



Appeal Decision

Site visit made on 29 July 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 03 September 2025

Appeal Ref: APP/H1840/W/25/3360012

The Rickyard, Russell Street, Great Comberton, Worcestershire WR10 3DT

- 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 L Farr against the decision of Wychavon District Council.
 - The application Ref is W/24/02361/FUL.
 - The development proposed is conversion of existing garage to 1no. dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for Conversion of existing garage to 1no. dwelling at The Rickyard, Russell Street, Great Comberton, Worcestershire WR10 3DT in accordance with the terms of the application, Ref W/24/02361/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal site is situated within a conservation area. In making my determination I have been mindful of the statutory requirements placed upon decision-makers by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
3. The third reason for refusal of the Council's decision notice, related to a lack of a mechanism to secure a financial contribution towards affordable housing provision. A section 106 agreement, signed by the parties, has been submitted with the appeal documentation, containing such an obligation. Accordingly, the Council have confirmed that reason for refusal three is no longer a matter in dispute and effectively falls away.

Main Issues

4. The main issues are the effect of the proposal on i) the character and appearance of the surrounding area, including heritage assets, and ii) whether it would provide acceptable living conditions for future occupiers and for occupiers of the neighbouring 'The Rickyard' property, having regard to the provision of outdoor space.

Reasons

Character and Appearance

5. The appeal site is a storage building constructed in the last quarter of a century, as part of the redevelopment of the historical Tibbetts Farm complex. It is located on the edge of the Great Comberton village boundary, and forms part of the garden of the adjacent 'The Rickyard' property, a residential dwelling formed from conversion of a former agricultural building.
6. The buildings which make up the Tibbetts Farm complex fall within the Great Comberton Conservation Area (CA), and their varied age, architectural detail and close relationship as a former farmstead, contribute towards the historic significance of the CA and the rural character and appearance of the surrounding area. Tibbetts Farm is included, as a farmstead, on the Worcestershire County Council Historic Environment Record (HER). Many of the buildings are therefore Non-Designated Heritage Assets (NDHA), though the appeal property and a further building to the other side of 'The Rickyard', known as 'Newfarm House' are more recent additions to the grouping of the former farmstead, and neither party suggest they are NDHA's.
7. The proposal would be formed by the conversion of the existing storage building approved under a previous planning application in 1997¹. That application included conversion of several of the out-buildings within the farmstead to residential dwellings, together with the erection of the appeal building to provide garaging and storage for the group of properties. However, this approval was not enacted in full, the building now known as 'The Rickyard' being converted, whilst the adjacent 'Long Barn', which had originally been approved for conversion to two properties, was not developed at the time, and has subsequently been the subject of another approval², for conversion to a single dwelling with revised residential boundaries.
8. The appeal building straddles the boundary of the CA, around 65 percent of it being within the CA, the remainder being within the setting of the CA. Whilst the building was constructed in the last quarter of a century, its architectural style is traditional in nature, blending in with the architecture of the surrounding farmstead buildings. The proposal would introduce a small number of additional openings, would replace garage doors with glazed doors and side panels, or provide windows which utilise the extent of the existing openings. The resulting overall appearance would be that of a traditional agricultural building which had been converted to a small residential dwelling, and would therefore, be sympathetic to its surroundings, preserving the character and setting of the CA, and that of the adjacent non-designated heritage assets.
9. The Council have raised concerns that the proposal removes any storage space for the host dwelling and, also, would not provide the appeal property with general storage for garden equipment, cycles and other domestic paraphernalia. They note that permitted development (PD) rights were removed as part of conditions applied to the 1997 approval. They consider that it would only be a matter of time before an application would be submitted for further storage buildings at the host property, with consequent visual effect on the CA and its setting. This is a concern shared by the Parish Council.

