The Planning Inspectorate

Appeal Decision

Site visit made on 1 November 2016

by R J Jackson BA MPhil DMS MRTPI MCMI

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

Decision date: 15 November 2016

Appeal Ref: APP/J1860/W/16/3155688
Orchard Farm, Worcester Road, Great Witley, Worcestershire WR6 6HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mr & Mrs Moore against Malvern Hills District Council.
- The application Ref 15/00766/OUT, is dated 22 May 2015.
- The development proposed is 4 No residential units.

Decision

1. The appeal is dismissed and planning permission for 4 No residential units is refused.

Procedural matters

2. The application was made in outline but with access, layout and scale for consideration. I have dealt with the appeal on this basis.

3. I have been provided with correspondence dated 8 February 2016 from the then applicant to the Council submitting a revised layout plan and revised indicative elevations. The revised layout plan also indicates that the size of the site had been reduced to 2000 m^2 or 0.2 ha. Rather than the properties backing on to Worcester Road (A443) with the access road being to the east of the dwellings as in the original submission, the revised layout shows the properties would face Worcester Road with the access road running between them and Worcester Road. I have used these revised plans in my decision.

4. Following the lodging of the appeal the Council indicated that, had it been in a position to do so, it would have refused the application for a number of reasons. These were that the Council considered that:

   - the proposal represented isolated new dwellings in the countryside leading to a harmful urban encroachment and that it was in an location which would not encourage the use of sustainable transport modes;

   - insufficient information had been submitted with the application to make a decision in terms of traffic noise, and thus whether it would lead to unacceptable living conditions for the occupiers of the proposed dwellings;

   - insufficient information had been submitted with the application to assess whether appropriate visibility splays at the junction with Worcester Road could be provided in the interests of highway safety;

- due to their orientation the properties did not create a strong sense of place; and
- the proposal did not provide sufficient green infrastructure.

Main Issues

5. The main issues are:

- the effect on the character and appearance of the area;
- whether the location would provide acceptable access to everyday local facilities by sustainable transport modes;
- the effect on the living conditions of the proposed occupiers;
- the effect on highway safety; and
- whether the proposal provides sufficient green infrastructure.

Reasons

Character and appearance

6. The appeal site lies on the eastern side of Worcester Road and forms part of an agricultural field. The land rises quite steeply from south to north. Apart from the boundary with Worcester Road the other boundaries are not defined on the ground. A short way to the north is a single dwelling, The Hillaries, enclosed on its southern boundary by a fence and hedge. On the western side of Worcester Road is an area of woodland, on land rising steeply to the west. A short way to the east of the appeal site is a row of single trees growing in close proximity to a stream.

7. Although there are a number of dwellings in the near vicinity this is very much an area of sporadic development in the countryside. I agree with the Council that there are clear views across the site which would be adversely and harmfully affected by the construction of four dwellings fronting Worcester Road. It would therefore represent a harmful urban encroachment detrimental to the rural landscape.

8. Notwithstanding these conclusions, it seems to me that the amended plan overcame the Council's objections to the orientation of the development. These were that the original plans did not create a proper sense of place in that the public face of the development would have been the rear of the properties with the inevitable domestic boundary treatments and paraphernalia in the public domain. Subject to an appropriate rural boundary treatment by facing the dwellings towards Worcester Road as shown on the amended plan the development would have an appropriate public face.

9. However, this does not affect the conclusion that the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to Policies SWDP 21 and SWDP 25 of the South Worcestershire Development Plan Adopted February 2016 (the SWDP) which seek that development must complement and integrate with the character of the area. It would also be contrary to paragraph 17 of the National Planning Policy Framework (the Framework) which indicates that development should recognise the intrinsic character and beauty of the countryside.

Need to travel and sustainable transport modes

10. The appeal site lies a short distance outside the settlement area of Great Witley as defined in the SWDP. The SWDP sets, in Policy SWDP 2, an overall strategy for development in the plan area focussing most development on the urban areas, where both housing needs and accessibility to lower-cost public services are greatest. Great Witley is a Category 1 village. The role of Category 1 villages is predominantly aimed at meeting locally identified housing and employment needs.

11. Paragraph 55 of the Framework indicates that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. It continues that isolated new homes in the countryside should be avoided unless there are special circumstances and gives a list of examples. The proposed development would be in an isolated location and is not being promoted under any of the special circumstances set out in paragraph 55.

12. Although there is a footway adjacent to Worcester Road to Great Witley, this is narrow and does not encourage use, particularly as large vehicles use this busy highway. There is no room to easily pass particularly for those with buggies or wheelchairs. Even though a short distance away, occupiers of the dwellings are likely to use cars to travel to the village.

