occupied until a detailed landscaping scheme shall have been submitted to and approved in writing by the local planning authority. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The approved scheme shall be carried out in the first planting season following first occupation of the approved development. 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.
- 4) The development hereby permitted shall not be first occupied until the drainage details set out in the submitted Water Management Statement contained in the Planning Cover Letter are in place and these shall thereafter be retained and maintained for the lifetime of the development.
- 5) The development shall be occupied as holiday accommodation only and shall not be occupied as a sole or main place of residence.
- 6) The development hereby permitted shall comprise no more than one single shepherd hut at any one time.