

Appeal Decision

Site visit made on 4 January 2017

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 17 March 2017

Appeal Ref: APP/H1840/W/2016/3156034

**Land opposite Himbleton School, Neight Hill, Droitwich, Worcestershire
WR9 7LE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Jenkins against the decision of Wychavon District Council.
 - The application ref: W/15/03127/OU, dated 17 December 2015 was refused by notice dated 12 February 2016.
 - The development proposed is the erection of 2 no detached houses, school parking area comprising of 12 spaces and forest garden and creation of new access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Details at Section C of the appeal form include two local planning authority reference numbers, and some of the submitted documents relate to the later of those two planning applications which does not include the proposed parking or forest garden facilities. However the application and refusal dates and also the description of development on the appeal form are those relating to the earlier planning application, and set out in the banner heading above. For the avoidance of any doubt, it is that earlier proposal which is the subject of this appeal decision.
 3. The application is made in outline but includes access from the highway. As details of layout, scale, appearance and landscaping are reserved for future consideration, I have treated the indicative layout on the 1:500 block plan as being for illustration purposes only.
 4. The South Worcestershire Development Plan (SWDP) (2016), adopted shortly after the appeal application was refused, is now the development plan for the purposes of determining this appeal. Policies SWDP 1 and SWDP 2 are especially relevant, in place of Policy GD1 of the Wychavon District Local Plan (2006) which was cited in the Council's refusal reasons.
 5. In its statement the Council confirms it is not pursuing its fourth refusal reason, relating to a contribution towards affordable housing. I have not therefore considered that matter any further.
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Reasons

1. The **first main issue** is whether the site is an appropriate location for the proposed dwellings, having regard to development plan policy, the *National Planning Policy Framework* and any other material considerations. Given the Council's refusal reasons the **second main issue** is the adequacy of the proposed access arrangement, with reference to highway safety, and the **third main issue** is the effect of the proposals on living conditions at neighbouring properties.

Policy context and site location

2. Policy SWDP 2 sets out the development strategy and settlement hierarchy for the location of new housing and other development in the District. It establishes that the majority of new development will be located in larger settlements with good accessibility, services and facilities. Such a strategy, pursuant to Policy SWDP 1 and the *Framework's* principles of sustainable development, is a commonly-used approach in seeking to achieve the three inter-linked elements of sustainable development.
3. The fourth tier in the settlement hierarchy comprises Category 1, 2 and 3 villages which have some local services and facilities. Sites are allocated for development in some of these villages to address the need for housing and to support local services. Infill development within the defined development boundaries is also acceptable in principle, subject to any other detailed policy requirements. Sites outside the development boundaries are to be considered as open countryside where development will be strictly controlled.
4. Himbleton is a Category 3 village with only a few facilities, including the primary school opposite the site, and the bus service is very limited. A plan appended to the Council's statement illustrates the defined development boundary and also an allocated development site within that boundary. The sizeable appeal site is some 200m¹ beyond the defined boundary. For planning policy purposes it is therefore to be considered as being in the countryside, even though there is an existing dwelling to each side and some development on the opposite side of the road.
5. I note the appellant's view that occupants of the two proposed dwellings would use and help to support local facilities including the school. Nonetheless there is little substantive evidence to demonstrate the proposed dwellings would meet a local need or support local services. Nor would they fall within any of the types of housing specified at SWDP 2.C as appropriate in the countryside.
6. The proposal for two dwellings on the appeal site would therefore conflict with the strategy for the location of new housing in the relatively recently adopted SWDP. As the Council can currently demonstrate a five-year supply of deliverable housing sites I have no reason to treat the SWDP policies as anything other than up-to-date.
7. I appreciate that, practically, the appeal site would not differ very greatly from properties within the defined development boundary in terms of access to services and facilities and the need to travel by private car. However the delineation of a settlement boundary and the choice of a site for some additional housing in a small settlement are matters which would normally be considered when a new plan is prepared, in the light of any representations

¹ This is the distance given in the appellant's statement of case

made through consultation exercises. Whether or not the appeal site was considered during the SWDP process is not mentioned in the representations. In any event, on the basis of the information before me, the relative merits or otherwise of the site now allocated in the SWDP do not provide sufficient justification to allow proposals such as these which would not accord with the up-to-date development plan.

