

Appeal Decision

Site visit made on 12 July 2016

by Andrew Owen MA MRTPI

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

Decision date: 2 August 2016

Appeal Ref: APP/R1845/W/16/3145883

Land adjacent Oakhouse, St Johns Lane, Bewdley, Wyre Forest

- 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 H Docherty against the decision of Wyre Forest District Council.
 - The application Ref 15/0526/FULL, dated 15 September 2015, was refused by notice dated 28 October 2015.
 - The development proposed is construction of 2 bedroom cabin for holiday accommodation (for use 11 months of the year).
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Decision

1. The appeal is allowed and planning permission is granted for construction of 2 bedroom cabin for holiday accommodation (for use 11 months of the year) at land adjacent Oakhouse, St Johns Lane, Bewdley, Wyre Forest in accordance with the terms of the application, Ref 15/0526/FULL, dated 15 September 2015, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are whether the occupants of the development would have reasonable access to goods and services and the effect of the proposal on the character and appearance of the area.

Reasons

Background

3. The development would be single storey, modest in scale, have timber clad walls and generally have the appearance of a cabin or lodge. It would be a permanent building of substantial construction. It is stated repeatedly throughout the appellant's evidence, and in the description of the development, that the building would only be occupied for 11 months of the year and that its occupation during this time would be by holiday makers only. However the Council contend that the proposal should be considered to be a permanent residential dwelling.
 4. It is considered that although the development would be physically be capable of accommodating permanent residents, its use can be restricted to holiday accommodation only by a condition that would meet the tests in paragraph 206 of the National Planning Policy Framework (the 'Framework'), and the guidance in the Planning Practice Guidance (PPG). Indeed the Council have suggested a
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condition, without prejudice to their case, which I consider would meet these tests and the guidance and would prevent a change from holiday accommodation to a dwelling. Consequently any use of the property as a permanent residential unit would breach this condition. As such, the use class into which the development would fall is immaterial.

5. Accordingly I have considered the development as holiday accommodation and not as a dwelling outside the settlement boundary. Consequently, I give little weight to policies SAL.DPL1 and SAL.DPL2 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan, which both relate to the location of housing.

Access to goods and services

6. The site is an undeveloped parcel of land in a loose ribbon of development along St Johns Lane. It is not disputed by the parties that it is not a brownfield site and that it is located in the open countryside. Directly opposite the site is Wyre Forest.
7. Policy DS01 of the Adopted Wyre Forest District Core Strategy (the 'Core Strategy') relates to all forms of development and advises that all development will be concentrated on brownfield sites in order to, among other things, reduce the need to travel. Also, Policy CP10 of the Core Strategy relates to sustainable tourism and advises that tourist accommodation should be directed towards Kidderminster or other built up areas as such settlements provide the widest range of services.
8. In this case, whilst holiday makers would undoubtedly require access to shops and services found in built up areas, they would also most likely desire access to Wyre Forest and the other tourist facilities in the area. Indeed it is likely that future occupants of the cabin would select it as their holiday accommodation because of its location on the edge of Wyre Forest and close to the Wyre Forest visitor centre, which is only a short distance away along Long Bank and which is accessible through the forest opposite the site. Therefore the occupiers of the development would have ready access to such tourist facilities by foot or cycle which lends the development an advantage in this respect over similar tourist accommodation in built up areas.
9. As such, although the development would not be located within any built up area, or on a brownfield site, it would reduce the need to travel and hence would accord with the sustainable aims of Policies DS01 and CP10 of the Core Strategy.
10. I have also had regard to Policy DS04 of the Core Strategy which seeks to support the rural economy and states, in its explanatory text, that Wyre Forest's tourist role is its major economic opportunity. I consider the provision of an additional unit of tourist accommodation would contribute to supporting the Forest's tourist role and so would accord with Policy DS04.

Character and appearance

11. The dwellings in the vicinity of the development are generally large houses set in spacious verdant plots reflecting their position on the edge of Wyre Forest. The adjoining properties at Oak House and Birch Cottage are both large, red brick, slate roofed, two storey houses. However the variety in the design, form

and scale of the houses generally along the road is a strong characteristic of the Lane.

12. As such although the dwelling would contrast with the design of the immediate neighbours, it would generally be in keeping with the mixture of designs along the road. Moreover, as a holiday lodge, it is fitting that it would have a slightly different character and be of different materials to that of the other permanent residential units along the Lane.
13. Accordingly the development would accord with Policy CP11 of the Core Strategy which requires development to be reflective of its context and CP12 of the Core Strategy which requires development to protect the local landscape character.

Other matters

14. I note the concerns that the ecological survey was conducted in November 2014 which is some time ago and not the optimum time of year. However the report states that the flora and fauna on site were considered to be of low nature conservation interest, possibly due to the high nature conservation value of the surrounding area. In particular the overgrown nature of the site means it is unsuitable for many species including reptiles and narrow leaved hellborines. As the site is still overgrown, and probably more so than when the survey was done, I consider the results of the survey would still be reliable.
15. I note the concerns that the appellants may not benefit from a right of access along St Johns Lane. However that is a private matter between the individuals concerned, and is not a matter before me.

Conditions

16. I have considered the conditions put forward by the Council against the requirements of the PPG and the Framework. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.
17. I have imposed the standard condition relating to the commencement of development and imposed conditions in the interests of preserving the character and appearance of the area, highway safety and ecological protection. I have not imposed the suggested condition relating to reptiles as the site is unsuitable for reptiles and none have been found on site.
18. Some conditions require compliance prior to the commencement of development so that the effects of the development are properly mitigated for in order to make the development acceptable.

Conclusion

19. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

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: 1435 001, 1435 010, 1435 020 and 1435 021.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall only be used as holiday accommodation and not at any time as a sole or main place of residence and shall only be available as holiday accommodation for 11 months of the year.
- 5) No development shall take place until visibility splays have been provided from a point 0.6 metres above ground level at the centre of the access to the site and 2.0 metres back from the near side edge of the carriageway (measured perpendicularly) for a distance of 11 metres in each direction alongside the near side edge of the adjoining carriageway. The visibility splays shall thereafter be maintained free of obstruction at all times.
- 6) Details of the construction of the means of vehicular access, turning area and parking area shown on drawing no 1435 020 shall be submitted to and approved in writing by the local planning authority and the works shall be carried out in accordance with those details before the development is first occupied. These areas shall thereafter be retained and kept available for the occupants of the building at all times.
- 7) The development shall not be occupied until space within the site has been laid out and thereafter retained for two bicycles to be parked.
- 8) Details of any external lighting, including a plan showing the position of lights and the pre development and anticipated post development lighting levels at the site, shall be submitted to and approved in writing by the local planning authority before any development on site takes place. Development shall be carried out in accordance with the approved details.