

Appeal Decision

Site visit made on 5 October 2016

by B J Sims BSc(Hons) CEng MICE MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/J1860/W/16/3153351

**Land at B4211, Newbridge Green, Upton-upon-Severn, Worcestershire
WR8 0QR**

- 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 Harker, Exac-One Limited, against the decision of Malvern Hills District Council.
 - The application Ref 15/01703/FUL, dated 19 November 2015, was refused by notice dated 19 May 2016.
 - The development proposed is the erection of a Class B1 Light Industrial Unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 2.1 the principle of the development with particular respect to the accessibility of its rural location,
 - 2.2 the effect the development would have on the character and appearance of the site and surrounding area, including the settings of several nearby listed buildings, and
 - 2.3 the need for the development and the degree of economic benefit it would provide.
3. The written representations make substantial reference to pre-application advice provided to the Appellants by the Council. However, this decision is based strictly on a fresh appraisal of the proposal with reference to current planning policy and the evidence provided in relation to the planning issues arising in the appeal.

Policy

4. Relevant local policy is contained in the South Worcestershire Development Plan (SWDP), adopted in February 2016, before the application was considered by the Council.
 5. Policy SWDP 2, on Development Strategy and Settlement Hierarchy, is based on principles that include providing attractive employment sites, positive job
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creation, safeguarding the countryside and focussing development on urban areas but with small scale employment development in rural areas acceptable in principle. Policy SWDP 8, concerning Providing the Right Land and Buildings for Jobs, at paragraph E, supports the provision of employment land for job creation throughout south Worcestershire for new enterprises of a scale appropriate to their location.

6. The Appellants also rely upon Policy SWDP 12 on Employment in Rural Areas, which supports expansion of existing rural employment sites where intensification is not practical or viable. In this case however, the proposal is to replace existing business premises on an employment site close to the Category 1 town of Upton-upon-Severn with a newly built, larger industrial unit in a rural, greenfield location. Policy SWDP 12 does not therefore strictly apply in this case.
7. Policy SWDP 4, regarding movement, encourages sustainable means of non-car transport in connection with new development.
8. Policy SWDP 21 deals with the design of development, which should integrate effectively with its surroundings in scale, form and function, with siting and layout complementing local character and landscape. It should also reinforce local distinctiveness and conserve heritage assets, and their settings.
9. All these policies are essentially consistent with the National Planning Policy Framework (the Framework), whilst Policies SWDP 6 and 24 together expressly provide that heritage assets should be considered in accordance with the Framework. In particular, account should be taken of the desirability of sustaining and enhancing the significance of heritage assets, with reference to the relevant duty imposed by statute¹.
10. Policy SWDP 58 is specific to Upton-upon-Severn and supports employment development in Tunnel Hill due to flood risk limiting development opportunities in Upton-upon-Severn itself.
11. It is necessary to apply these policies in the light of the Government commitment to ensuring that the planning system gives significant weight to the need for economic growth and job creation, including in rural areas, as well as the presumption of the Framework in favour of sustainable development in its triple environmental and socio-economic role.

Reasons

Principle and Accessibility

12. In terms of Policies SWDP 2, 4 and 8, the development proposed in this appeal would be acceptable in principle, provided it would encourage sustainable means of non-car travel to work and otherwise be appropriate to its location, whilst also safeguarding the countryside and the setting of listed buildings in the area.
13. The site is relatively close to Tunnel Hill where some bus services are available and from where employees might choose to cycle or walk the kilometre or so to work. However, Tunnel Hill is a Category 3 settlement and, despite links to Upton-upon-Severn noted in Policy SWDP 58, has limited services of its own,

¹ Planning (Listed buildings and Conservation Areas) Act 1990 Section 66

such that the time taken to travel by public transport might dissuade employees from using it. Moreover, the essentially rural route to the appeal site lacks continuous street lighting and is used by relatively fast traffic. As a matter of judgement, employees are more likely to travel to work by car, especially in winter.

14. This relatively poor accessibility counts against the development in principle at its proposed location, particularly with regard to Policy SWDP 4, as it would fail to encourage sustainable non-car travel. The Council points out that a similar conclusion was reached by the Inspector in an appeal at White Cottage. However, this decision is made strictly on its own merits.

Character, Appearance and Listed Buildings

15. The site is part of an open pasture field in the countryside, visible from public viewpoints on the B4211 past the site, and from Wheatley Lane and nearby footpaths to the south. The light industrial unit would partially fill a roadside gap between clusters of buildings within the dispersed development that already exists along the B4211. The essentially linear development would thus fail to retain the integrity of the currently dispersed settlement pattern. This would be contrary to the guidelines of the Worcestershire Landscape Character Assessment, which categorises the area as one of Settled Farmlands and Pastoral Land Use.
16. Much has been done in the design to make the proposed building as unobtrusive as possible and to resemble an agricultural building of a kind to be found in the countryside, with its front elevation to the office finished to reflect its rural location. It could be enclosed and screened by new hedges, not inconsistent with the small scale field pattern of the surrounding farmland. However, the development would introduce a utilitarian, commercial use into an attractive and presently open rural setting and would still be visible from the B4211. Notwithstanding the absence of any special landscape designation and the presence of commercial buildings some 350 metres to the south west, the appeal proposal would result in an unacceptably detrimental impact upon the appearance and character of the local landscape.
17. Even so, the building and its associated activity would not be so close to a group of buildings to the north, including the Drum and Monkey public house, Barn Restaurant and Bramford Cottage, as to have any close visual association with them from any viewpoint. Accordingly, the development would avoid harm to the settings of these heritage assets, in compliance with the relevant policy and statutory tests outlined above.
18. Nevertheless, the adverse impact on the site and surrounding landscape generally would place the development into significant conflict with Policies SWDP 2 and 21, in failing to integrate effectively with its surroundings in scale, form and function.

Need and Benefits

19. It is important to weigh the foregoing disadvantages of the proposal against the positive considerations in its favour. The scheme would support the local economy to a degree, in enabling an important established local firm with a rural custom base, to relocate from inadequate rented premises to land in its ownership. The business proposes to expand, providing a net two additional

jobs, whilst vacating its existing location and making it available for another commercial concern.

20. The proposal is supported by the Economic Development Team of the Council, in the absence of other suitable existing or brownfield employment sites in the locality. The Appellants state that their present premises cannot be extended and that they have undertaken an extensive search for an alternative site but these assertions are otherwise undocumented within the submitted evidence.
21. In the circumstances, notwithstanding the significant need for economic growth and the expansion of business enterprise, the contribution of two extra jobs in a relatively inaccessible location is a benefit to the local rural economy which can be accorded only limited weight in this case.

Other Considerations

22. There is nothing to indicate that other recorded concerns regarding noise affecting local amenity, road safety and flood risk could not be addressed by planning conditions to secure sound insulation, a safely designed road access with suitable vision splays, adequate parking and turning space for cars and lorries, and a sustainable drainage system.

Conclusion

23. Overall, however, the environmental harm due to poor accessibility and adverse impact on the character and appearance of the site and surrounding landscape would significantly and demonstrably outweigh the limited socio-economic benefit to employment and rural economic growth. The development would accordingly not amount to sustainable development in terms of the Framework and would be in conflict with the relevant policies of the adopted SWDP, taken as a whole.
24. The appeal should therefore be dismissed.

B J Sims

Inspector