
Appeal Decision

Site visit made on 13 October 2016

by Sarah Colebourne MA, MRTPI

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

Decision date: 8 November 2016

Appeal Ref: APP/H1840/W/16/3152156

Garage Block, The Avenue, Waresley Park, Worcestershire, DY11 7XW

- 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 Philip Deeley against the decision of Wychavon District Council.
 - The application Ref W/16/00392/PN, dated 10 February 2016, was refused by notice dated 9 May 2016.
 - The development proposed is described as '*Existing 4 bay brick garage block accessed from The Avenue, Waresley Park. Site adjacent to No 1 The Avenue*'.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage block and development of a single storey residential dwelling with parking provision at the Garage Block, The Avenue, Waresley Park, Worcestershire, DY11 7XW in accordance with the terms of the application, Ref W/16/00392/PN, dated 10 February 2016, subject to the conditions attached to the schedule at the end of this decision.

Procedural matters

2. The Council's decision, following a request from the agent prior to the decision, describes the proposed development as '*Demolition of existing garage block and development of a single storey residential dwelling with parking provision*'. As this more accurately describes the proposal, I have determined the appeal on this basis.
3. The Council has stated that it is not pursuing the second reason for refusal regarding affordable housing provision and I have therefore determined the appeal on the basis of the first reason for refusal only.

Main Issue

4. The main issue in this case is whether there are any benefits that would outweigh the location of the proposed development outside defined settlement boundaries, having regard to national and local policy.

Reasons

5. The Council's policies SWDP1 and SWDP2 in the adopted South Worcestershire Development Plan 2016 set out the Council's sustainable development principles and its development strategy and settlement hierarchy for the

- district, are relevant to the supply of housing and should be considered up-to-date as both parties accept that the Council has a five year supply of housing land. The policies are consistent with the National Planning Policy Framework (the Framework) which seeks to encourage sustainable development.
6. As the appeal site is defined as open countryside under policy SWDP2 in which development is strictly controlled and the proposal does not constitute any of the permitted categories, it would fail to comply fully with that policy. However, there are a number of other material considerations that I must take into account.
 7. The Framework also says that in rural areas, housing should be located where it will enhance or maintain the viability of rural communities. It acknowledges the difference between urban and rural areas and does not explicitly require reliance on cars to be reduced in every instance. Although the Council considers that the site's location, some 1km from the nearest school and Post Office and the position of some bus stops providing public transport to other services would necessitate crossing a busy road, I saw at my visit that the road has a central reservation and crossing area that is well signed. Furthermore the absence of any compelling road accident data leads me to conclude that access to local facilities and services would be acceptable. The proposal would make a small contribution towards supporting local services and facilities.
 8. The Framework and policy SWDP2 also seek to encourage the effective re-use of brownfield land. The appeal site lies within a semi-rural area. It includes a four bay garage block sited at one end of a row of two storey semi-detached houses that form part of an area of modern housing located within the former grounds (which are on the Council's local list of historic parks and gardens) of the grade II* listed Waresley House. The Council's officer's report accepted that the proposal would represent the development of a previously developed site. It considered that the garage block does not contribute positively to the character and appearance of the area and that its demolition would be an improvement. From what I have seen, I would agree. Whilst the garages are not derelict and this could be achieved without redevelopment, the reduction in the area of hardstanding to the front of the site and the replacement of this disused low quality, utilitarian building with an attractive design of high quality which will add some vitality at the entrance to this residential area, will be a significant improvement which provides significant weight in favour of the proposal. I have noted the Inspector's comments in the previous appeal at the site (APP/H1840/W/15/3065760) regarding the negative impact of that proposal on its surroundings but that was a one and a half storey dwelling of a different design and is not, therefore, directly comparable.
 9. The Framework also seeks to safeguard and wherever possible enhance biodiversity. As the proposal includes a green sedum roof and additional hedge, tree and grass planting to replace some of the existing hardstanding there would be a small benefit in terms of biodiversity which also carries a small amount of weight in favour of the development. Together with the benefit of the redevelopment of brownfield land, this would represent an environmental benefit.
 10. National and local policies also seek to provide for and facilitate the delivery of sufficient housing. Although the Council has a five year supply of housing land and the scale of the proposed development is small, the provision of a single

storey dwelling would nevertheless make a small contribution towards the provision of housing in the area which adds a small amount of weight in favour of the proposal and would provide a social and economic benefit.

11. I have taken into account the location of the appeal site within the Green Belt which formed the basis for the dismissal of the previous scheme. However, the Council has not raised any objection in this regard and as the proposal would cover broadly the same footprint and is of similar dimensions to the existing building, I agree that it would not have a greater impact on the Green Belt and its openness and purposes than the existing building.
12. Although the Council did not object in terms of any heritage impact, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of a listed building. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through development within its setting. As Waresley Park has been developed with suburban-style housing in several stages over the second half of the last century and more recently, the redevelopment of this small site would not result in harm to the significance of the heritage assets at Waresley House and Park or their settings.
13. In conclusion, whilst the proposal fails to accord with policy SWDP2 in terms of its location outside defined settlement boundaries, the benefits of the proposed development in total would significantly outweigh that harm.

Conditions

14. The Council has suggested a number of further conditions should the appeal be allowed. I have amended some of these for clarity and brevity and to meet the requirements of the Planning Practice Guidance. In addition to the standard time limit condition and for the avoidance of doubt and in the interests of proper planning, a condition specifying the approved drawings and details (including the Water Management Strategy) is necessary.
15. Other conditions are necessary in the interests of the character and appearance of the area as the submitted plans do not provide sufficient detail. These relate to: the approval of the external materials of the dwelling and further details of boundary treatments (soft landscaping and existing tree and hedge details have already been provided with the application and are therefore unnecessary) and the access, turning area and parking facilities (cycle storage is shown on the plans and is not therefore necessary).
16. A condition for a noise attenuation scheme is necessary to protect the amenity of the future occupiers of the dwelling given the proximity of the A449 road to the rear. Further details of renewable or low carbon energy generating facilities are necessary to help increase the use of such energy.
17. A condition for floor level details is unnecessary for the amenities of adjacent residents or for the appearance of the area given the broadly level nature of the existing site levels and those of the nearest dwelling. The suggested condition for a bat roosting feature for the protection of bats is also unnecessary in the interests of biodiversity because the appellant's survey

indicates that there was no evidence of bat presence and the building is considered to be low risk.

Conclusion

18. I conclude that, for the reasons given above, material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan as a whole. The proposed development would accord with the Framework in meeting the economic, social and environmental dimensions of sustainable development. The appeal should be allowed.

Sarah Colebourne

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 and details: WP/1Pl.2, 101, 102, RCA Water Management Statement Feb 2016.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
- 5) The dwelling shall not be occupied until the area shown on drawing No. WP/1Pl.2 (the approved landscape plan) for access, parking and turning has been drained and surfaced in accordance with details submitted to and approved in writing by the local planning authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.
- 6) Construction work shall not begin until a scheme for protecting the proposed dwelling from noise from the A449 road has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the dwelling is occupied.
- 7) Before the development begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of the development from decentralised and renewable or low carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

End of conditions.