The Planning Inspectorate

Appeal Decision

Site visit made on 20 March 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 23rd March 2017

Appeal Ref: APP/H1840/W/16/3165331
Two Oaks, Besford Road, Wadborough, Besford WR8 9AN

- 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 G Steward against the decision of Wychavon District Council.
- The application Ref W/16/01439/PN, dated 1 June 2016, was refused by notice dated 22 September 2016.
- The development proposed is for replacement dwelling and associated access.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr G Steward against Wychavon District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the replacement dwelling on the character and appearance of the surrounding countryside.

Reasons

4. The appeal site is located in the open countryside well outside any defined settlement limits. The surrounding landscape is characterised by broadly flat agricultural land interspersed by strong hedgerows, copses and woodland areas. The site lies directly opposite the appellant's existing modern bungalow of brick under a tiled roof. Immediately to the north of the bungalow and beyond an existing evergreen hedge are three large agricultural buildings.

5. Because of the presence of mature trees on the roadside edge, the existing bungalow is not seen widely in the landscape; the same cannot be said to be true about the appeal site. By contrast, the proposed dwelling would occupy a larger footprint and would be of greater height than the existing building. It would encroach upon an entirely different site. I note the attention given to the design of the building incorporating barn-like proportions and detailing with the use of traditional external materials. However, I am of the view that it would significantly increase the presence of built development in the countryside and its prominent siting and scale would cause harm to the rural character and appearance of the area. Although the development would not breach the Council's policy that the replacement dwelling should not exceed the

size of the original footprint by more than 30%, the size and bulk would have a quite different impact on this countryside location, notwithstanding that it also falls outside the existing footprint and would appear as an isolated new dwelling.

6. I have noted the proximity of protected trees, the presence of power lines and the concerns over the unstable land conditions to the rear of the existing bungalow. However, in my view, these constraints do not present insurmountable challenges and despite the structural integrity of the present structure, these matters in combination do not provide sufficient justification to outweigh the harm identified above.

7. I conclude that the proposed development would be significantly detrimental to the character and appearance of the countryside which would be contrary to policy SWDP 18 of the South Worcestershire Development Plan (SWDP). This policy deals with replacement dwellings in the open countryside and requires that the replacement dwelling is not disproportionately larger than the dwelling it replaces, that it occupies the footprint of the existing dwelling and that it does not lead to an expansion of the curtilage area of the existing dwelling. Moreover, the proposal would fail to integrate well into its rural setting, which would be contrary to Policy SWDP 25 that seeks to ensure that new developments are appropriate to and integrate with the character of the landscape setting.

Other matters

8. The appellant draws attention to a recent appeal decision[1] elsewhere in the District that allowed a replacement dwelling on a site in the countryside. As both the Inspector at that appeal and the appellant in this appeal freely admit, each case has to be considered on its individual planning merits. However, I noted that the reason for refusal in the 2015 case was on a much narrower basis than the present appeal. The proposed house did not seek an entirely new residential curtilage on the opposite side of the road as proposed here but instead would be located on previously developed land and within a grouping of existing buildings. The Inspector also noted the severely cramped nature of the converted outbuilding and the degree of overlooking that prevented reasonable enjoyment of outside amenity space.

9. Although the Inspector at that appeal also found the development to comprise sustainable development, the appeal scheme before me falls not because it fails to meet the social and economic strands of sustainability necessarily but rather because it would be built on a greenfield site and thereby cause harm to the open landscape character and appearance of the area. Using the appellant's terminology, I conclude that the 'pro's' of this appeal proposal would be outweighed by the 'con's'. The proposal would not represent sustainable development.

10. I have taken into account that the existing bungalow could be extended but I have little doubt that whilst it might result in a larger dwelling at this location, the resulting development would be contained within an existing established residential curtilage that is located in a discreet position within the landscape.

[1] APP/H1840/W/14/3000885

Conclusion

11. For the reasons given above and having considered all other matters raised, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR