
Appeal Decision

Site visit made on 24 October 2016

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 7TH November 2016

Appeal Ref: APP/J1860/W/16/3156022

Land off Grange Lane, Lower Broadheath, Worcestershire WR2 6RW

- 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 Richard Adcock against the decision of Malvern Hills District Council.
 - The application Ref 15/01027/FUL, dated 13 July 2015, was refused by notice dated 8 February 2016.
 - The development proposed is application for 2 x 4 bedroom detached dwelling houses with associated access, car parking and amenity space; and the conversion of the existing Dutch barn from an office space to ancillary garages and storage space.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Since determining the application, the Council has adopted the South Worcestershire Development Plan (February 2016) (SWDP), the policies of which replace those in the Malvern Hills District Local Plan. Policy SWDP 21 is referred to in the Council's reasons for refusal as emerging policy and I have not been made aware of any significant changes to the now adopted version. I am therefore satisfied that it can be taken into account in my decision without prejudicing anyone's case.
3. The Council has confirmed that, at the time of the application, it could not demonstrate a 5 year housing land supply (hls). However, that position has now changed with the adoption of the SWDP and the Council has requested that I give consideration to a further reason for refusal in respect of the site's location relative to services and facilities. The appellant has had the opportunity to comment on this and I am therefore satisfied, on that basis and given the apparent change in policy circumstances, that I can take this matter into account without prejudicing the appellant's case.

Main Issues

4. The main issues in this appeal are (i) the effects of the proposal on the character and appearance of the area; and (ii) whether the appeal site would provide a suitable location for housing having regard to the development plan and any relevant national policies.
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Reasons

Character and appearance

5. The appeal site is currently in use as a parking area for commercial vehicles. It lies within a loose complex of buildings that have the character of traditional farm buildings. Grange Lane is a quiet road that leads off Bell Lane and ends around the area next to the appeal site. It leads directly to a Public Right of Way (PRoW) and there is also an interconnecting PRoW that runs perpendicular to the lane along the other side of the well-treed north-western site boundary.
6. Development in the area is concentrated mainly to the east. This is formed in part, by a ribbon of development along the western side of Bell Lane that also spreads into Grange Lane to form a small concentration of dwellings towards its south-eastern end. However, the overall rural character of the area prevails, and is more pronounced in the immediate vicinity of the appeal site due to its separation from other development.
7. There is considerable variation in the appearance of nearby dwellings in the south-eastern part of Grange Lane. However, there is a notable gap formed by open fields between these dwellings and the appeal site. On the approach from the south-east, the largest of the buildings next to the appeal site (Heath Grange Farmhouse) stands out against a rural backdrop and extensive views. There is also a very prominent group of trees opposite. Together these features create strong focal points in views to the north-west.
8. The proposed dwellings would be sited approximately opposite Heath Grange Farmhouse and to the south-west of the tree group. Consequently, the easternmost of the two dwellings would be visually prominent and detract from the current appreciation of the setting of Heath Grange Farmhouse and the views beyond. Given the proximity of the PRoW that follows the lane, this would have an adverse effect on its users' appreciation of the rural scene.
9. I accept that the development would broadly accord with the overall spread of dwellings and plot sizes in the local area. However, the proposed variation in roof heights and combination of front and side facing gables would give the dwellings a somewhat disjointed appearance that would not reflect the more straightforward character of those around them.
10. In relation to the conversion of the Dutch barn, the overall form and fabric of this building would be largely unaltered apart from opening it up to facilitate the garaging of cars. I do not consider that this would have any significant adverse effects either on the building itself or its setting.
11. Nevertheless, this does not alter my overall findings that the proposal would result in harm to the character and appearance of the area thereby running counter to Policy SWDP 21.

Location of housing

12. Policy SWDP 2 sets out a settlement hierarchy that seeks to locate most housing within and around Worcester and in the other urban areas. Upper Broadheath provides some local services and facilities is therefore defined as a category 3 village within the hierarchy. Policy SWDP 2 sets out that such settlements are suited to accommodate market and affordable housing needs.

13. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas and sets out that new isolated homes in the countryside should be avoided unless there are special circumstances. The proposal would not fall within any of the special circumstances set out. Nevertheless, the appellant submits that the proximity of the site to local services and facilities places it in a sustainable location.
14. Amongst other things, Policy SWDP 4 requires development to minimise travel demand and offer sustainable travel choices. The appeal site is located over 1.5km from the nearest shop and about 2km from the nearest primary school. Other services and facilities are around the same distance away, although there are two public houses, slightly closer to the appeal site. It is clear to me that these distances would make walking to access day-to-day services unattractive in preference to the car. In theory, whilst cycling would provide an alternative, the dwellings' occupants would be unlikely to find it an attractive proposition after dark, given that the surrounding roads are not well-lit and also particularly, during periods of inclement weather. I am not therefore persuaded that cycling would provide a regular, viable alternative to the car.
15. I recognise that there is a regular bus service with stops near to the Bell Lane/Grange Lane junction which would provide access to other settlements and a wider availability of services and facilities. However, based on the somewhat limited frequency of the services, I do not consider travel by public transport would provide anything more than an occasional alternative to the car.
16. The Framework recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, in practical terms, there are no services or facilities in sufficient proximity that could be accessed by means other than private motorised transport. Although the likely resulting number of car journeys generated by two dwellings would be relatively low, the proposal would not be located such that it would accord with either Policy SWDP 4 or the overall Framework objective to promote sustainable transport.

Other matter

17. Paragraph 49 of the National Planning Policy Framework (the Framework) states housing applications should be considered in the context of the presumption of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
18. The Council states that it can demonstrate more than a five year hls and in the absence of any evidence to the contrary, I have no reason to doubt that this is the case. However, the appellant argues, quite correctly, that there is nothing in national policy that decrees that the existence of a five-year hls sets a ceiling to development.
19. The appellant further asserts that the footnote (9) to paragraph 14 of the Framework does not include reference to the type of development proposed in this appeal and that permission should be granted unless it would not meet the tests in the 4th bullet point to paragraph 14. However, footnote 9 does not constitute an exhaustive list, as it is plain that the policies it sets out are merely provided by way of example.

20. The recent adoption of the development plan indicates that it must be considered as being in compliance with the Framework and, for the purposes of Framework paragraph 14, it is not therefore, absent or silent. Furthermore, the Council can demonstrate a five-year hls so its relevant policies for the supply of housing cannot be considered as being out-of-date.
21. For the above reasons, even if I were to accept that the appeal site lies in a sustainable location in relation to services and facilities, given that I have already found that the proposal would not accord with the development plan due to the clear identified harm to area's character and appearance, it cannot be considered as meeting the environmental dimension of sustainable development. Accordingly, for these reasons, the 4th bullet point of Framework paragraph 14 is not engaged and the presumption in favour of sustainable development does not apply.

Conclusion

22. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector