
Appeal Decision

Site visit made on 6 May 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025.

Appeal Ref: APP/J1860/W/25/3359831

Station House Worcester Road, Malvern WR14 1SW

- 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 Lee Bone against the decision of Malvern Hills District Council.
 - The application Ref is M/24/00860/FUL.
 - The development proposed is the Conversion and Change of Use of existing Holiday Let building to form 3no. dwelling houses.
-

Decision

1. The appeal should be dismissed.

Preliminary Matters

2. The Council has amended the description of development from that seen on the application form. The revised wording has subsequently been used by the appellant. I have adopted the revised description of the development from the decision notice and appeal form in the banner heading above, in the interests of clarity.
3. The revised National Planning Policy Framework (the Framework) was published in February 2025. 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.
4. The Council refused the application for two reasons as set out in the decision notice. The second of these reasons related to the submitted plans indicating the removal of stone surrounds to the top of each window. The appellant has submitted amended plans, which have been approved by the Council through a further application¹ for external architectural detailing changes. The Council have confirmed that these plans overcome the second reason for refusal.
5. Whilst these plans do not involve a substantial difference or fundamental change to the appeal, I have considered whether accepting the information would cause procedural unfairness to interested parties. As the application to the Council underwent the required consultation, I consider that the acceptance of the plans has not deprived those entitled to be consulted on an application, the opportunity to make a representation. My decision is therefore based on drawings P001 and P301 revision G. I am satisfied that these plans adequately and fully address the second reason for refusal.

¹ M/25/00347/FUL - Proposed solar panels to roof; replacement balconies; proposed curved canopy to abut first floor balconies; proposed glazed screens. Replacement works following arson attack (VARIATION OF CONDITION 2 OF PLANNING PERMISSION M/23/01595/FUL - EXTERNAL ALTERATIONS)

Main Issue

6. Based on the preliminary matters, the main issue is whether the proposal would provide acceptable living conditions for the future occupiers of the dwellings with regard to noise, privacy, and internal living space.

Reasons

7. The appeal site is a former station house located at Malvern Link railway station within the Malvern Trinity Conservation Area. Malvern Link railway station sits on the railway line to Worcester and Birmingham to the north and Ledbury to the south. The building sits at a lower level than the adjacent Worcester Road. The two-storey property is located on the edge of the railway platform and within the railway station car park. The property is split into three holiday lets comprising two, one-bedroom units and one, two-bedroom unit.
8. Despite the former station house having been in use for residential purposes previously, the Council has identified that future occupiers could be subject to noise of a sufficient level from the operating railway line to provide unacceptable living conditions. This would be partly due to the railway operation being subject to change, outside of the control of future occupiers. This change could include the frequency of day and nighttime passenger and freight trains alongside evening and overnight maintenance works. No evidence has been presented by either main party to address the noise levels that future occupiers would be subject to, either inside the units or within the external space.
9. During my site visit, whilst only offering a snapshot in time, I did not observe a train passing through or stopping at the station. Consequently, I was unable to understand the normal noise levels caused by the railway. However, taking a precautionary approach, I am unable to conclude that the noise environment around the site is sufficiently low to be satisfied that the proposal would provide adequate living conditions for future occupiers in terms of noise effects. Whilst the railway line runs through the built-up area and has residential properties adjacent to it for much of its route through Malvern, the proposed site is significantly nearer to the noise source than other properties.
10. The appeal building fronts the station car park and a pedestrian stepped footpath from Worcester Road abuts the building to its front. To the rear, the building sits adjacent to the public railway station platform. The three units would have minimal outdoor space on either side of the building. To the front, the outdoor space would be highly visible to vehicles and pedestrians. This area would also be used by the occupiers of all three units, as access to the dwellings would be via this space. To access the properties, the occupiers of two of the units would have to walk through the space allocated to the remaining unit. As such, no boundary separation for these areas is proposed. The occupiers would also have to pass, at close quarters, habitable room windows of the other units.
11. To the rear, the outdoor space would be confined by the balconies above and the dwarf wall and clear glass enclosure that separates the building from the platform. However, as per the external space to the front of the building, the rear external space would be shared, as the evidence before me provides no details of separation of the two, ground level rear areas. The external space for one unit would also be adjacent to bedroom windows of a different unit, with no separation provided between the two. All the external space provided to the rear would be in

full view of both platforms, with the nearest platform significantly affecting the privacy of this space.

12. With regards to the proposed balconies to units 1 and 3, these would over sail the majority of the rear space proposed. The balconies would join to the canopy roof that sits above the rear space from off the dwarf wall and glass screen boundary. The canopy roof would be glazed and could allow oblique views from the balcony above into the external space below. However, this would be to a small proportion of the space, which sits beyond the extent of the balcony adjacent to the dwarf wall and glazed screen. As such, the loss of privacy that would occur from the balconies to the ground floor external space would be minimal.
13. The footpath, whilst stepping down from Worcester Road above, would be adjacent to the front amenity space to all three units and private windows for the units. These windows would serve bedrooms in the one-bedroom units and a lounge in the two-bedroom unit. Despite the small separation distance from the public footpath to the windows, the combination of the direction of the footpath and the angle to the windows, I find that the loss to privacy would be minimal.
14. Based on the above, the proposed dwellings would have no private external space at ground floor level. Only two of the units would have access to a balcony at first floor, which would also not be private, being in full view of the platforms. The juxtaposition of external space, habitable room windows and public areas immediately surrounding the building would lead to a significant loss of privacy to future occupiers.
15. Turning to internal living space, the appellant has contested the Council's internal living space calculation due to the amount of space the staircase would require. This calculation would alter the proposed shortfall on the overall unit size for one of the one-bedroom units. The Council has stated that the unit in question would be smaller than the prescribed unit size within the Nationally Described Technical Housing Standards. However, these have not been adopted by the Council. Whilst they form useful guidance, I can only attribute limited weight to this conflict.
16. Although bedroom storage space would be limited, it would be adequate to accommodate the storage needs of a single occupier. Furthermore, the proposal relates to the conversion of an existing period building, where the prescribed unit and room sizes may not necessarily be achievable. On this basis, I consider the small under provision of floorspace in relation to the overall size of one of the one-bedroom units to be acceptable.
17. For the above reasons, despite having found that internal space sizes would be adequate, the proposed development would not provide acceptable living conditions for the future occupiers of the dwellings proposed with regard to noise and privacy. Accordingly, I find conflict with Policy 21 and Policy 31A of the South Worcestershire Development Plan (SWDP) and Policy MH2 of the Malvern Town Neighbourhood Plan (MTNP) in relation to noise and privacy. These policies, amongst other things, seek development that does not significantly harm the amenity of occupiers and neighbours and provides adequate privacy, outlook, sunlight, and daylight.

Other Matters

18. The appeal site is within the Malvern Trinity Conservation Area (MTCA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
19. I observed at my site visit that the MTCA is characterised by a mix of large period properties set in large plots with landscaped gardens to the front and rear, set around Link Common. Further along Worcester Road, the MTCA includes a commercial high street, where the predominant architecture is from the Georgian period. Where development has infilled plots or replaced previous development, these have generally used the same architectural design and proportions alongside placing development within landscaped grounds. As such, its significance derives from its historic and architectural interest within a historic town setting. The appeal building, by virtue of its historic interest and prominence contributes positively to the significance of the MTCA.
20. The appeal site is located adjacent to the platform and car park of the Malvern Link railway station and has previously been in use as the station house. It is constructed from Malvern stone and has a slate roof. External alterations maintain the pattern, detailing and vertical emphasis of the fenestration and the roof heights remain subordinate to the main roof. The proposed conversion to three dwellings would not alter the building to a degree where it would no longer contribute positively to the significance of the MTCA.
21. For the reasons given above, and in the exercise of the statutory duty, I find that the proposed development would preserve and enhance the character and appearance of the MTCA.
22. The Council has identified the appeal building as a non-designated heritage asset (NDHA) due to its historic character and appearance and its link with the history of Malvern Link Station. The National Planning Policy Framework (the Framework) requires, that in weighing the impact of development on the NDHA, a balanced judgement will be required, having regard to the scale of any harm and significance of the asset. The proposed conversion to three dwellings from three holiday lets, alongside the changes to the building that this would entail, would not harm the NDHA or its significance as the station house.
23. The appeal site is well located within the settlement of Malvern. It is within walking distance of facilities in Malvern Link, opposite public open space in Link Common and adjacent to the railway station linking the site to Great Malvern and further afield. Whilst the proposal would only deliver three dwellings, this would nonetheless be positive in boosting the housing stock and supporting the town's functions. There would be limited benefits to the local economy, given the use as holiday lets would already provide economic benefits.

Planning Balance

24. The Local Plan dates from 2016 but the weight to be attached does not rest on its age. Paragraph 232 of the Framework identifies that due weight should be given to existing policies according to their degree of consistency with the Framework. The proposal is not in accordance with the aforementioned policies of the SWDP.

25. The Council accepts that they can no longer demonstrate a deliverable five-year supply of housing land as required by the Framework. It is agreed between parties that the Council can demonstrate a housing land supply position of 2.06 years. This is significantly below Government expectations and is therefore evident that there is a pressing need for housing when considering this shortfall. Consequently, paragraph 11d) of the Framework, which is a material consideration of significant weight, is engaged. In these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. Set against the harm identified, the proposal would deliver an additional three housing units in a District that is falling significantly below the level of housing supply required by national policy. Socially, the three units would make a modest but useful contribution to the Council's housing land supply. This would be a limited benefit to the scheme. In economic terms, the appeal scheme would provide longer term expenditure in the local economy. Limited weight should be afforded to this benefit, as this expenditure would occur both with the approved holiday lets and the appeal proposal. The site is within walking distance of a range of day-to-day services in Malvern Link, and a short distance to Great Malvern where a wider range of services are provided. Future occupants would be able to reach these on foot and by public transport, providing them with transport choice rather than reliance on a private car.
27. Despite the age of the SWDP, the most important policies are consistent with the Framework which expects development to create places with a high standard of amenity for future users. Therefore, the conflict between the development and Policies 21 and 31(A) of the SWDP and MH2 of the MTNP should be given significant weight in this appeal.
28. I am unable to conclude that the noise environment around the site is sufficiently low to be satisfied that the proposal would provide adequate living conditions for future occupiers in terms of noise effects. Moreover, the proposal would not provide adequate privacy for the future occupiers of the three dwellings. As such, the proposal is contrary to the policies referred to above and conflicts with the Framework when taken as a whole. The adverse impacts of granting permission significantly and demonstrably outweigh the benefits. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

29. Therefore, I conclude that the development conflicts with the development plan as a whole and the Framework. There are no material considerations that outweigh the harm identified. As such, the appeal should be dismissed.

P Brennan

INSPECTOR