
Appeal Decision

Site visit made on 16 August 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 26 September 2016

Appeal Ref: APP/J1860/W/16/3150431

Robin Hill Stables, Malvern Road, Powick WR2 4SF

- 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 Ms Caroline McKain against the decision of Malvern Hills District Council.
 - The application Ref 15/00562/FUL, dated 20 April 2015, was refused by notice dated 20 October 2015.
 - The development is proposed redevelopment of site to accommodate 2 detached dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision to refuse the planning application, the Malvern Hills District Local Plan has been replaced by the South Worcestershire Development Plan (Development Plan), which was adopted on 23rd February 2016. The appeal must be considered on the basis of the current Development Plan. Both parties have had the opportunity to comment on the changed circumstances.

Main Issues

3. The main issues are:
 - whether the proposed development is in a sustainable location; and,
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Locational Sustainability

4. The appeal site is located to the west of the villages of Powick and Collett's Green. It lies just beyond and to the rear of scattered ribbon development along the Old Malvern Road with the hamlet of Bastonford about 300 metres to the south. It consists of a commercial livery yard and ménage with access off the Old Malvern Road and the A449 to the north. The site is within a field and adjoined by open countryside.
 5. Development Plan policies SWDP 2 and SWDP 4, which are consistent with the National Planning Policy Framework (the Framework), aim to focus
-

development in urban areas and in villages and settlements that have good access to local services. It is accepted that the appeal site is beyond any development boundary and is, therefore, by virtue of policy SWDP 2, defined as open countryside, where development is strictly controlled and limited to various exceptions such as dwellings for rural workers. Paragraph 55 of the Framework whilst aiming to promote sustainable development in rural areas states that housing should be located where it will enhance or maintain the vitality of rural communities. It also advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Policy SWDP 2 includes similar exceptions.

6. Powick combined with Collett's Green are considered sustainable settlements by the Council as they have local services including a primary school, community hall with pre-school nursery, public houses, a church, a petrol station with a small shop, a restaurant and playing fields. There are also regular bus services to Malvern and Worcester and a bus stop in close proximity to the appeal site. The village school is about 1km away and the petrol station and shop approximately 1.95km away. There are cycle and pedestrian routes to Powick but the Council Officer's report considers that most journeys from the new development would still be likely to be by private motor car.
7. The word 'isolated' used in paragraph 55 is not defined within the Framework. Therefore, it is reasonable to consider its everyday meaning which is lonely or remote. The appeal site is proximate to some local services, and public transport but it is outside development boundaries and set back from the road in a field. Though there is ribbon development fronting onto the road going west, the development site is behind and beyond that development. Therefore, I consider that the development would create isolated new homes in the countryside and be contrary to both policy SWDP 2 of the Development Plan and paragraph 55 of the Framework as none of the exceptions apply.
8. To assess the sustainability of the location, the three dimensions of sustainability, referred to in paragraphs 7 and 8 of the Framework need to be considered. In economic terms the proposed development would provide some short term employment during the construction period and future occupiers would be likely to contribute to the local economy. However, this has to be weighed against the loss of an employment site at the commercial livery and ménage. Turning to the social dimension, there would be a limited social benefit in the provision of two residential dwellings and possible use by occupiers of community facilities.
9. In relation to the environmental element, despite the proximity of some local services, the likelihood is that use of the private motor car would be prevalent though the appellant has pointed out that there would be a reduction in the number of vehicle movements associated with the current commercial use of the site. However, the main environmental issue would be the harm that would be caused to the landscape by residential development in the open countryside.
10. Previous appeal decisions have been brought to my attention by the respective parties.¹ Though they concern nearby developments, I do not know the full facts of those cases. However, I do note that the Malvern Caravans appeal,

¹ APP/J1860/A/14/2227378 & APP/J1860/W/15/3129963

cited by the appellant, pre-dates the current Development Plan and was therefore decided on a different policy basis. Both appeals do, however, acknowledge the limitations of walking and cycling to access local services in the area. In any case, I have considered this appeal on the basis of the evidence before me and on its own merits.

11. Other planning permissions in the area, referred to in the Council Officer's report, have been cited by the appellant. Again, I am not privy to the full details of those cases, but I note that the proposed development at Bowling Green Farm was for 39 dwellings whilst the proposal at 'Doltonia' involved an element of affordable housing and that both were closer to the settlement boundary of Collett's Green. Therefore, I attach only limited weight to them in my consideration of this decision.
12. At the time it refused the planning application, the Council could not demonstrate a 5-year housing land supply. The Council have advised in their statement of case submitted in relation to this this appeal that they can now demonstrate the relevant supply of housing sites in relation to the Malvern Hills sub area. The appellant referred to the lack of a 5 year supply of housing in their statement of case and has had the opportunity to dispute the Council's contention that the position has changed but has not done so. Therefore, I see no reason not to accept the changed position with the result that paragraph 14 of the Framework is no longer engaged and the relevant Development Plan policies for the supply of housing are not considered out-of-date. In any event, the provision of two new dwellings would only make a limited contribution to the housing supply and would not, therefore, weigh heavily in the decision.
13. Balancing the various factors discussed above against each other, I consider that its location beyond any settlement boundary in the open countryside and the loss of an employment site weigh more heavily than the neutral or marginally positive effect in relation to vehicle movements and the other limited economic and social benefits. Therefore, I conclude that the proposed development is not in a sustainable location and does not represent sustainable development. It follows that it is contrary to the aims of policies SWDP 2 and SWDP 4 of the Development Plan, which are consistent with the Framework, and, amongst other things, aim to focus development in suitable locations with good access to local services.

Character and appearance

14. The appeal site can be seen from Old Malvern road and from the public footpath to the east. The current stables, barn and ménage, within the context of open countryside, contribute to the rural character and appearance of the area and harmonise with it. Despite the proximity of the A449, the appeal site itself enveloped by landscape of agricultural fields with the Malvern Hills is intrinsically rural.
15. Whilst I understand that the proposed orientation of the dwellings is intended to maximise views from them of the Malvern Hills, it results in a contrast with the alignment of nearby housing and leads to a projection of residential development into the countryside. I share the Council's view that the proposal would introduce more residential dwellings in the countryside between the settlements of Collett's Green and Bastonford and have an adverse effect on the rural landscape.

16. I conclude therefore that the proposed development would harm the character and appearance of the area. Consequently, it conflicts with the aims of Policies SWDP 21 and SWDP 25 of the Development Plan, which amongst other things, seek to promote high quality design which integrates with its surroundings and takes account of its landscape setting.

Other Matters

17. In its statement of case, the Council holds that a contribution towards affordable housing in accordance with policy SWDP 15 of the Development Plan would be required. As I am dismissing the appeal, there is no requirement for me to consider that aspect.

Conclusion

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

Jonathan Tudor

INSPECTOR