¹ 97/00724/CU

² 17/01216/FUL

10. Nevertheless, the existing bicycle shed is shown within the red line which would provide reasonable domestic storage space for the proposed dwelling. In the event that the appeal was allowed, owing to the previous condition, PD rights would remain restricted for The Rickyard and its resultant grounds. Hence, such further development at the host property would require submission of a planning application and so would be within the Council's power to control. I agree that such future development would need careful consideration to avoid the incremental harm alluded to.
11. However, it does not follow that the restriction on permitted development equates to a moratorium on all development, nor that the wider site could not evolve from that permitted in 1997 without causing harm. That is evident from the appeal decision³ that both parties have drawn my attention to. It is not shown that the site is so sensitive that it could not accommodate future modest domestic storage requirements, and I consider that there are adequate controls in place to prevent harm arising on that basis. Consequently, this is not a sufficient justification to resist the appeal proposal before me.
12. For the above reasons, having regard to my duty under section 72(1) of the Act, I conclude that the appeal proposal would not cause harm to the character or appearance of the CA, nor would it affect the way in which the CA, as a designated heritage asset, would be experienced.
13. Therefore, I conclude that the proposal would not conflict with Policies SWDP 6 and SWDP24 of the South Worcestershire Development Plan (2016) (the Local Plan), or with Chapter 16 of the National Planning Policy Framework (the Framework), which require, among other things, that development conserves and enhances the character and appearance of designated and non-designated heritage assets.

Living Conditions

14. The existing 'The Rickyard' property has a significant area of external space which surrounds it, including an area of garden which is situated to the west of the property, within an area which is bounded by the rear garden of the 'Long Barn' to the south and the gable of the Tibbetts Farm farmhouse to the west. 'The Rickyard' and the appeal property forming the eastern limit of development which defines the former farmstead, and the garden areas between.
15. The close relationship of the residential dwellings is a result of the nature of conversions from existing former agricultural buildings to separate residential dwellings, an element of overlooking being a common occurrence in such situations. However, the relationships of the buildings had been judged acceptable at the time of the 1997 approval, the area between the properties being divided into gardens for the relevant properties, with an acceptance that occupation of any of these garden areas would result in some form of overlooking, from perimeter buildings, though that had been minimised in the design of the layouts.
16. The proposal would utilise a portion of the garden to the west of 'The Rickyard', the remaining section being retained for use by the host dwelling, which has significant other areas of garden space to the east of the property. There is no dispute that the area of garden shown for the proposed dwelling would be a suitable size. The distance from the rear elevation of the adjacent 'Long Barn' to the boundary with

³ APP/H1840/W/19/3231777

the proposed dwellings rear garden is around 12.5m, which would be sufficient separation to prevent intrusive overlooking. The proposed boundaries would consist of a head height, close boarded timber fence with some mature landscaping. These would further enhance privacy, rather than being unduly confining to future users of the garden.

17. Whilst there would be an element of overlooking from isolated upper floor windows in the gable of the farmhouse, this is the existing condition for the host dwelling. As the relationship would be broadly similar, I find that use of a portion of the host dwellings existing residential garden space for the same purpose, would provide a no less acceptable level of privacy for future occupiers of the appeal property, than it does for existing occupiers of the host dwelling.
18. Turning to the suitability of the garden remaining for use of the occupiers of the host dwelling, I do not agree with the Council's assessment that the host dwelling would have insufficient private garden space. Whilst the area to the west of 'The Rickyard' would be reduced, the remaining area would still provide adequate garden space. The property also has significant areas of garden to the east of the property. At my site visit it was evident that there are maturing boundary treatments between the host dwelling and the adjacent 'Newfarm House', which are reaching waist to shoulder height, and which will soon provide privacy for both properties, such that the eastern garden would provide further private garden space.
19. Accordingly, I am satisfied that the occupants of both the host and proposed dwelling could sit outside in reasonable comfort and privacy such that they could use the space to relax and enjoy the respective garden spaces. The areas provided would allow ample space for seating, gardening and outdoor play activities. As such, the outdoor space would contribute towards a high standard of amenity for existing and future users as stipulated in paragraph 135 of the Framework. Furthermore, it would align with the general principles to successfully integrate private amenity space set out in section 5I of the South Worcestershire Design Guide SPD.
20. For the above reasons, I conclude that both the host and proposed dwellings would have a suitable amount of outdoor amenity space with an adequate level of privacy. Hence, the proposal would not harm the living conditions of the occupiers of either property. It would accord with policy SWDP 21 of the Local Plan, which requires, among other things, that development should provide an adequate level of privacy.

