

## Appeal Decision

Site visit made on 27 June 2016

**by Jonathan Price BA(Hons) DipTP MRTPI DMS**

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

**Decision date: 11<sup>th</sup> July 2016**

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**Appeal Ref: APP/J1860/W/16/3147782**

**Carey's Brook House, 53 Upton Road, Callow End, Worcestershire WR2 4TZ**

- 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 R Jenkins against the decision of Malvern Hills District Council.
  - The application Ref 15/00941/FUL, dated 2 July 2015, was refused by notice dated 20 October 2015.
  - The development proposed is erection of a bungalow.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Prior to the submission of this appeal the South Worcestershire Development Plan (SWDP) was adopted by the Council on 23 February 2016. This replaces the Malvern Hills District Local Plan (MHLP) of July 2006 upon which the original decision over this proposal was based and which now carries no weight. Policy SWDP 2, which was referred to as an emerging policy in this decision, now forms part of the adopted development plan which is the basis upon which this appeal must be decided. The Council provided a policy update as part of its appeal submissions and so the appellant would have been aware of how the position had changed with the recent adoption of the SWDP and has had the opportunity to comment.

### Main Issue

3. The main issue in this case is the degree to which this proposal would gain the support of local and national planning policy, particularly in respect of its location and accessibility to regularly required services and facilities.

### Reasons

4. The proposed bungalow would be sited within a grassed field, adjacent and served by the entrance to Carey's Brook House, the existing traditional property to the south where the appellant resides. The site is adjacent the B4424 Upton Road, and at a slightly higher elevation, screened by a thick boundary hedge and surrounded by farmland. A few metres south along the road is the hamlet of Wheatfields which contains a large residential caravan site. The nearest settlement with services, including a shop, pubs and primary school, is the village of Callow End approximately half a mile to the south.
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5. This location is not isolated in the sense of being lonely or remote. However, a dwelling here would be physically isolated from the nearest built-up area and quite clearly within the open countryside. Under Policy SWDP 2 development in the open countryside is strictly controlled and dwellings limited to those required to house rural workers or as part of an affordable housing exception site. There is no evidence that the Defra registered Agricultural Rural Enterprise referred to would support an additional dwelling on this site and the bungalow could be sold on at market value and, as such, would not be defined as affordable housing.
6. I have sympathy with the case made by the appellant that the existing large, two-storey house is no longer suitable for him and his wife due to their age and physical condition and a smaller, single-storey bungalow would meet both their personal requirements and enable them to continue living and carrying out their activities on this site. The strong local support for the appellant, both in respect of the contributions he and his wife have made to the community and their personal needs for the bungalow, have also been considered. However, these factors would not be sufficient justification for a new dwelling in the open countryside as strictly controlled by Policy SWDP 2.
7. The services in Callow End are around a ten to fifteen minute walk away along a roadside footpath, based on my estimation and the evidence provided. The distances would be a short bicycle ride and a bus service is available. However, future occupants of a dwelling in this location would still be mainly reliant on private car use to conveniently access both the services in Callow End and the wider range offered in larger centres further away. For this reason, a dwelling here would not be supported by the presumption in favour of sustainable development contained in the SWDP and the National Planning Policy Framework (the Framework).
8. This proposal would be contrary to the development strategy set out in SWDP 2 which forms part of a recently adopted and up-to-date development plan providing for a deliverable 5 year supply of housing land in this District. The SWDP is generally consistent with the Framework. This includes paragraph 55 where to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposed bungalow would not be unduly visually prominent in the landscape. However it would result in harm by the intrusion of a dwelling into the undeveloped countryside. It is a core planning principle of the Framework that the intrinsic character and beauty of the countryside should be recognised in planning decisions. I consider this principle would weigh further against this proposal being allowed.
9. Regarding any inconsistency with previous planning decisions made by this Council the full details of these are not supplied to enable firm conclusions to be reached. In any case, this appeal has to be decided on its own individual merits. Whilst consideration has been given to the 2013 appeal<sup>1</sup> in Willoughby-on-the-Wolds in Nottinghamshire the circumstances in that decision are not considered to be sufficiently comparable to add any significant weight in support of this case.

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<sup>1</sup> APP/P3040/A/13/2191142

## **Other Matters**

10. With the adoption of the SWDP the Council would now require a financial contribution towards local affordable housing provision for sites of 5 dwellings or less based on the cost of providing the equivalent in value to 20% of the units as affordable housing on site. Following the Court of Appeal judgement<sup>2</sup> on 11 May 2011, made in favour of the Secretary of State, the Planning Practice Guidance (PPG) has been updated to re-iterate where affordable housing contributions should not be sought from small scale developments, such as that proposed in this appeal. The Council considers that the adopted SWDP should hold greater weight than the PPG, and that this proposal would still require an off-site financial contribution towards affordable housing. However, since this appeal is dismissed on other policy grounds it has not been considered necessary to pursue this particular matter further.

## **Conclusions**

11. For the reasons set out, having taken into account all other matters raised, I conclude that this appeal should be dismissed.

*Jonathan Price*

INSPECTOR

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<sup>2</sup> Secretary of State for Communities and Local Government v West Berkshire District Council and Reading Borough Council C1/2015/2559; [2016] EWCA Civ 441.

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