



Appeal Decisions

Site visit made on 26 November 2013

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 December 2013

Appeal A Ref: APP/W1850/A/13/2196502

Wilcroft, Bartestree, Hereford, Herefordshire, HR1 4BB.

- 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 A E Mifflin against the decision of Herefordshire Council.
 - The application Ref S120452/FH, dated 20 March 2012, was refused by notice dated 11 October 2012.
 - The development proposed is change of use with alterations to form small residence from former coach house.
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Appeal B Ref: APP/W1850/E/13/2198839

Wilcroft, Bartestree, Hereford, Herefordshire, HR1 4BB.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr A E Mifflin against the decision of Herefordshire Council.
 - The application Ref S120454/L, dated 20 March 2012, was refused by notice dated 11 October 2012.
 - The works proposed are described as change of use with alterations to form small residence from former coach house.
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Decisions

1. The appeals are dismissed.

Procedural matters

2. James Morris Associates' A3 drawing of the south, north and west elevations as proposed was amended during the consideration of the applications by the Council. My deliberations will therefore be made on the basis of the revised drawing upon which the Council's determination was made, where the applied lead canes previously proposed to the large south facing windows have been removed.

Main Issues

3. I consider the main issues to be:

a) whether the proposed development would provide adequate private amenity space, a safe means of access and parking for domestic vehicles having regard to the need to retain access to the pole barn for larger agricultural vehicles; and

b) whether the works would serve to preserve the building, or its setting along with that of the neighbouring curtilage listed buildings and any features of special architectural or historic interest and if no harm would arise whether, in the light of the first main issue, the alterations to the listed building to enable residential occupation are unwarranted and premature.

Reasons

4. The property the subject of this appeal is a former coach house, curtilage listed grade II, semi-detached to one side to neighbouring former outbuildings now converted into four self-contained units for residential occupation. In addition, it is adjacent to a small farmyard comprising three buildings including a pole barn that, along with the coach house, front on to an irregular shaped piece of land, shown to be in the ownership of the appellant but over which, I understand from the evidence, the owner of the pole barn enjoys vehicular access.
5. The appellant proposes the conversion of the existing coach house to form a two bedroom dwelling over two floors. While providing vehicular access to the proposed dwelling and the pole barn, the area of land in front of the buildings would be laid out to provide private amenity space, parking and vehicle manoeuvring.

First main issue

6. Policy HBA12 of the Herefordshire Unitary Development Plan Adopted March 2007 (UDP) requires, at criterion 4, that proposals for the re-use and adaption of rural buildings is compatible with neighbouring uses, particularly agricultural operations, and does not itself cause undue environmental impacts. Criterion 4 of UDP Policy DR2 states that where relevant to the proposal, all development will be required to amongst other things not prejudice the amenity or continued use of adjoining land and buildings.
7. The proposed route of the residential and farm access is clearly shown on the accompanying drawings. However, four pairs of doors/gates are also shown to the front of the pole barn and it is clear from the drawings that when even one of these is in use, it would open over the access track and thereby obstruct vehicular access to either or both the pole barn and proposed dwelling. Equally, even if there were no doors/gates, any vehicle turning into or out of the pole barn or even stopping to load or unload would also obstruct the access way. This arrangement would not to my mind be at all satisfactory for either future residents or the farmer and could have the potential to be hazardous to those using the track or the immediate garden. Accordingly, if the development were to go ahead as planned, the two uses would be incompatible one with another and therefore contrary to the aims of Policies HBA12 and DR2. In addition, it would fail to satisfy the objectives of UDP Policy DR3 that requires all development to provide safe, convenient and attractive patterns of movement into, out of and across a site.
8. UDP Policy H13 at criterion 11 requires proposals for residential development to provide for acceptable levels of residential amenity. Save for the area denoted as access and future car parking and the land in front of the adjoining residential properties, the irregular shaped piece of land edged in red on the site plan is shown as garden/amenity area. To my mind this would be of

sufficient size to serve the new dwelling. However, the appellant's proposals for vehicular access are clearly not practical and any re-configuration necessary to overcome this objection might well, in my judgement, result in a significant reduction in the area that could be set aside for private garden. I am therefore unable to conclude that the proposal would provide adequate private garden for future residential occupiers and, therefore, it would fail to meet the objectives of criterion 11 of UDP Policy H13 as it relates to residential living conditions.

9. I therefore conclude, in respect of the first main issue, that the proposed development would not provide adequate private amenity space for future residential occupiers, a safe means of access and parking for domestic and agricultural vehicles.

Second main issue

10. The Council raised no objections to the works of alterations proposed to the coach house for its conversion to a two bedroom unit as shown. Based on what I have seen and read I find no reason to reach a contrary view. Accordingly, the proposal would serve to preserve the building, or its setting along with that of the neighbouring curtilage listed buildings and any features of special architectural or historic interest.
11. However, I have found that the proposed change of use for which planning permission has been sought would be unacceptable as the development, as designed, would not provide adequate private amenity space, a safe means of access and parking. Accordingly, if listed building consent were granted it could not be implemented without the benefit of planning permission. Furthermore, a subsequent application for planning permission for change of use might well result in the need for a fresh application for listed building consent to take account of subsequent changes that might impact on the curtilage listed buildings.
12. Consequently, I conclude that to grant listed building consent for the scheme before me would be contrary to the objectives of UDP Policy HBA1 and guidance set out in the National Planning Policy Framework as it would be premature to do so.

Other matters

13. I am aware from the evidence before me that there are questions in respect of the ownership and right of access over the lane itself as well as the land edged red on the site plan. These are, however, civil matters outside the scope of these planning appeals. Accordingly, whatever the circumstances surrounding these matters they are not relevant to my consideration of the planning merits of the proposal.
14. Concerns have been raised by third parties in respect of the increased pressure, in relation to vehicle movements, that the additional dwelling would place on the private lane leading from the highway. The Council's Highway Engineer, however, has not raised objections in relation to the lane's suitability to accommodate the additional traffic generated by the development. In the circumstances, therefore, I am not satisfied that there is sufficient justification to support the contention that the proposed development would cause undue congestion or be detrimental to highway safety in this respect.

Conclusions

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Philip Willmer

INSPECTOR