8. The appellant's statement of case includes reference to two other sites where permissions were granted on appeal² but, at the time of both appeal decisions, the Council was unable to demonstrate a five-year housing land supply. A different approach to decision-taking was therefore required in those cases, to accord with paragraph 14 of the *Framework*, irrespective of the various other differences between those two cases and this one.
9. Another appeal decision³ ('Pendock'), issued after adoption of the SWDP, is cited in the appellant's final written comments and is also mentioned in a fourth appeal decision⁴ ('Peopleton', appended to the Council's statement). Both of these relate to sites outside SWDP defined development boundaries. The proposal in Pendock was allowed despite a conflict with the SWDP strategy. However the Inspector in the Peopleton case explains in his decision why he is "not bound to follow suit as a matter of principle" and I agree with his reasoning. Moreover the site in the Pendock appeal involved use of previously developed land, thereby creating a materially different combination of circumstances from those in this case. In short, I find that none of these appeal decisions provide sufficient justification to set aside the up-to-date SWDP policy in the particular circumstances of this case.
10. Turning to other considerations, I have no reason to doubt that the proposed car park and forest garden area for the village school are intended to provide positive benefits in terms of both additional facilities for the school and a reduction in on-street car parking with consequent highway safety benefits. Local opinions are divided on whether existing on-street parking associated with the school is a safety issue, whether such parking acts as a traffic calming feature and whether children crossing the road to reach the car park/garden area would create a highway safety issue. More significantly, there is no substantive evidence before me to indicate the school requires or positively supports provision of these facilities. On the contrary, it appears the school governors do not support the proposals⁵. In any event, in the absence of any certainty that these elements of the scheme would be provided, I can give them little weight as benefits of the appeal proposals.
11. Adding two new dwellings to the District's supply of housing would have some social and economic benefits, and they could be designed to a high standard in terms of appearance and energy efficiency without detriment to the character of their rural surroundings. However such benefits would not be sufficient to outweigh the conflict with the up-to-date SWDP development strategy which accords with the principles of sustainable development. On this issue therefore I conclude the site is not an appropriate location for the proposed dwellings and in this respect the appeal proposals would conflict with the SWDP and with the *Framework*.

² Appeal refs: APP/H1840/A/13/2194010, decision dated 17 September 2013; APP/H1840/A/14/2213555, decision dated 9 June 2014

³ Appeal ref: APP/J1860/W/15/3135877, decision dated 6 April 2016

⁴ Appeal ref: APP/H1840/W/15/3136995, decision dated 5 August 2016

⁵ On the basis of a statement dated 24 November 2016 which appears to originate from the Clerk to the Governors but which is unsigned and was submitted by a local resident rather than directly by the school

Access and highway safety

12. Although access into the site from the highway is included in this outline application, the purpose of the indicative layout is simply to demonstrate how the site might potentially be laid out. An accurate survey plan and detailed layout of the proposed car park and of turning and manoeuvring areas within the overall site could be considered at the reserved matters stage and/or could be required by condition(s).
13. Given the very generous size of the overall site I am satisfied that an alternative layout could be devised to address concerns about turning into and out of the car park entrance and to provide safe access to and from the highway with appropriate visibility splays. I therefore find no sufficiently compelling grounds to conclude the appeal proposals would compromise highway safety contrary to provisions in SWDP 21: Design and the *Framework*.

Living conditions at neighbouring properties

14. As the site address suggests, the appeal site is on a hill and the slopes are such that the existing dwelling to the east is at a higher level and the one to the west ('Himbleton View') is at a lower level. If the school car park was to be provided in the way suggested on the indicative layout then up to twelve vehicles could be parked close to the boundary with Himbleton View and at a higher level. Potential adverse impacts on living conditions at that property might include loss of privacy and/or noise and disturbance from both pedestrian and vehicle movements and lights. As the school does not appear to have been actively involved during the application process in establishing how the car park might be used and managed, it is difficult to assess with any certainty how significant any such impacts might be.
15. In any event, and as with the access issue, an alternative layout could be considered at the reserved matters stage and there would also be scope for mitigation measures, such as improved boundary treatment for example, which could be secured by condition(s). In these circumstances I find no sufficiently compelling grounds to conclude the appeal proposals would cause material harm to living conditions at the neighbouring property contrary to provisions in SWDP 21: Design and the *Framework*.

Conclusions

16. I have had regard to all other matters raised including the scope to address other matters such as provisions for drainage by condition. However neither these nor my findings on the second and third main issues are sufficient to alter or outweigh my conclusions on the first main issue. It follows that I conclude overall the appeal proposals would conflict with the development plan and with the *Framework* which establishes, as a core planning principle, that planning should be genuinely plan-led. The proposals would not therefore constitute sustainable development and thus the appeal must fail.

Jane Miles

INSPECTOR