Other Matters

21. The appeal site is located within the Cotswolds National Landscape (NL). Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) amended the duty placed on relevant authorities required by the Countryside and Right of Way Act 2000 (CRoW Act), requiring relevant authorities and decision makers to 'seek to further' the statutory purposes of protected landscapes, of which the Cotswolds NL is one. It requires, as far as is reasonably practical, relevant authorities to seek to avoid harm and to contribute to the conservation and enhancement of the natural beauty, special qualities and key characteristics of Protected Landscapes.
22. Paragraph 189 of the Framework requires great weight to be given to protecting the scenic beauty of NL's. However, having regard to my duties under the LURA and CRoW Acts, due to the location of the appeal proposal within the built up edge of the village, as a conversion of an existing building within a group of other residential

dwelling and with mature trees within its setting, which screens much of the appeal proposal from wider landscape views, I judge the appeal proposal not to have a detrimental effect on the scenic beauty of the wider Cotswolds NL.

23. The Council has stated that it cannot demonstrate 4 years Housing Land Supply. This requirement was amended to a 5-year Housing Land Supply in the 2024 amendments to the Framework. As I have found the proposal to accord with the development plan, it is unnecessary to further consider the question of housing supply and presumption in favour of sustainable development contained in national policy, as this would not alter the outcome of my determination of the appeal.

Planning Obligation

24. The parties have completed a Section 106 Agreement which includes an obligation for a financial contribution of £12,797 (index linked) towards the provision of affordable housing. I have considered this in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. In relation to the scale of development before me, Policy SWDP15 of the Local Plan requires a financial contribution towards local affordable housing provision based on the cost of providing the equivalent in value to 20% of the units as affordable housing on site. The information before me indicates the parties have agreed this equates to £12,797 and I have little basis to find otherwise. Hence, on that basis I consider that this obligation would be fairly and reasonably related to the development proposed and that it passes the statutory tests.

Conditions

25. I have had regard to the 6 conditions suggested by the Council and the comments provided by the appellant. Where necessary I have amended the wording, in the interests of precision and clarity, and in order to comply with the advice in the Planning Practice Guidance and the Framework.
26. In addition to the standard time limit for implementation, in the interests of certainty I have attached a condition specifying the approved plans. I have not applied the condition relating to approval of materials requested by the Council, as materials are already defined on the application drawings.
27. To ensure highway safety, I have applied a condition relating to the provision and retention of the access, car parking and turning area prior to occupation. A condition is necessary for the submission and approval of surface water drainage proposals prior to occupation. I have also applied a condition for the submission and approval of proposals for the provision of super-fast broadband services for the benefit of future occupiers, as this is required by policy SWDP26 of the Local Plan.
28. As already mentioned, the host property, 'The Rickyard', had previously had its PD rights removed via condition 5 on the 97/00724/CU approval, which includes the area of land which is the subject of this appeal. Although not suggested by the Council, I have considered whether a similar condition ought to be applied to the proposed dwelling. Paragraph 55 of the Framework stipulates that such conditions should not be imposed unless there is clear justification to do so. The proposal includes an existing storage shed within the red line, and PD rights take account of conservation areas. In these circumstances, I do not see sufficient justification to remove PD rights for the appeal property. I have therefore not applied such a condition.

Conclusion

29. For the reasons set out above, I conclude that the appeal proposal would accord with the development plan, read as a whole. Therefore, the appeal should be allowed.

D R Kay

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 drawing numbers: p2024_028/02 - Site Plans, p2024_028/03 - Proposed Plans and Elevations, p2024_028/04 - Location Plan, p2024_028/05 - Water Management Statement.
- 3 The dwelling approved shall not be occupied until the means of access, turning area and parking for vehicles shall have been constructed in accordance with the approved plan p2024_028/02. These areas shall be retained thereafter.
- 4 The development hereby permitted shall not be occupied/first used until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation/use of the development and retained in perpetuity.
- 5 Prior to the first occupation of the dwelling hereby approved, details of superfast broadband facilities or alternative solutions to serve the dwelling hereby approved shall be submitted to and approved in writing by the local planning authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details.

***** End of Schedule*****