13. In addition, although Great Witley has various facilities, it does not offer the full range of facilities and it any occupiers are likely to need to travel to employment or leisure activities. I appreciate that there is a school bus to the local secondary school. However, taken overall I conclude that the proposal is not well related to the settlement of Great Witley and would not be located so that the need to travel is minimised and the use of sustainable transport modes maximised.

14. As such the location would not provide acceptable access to everyday local facilities by a range of modes of transport. Therefore it would be contrary to Policies SWDP 2 and SWDP 4 of the SWDP as set out above, and will not minimise demand for travel. It would also be contrary to paragraphs 34 and 55 of the Framework as it would not be located where the need to travel is minimised and would represent isolated new dwellings in the countryside.

Living conditions

15. Worcester Road is a busy A category road with, I observed at the site visit, a significant number of heavy goods vehicles travelling along it. The traffic, particularly as some of it was travelling uphill, has the potential to generate traffic noise pollution. Policy SWDP 31 of the SWDP indicates that development proposals should be designed in order to avoid any significant adverse impacts from pollution.

16. While the original layout had the potential for noise pollution in the rear gardens of the properties, the amended layout avoids this as the dwellings themselves would provide a barrier. However, without information as to the existing noise levels on the site, it is not possible to confirm that normal construction methods would not need to be enhanced to ensure that appropriate living conditions would exist within the proposed dwellings.

17. Therefore, I have insufficient information to allow me to ascertain that satisfactory living conditions for any occupiers would exist. As such the proposal would be contrary to Policy SWDP 31 of the SWDP set out above. It would also be contrary to paragraph 17 of the Framework as I am not able to be satisfied that the proposal would deliver a good standard of amenity for all future occupiers of land and buildings.

Highway safety

18. The appeal site lies on a section of Worcester Road where the speed limit is 40 mph, although this reduces to 30 mph just beyond the southern extent of the appeal site. The Council indicates that an 85%ile speed check indicates a speed of 41 mph which, following Manual for Streets, means that visibility splays of 2.4 m by 108 m should be achieved in both directions to ensure highway safety.

19. The Council has objected to the proposal on the basis that insufficient information has been provided to demonstrate that these visibility splays can be achieved. However, it seems to me that having obtained the 85%ile speed for the area, given that the location of the access point is fixed as part of the proposal, it is possible to ascertain whether sufficient sight lines can be delivered.

20. Southwards the road is relatively straight and downhill. At the site visit I looked at the sight lines and am satisfied that satisfactory sight lines can be achieved, particularly as approaching traffic would be on the opposite side of the carriageway. Northwards the Worcester Road curves away from the site meaning that any sight line requires views across the northbound carriageway. However, from the site visit I am satisfied that sufficient visibility is available to ensure highway safety.

21. In light of this I am therefore satisfied that the proposals would not be prejudicial to highway safety. The proposal therefore complies with Policies SWDP 4 and SWDP 21 of the SWDP in that the proposals would have regard to the design criteria and principles set out in Manual for Streets, and access the highway safely. It would also comply with paragraph 32 of the Framework which requires safe and suitable access to the site for all people.

Green Infrastructure

22. Policy SWDP 5 of the SWDP indicates that for greenfield sites of less than 1 ha but more than 0.2 ha (gross) area 20% of the site should Green Infrastructure (GI). The amended plan reduces the site area to 0.2 ha and as planning policies should be read objectively the proposed site area is not more than 0.2 ha. Consequently this policy is not engaged.

23. The Council's statement also indicates that the "the current proposed development would result in the loss of a significant area of Green Space associated with the implementation of 13/00417/OUT". However, the appeal site is an undeveloped area and I have not been provided with any previous planning history to show that it forms GI or would form part of the GI requirements of another planning permission. This means that there would be no requirement for any "lost" GI to be replaced.

24. Due to the size of the site Policy SWDP 5 of the SWDP is not engaged by this proposal. I am therefore satisfied that the proposal makes adequate provision for GI within its terms.

Other matters

25. The appellants have indicated that the properties would be constructed on a self-build basis. While the Government has expressed support for self-build this does not provide an exception to the normal restrictions on building in the countryside. I also note that two of the properties would be for family members of the appellants. While the personal circumstances of an occupier can be a material consideration, I have not been provided with any information to show that they are so material as to be determinative in this matter.

26. Reference has also been made to a forthcoming Neighbourhood Plan for the area, but there is nothing in front of me to indicate that the plan has made any significant progress to adoption, nor what any policies might contain I can only give this plan very little weight in line with paragraph 216 of the Framework. There is also reference to a site a 'Mill Orchard', but I have no details beyond that reference and am thus unable to take this into account.

Conclusion

27. For the reasons given above I conclude that the appeal should be dismissed.

R J Jackson

INSPECTOR