
Appeal Decision

Site visit made on 18 October 2016

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

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

Decision date: 07 December 2016

Appeal Ref: APP/R1845/W/16/3154782

Heightington Road, Ribbesford, Bewdley DY12 2TU

- 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 & Mrs A Downes against the decision of Wyre Forest District Council.
 - The application Ref 15/0666/FULL, dated 26 January 2015, was refused by notice dated 22 March 2016.
 - The development proposed is replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be in a suitable location, having regard to the character and appearance of the area; and,
 - the effect of the proposed access on highway safety on Heightington Road, with particular reference to visibility splays.

Reasons

Suitable Location

3. The appeal site is located on land adjacent to 'the Bungalow' on Heightington Road. Though the large plot lies between two existing dwellings, it is in a rural location in the midst of fields and woodland and backs on to a local wildlife site. The town of Bewdley is the nearest major settlement.
4. Policy DS01 of the Wyre Forest Local Development Framework Core Strategy (2006-2026) (CS)¹ focusses new development on brownfield sites in urban areas and states that development in the open countryside will be closely controlled. Policy SAL.DPL1 of the Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026 (SAPLP)² supports the CS. Though it allows for some small windfall development in Bewdley, that does not extend to locations in the countryside surrounding the town such as the appeal site.
5. The appellants contend that the main existing structure on the site, a single storey brick and part breeze block building, was used as a dwelling in the past.

¹ Adopted December 2010

² Adopted July 2013

Policy SAL.DPL2 in the SAPLP states that within rural areas residential development will not be permitted unless certain exceptional circumstances apply. The appellants argue that the proposal meets the exception which refers to the replacement of a permanent existing lawful dwelling.

6. The building on the site has two wide garage-like doors and though there is evidence of some basic facilities inside such as a toilet, wash basin and fireplace, it does not give the impression or have the appearance of any typical house or residence. It is in a poor state of repair and appears long abandoned.
7. Correspondence has been supplied by the appellants from three local people with recollections of the past occupation of the property, ending about 30-40 years ago. Overall, I agree with the Council that on the basis of the limited evidence supplied the previous use of the building and whether such use was lawful remains unclear. The one certain aspect is that residential use has long since ceased leading to abandonment. The appellants' supporting planning statement refers to 'test-cases' concerning abandonment which they believe advance their case but no details have been supplied and I am, therefore, unable to consider that aspect further.
8. Though the Council has not objected to the design of the dwelling and the site would be relatively screened from the road, some trees and vegetation would need to be removed for the access. As the new building would also be brought forward on the site, residential development would be apparent. There would also be no guarantee that the existing planting would be retained in the future. Though there would be some improvement to the site compared with its current condition, the existing screening means that the public benefit of that would be limited.
9. Paragraph 55 of the National Planning Policy Framework³ (the Framework) also advises Councils to avoid new isolated homes in the countryside. Whilst it and Policy SAL.UP11 of the SAPLP do countenance exceptions to that principle in the re-use of redundant or disused buildings, the proposal is to demolish the existing structure rather than convert it. Consequently, it does not meet those exceptions or marry up with the encouragement given in paragraph 51 of the Framework to bring back empty housing or buildings into residential use.
10. Whilst the proposed development would be between two existing dwellings, I do not regard it as infill as that is normally considered to involve filling a relatively small gap between existing frontages within a denser built environment, rather than between looser groupings of houses on more generous plots. Furthermore, the existing two houses do not form a settlement which is usually considered to be a somewhat larger community of dwellings. In any event, it is on a country road, with no footway, in a relatively isolated rural location, beyond any settlement boundary and remote from services leading to a reliance on the private motor car. It would result in an intensification of residential development in the countryside and fail to safeguard the character of the landscape.
11. Therefore, I conclude that the proposal would be in an unsuitable location harming the character and appearance of the area. It follows that it conflicts with the objectives of policies DS01 of the CS and SAL.DPL1 and SAL.DPL2 of the SAPLP, which amongst other things, seek to focus new development on

³ 2012

existing towns and settlements and strictly control residential development in the countryside.

Highway Safety

12. The highway authority, Worcestershire County Council, expressed concern that the proposal does not make adequate provision for suitable visibility splays in relation to the access drive. That would endanger highway safety by leading to potential conflict between vehicles exiting the site and those travelling on Heightington Road. I am satisfied, however, that the issue could be resolved by means of a suitable condition.

Other Matters

13. Whilst I am sympathetic to the appellants wish to redevelop the site to house their elderly relatives, it does not amount to a local need for housing in policy terms. Such personal circumstances are not sufficient to outweigh the wider harm that I have identified.

Conclusion

14. Though I consider that the highway safety issue could be resolved by imposing an appropriate condition, the unsuitable location and resulting harm to the character and appearance of the area remains. Therefore, I conclude that, for the reasons given above and having regard to all other matters raised, the appeal should be dismissed.

Jonathan Tudor

INSPECTOR