
Appeal Decision

Site visit made on 23 January 2017

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/H1840/W/16/3160925
Boston Lane, Charlton WR11 2RD

- 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 & Mrs J & D von Niebel against the decision of Wychavon District Council.
 - The application Ref W/16/01626/OU, dated 24 June 2016, was refused by notice dated 22 September 2016.
 - The development proposed is the construction of 4 self-build dwellings.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline, with matters relating to appearance, landscaping and scale reserved. I have dealt with the appeal on this basis, treating all plans as illustrative, except where they deal with matters of access and layout.

Main Issues

3. These are:
 - i) whether the site is a suitable location for the proposed development with regard to local policy and other considerations; and,
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

Site location

4. The starting position for the consideration of this appeal is the South Worcestershire Development Plan (SWDP) adopted in February 2016. Policy SWDP2 of the SWDP sets out the development strategy and settlement hierarchy for the district. The appeal site is outside the development boundary of Charlton which is identified in the SWDP as a Category 4B village. The site is also outside the settlement boundary of Evesham. For policy purposes, therefore, the development would be within the open countryside.
 5. Criterion C of policy SWDP2 states that development outside an identified settlement and therefore in the open countryside will be strictly controlled and
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will be limited to certain forms of development¹. None of these exceptions apply here. The proposed development is therefore contrary to policy SWDP2 which in turn implies that the new housing would be within a location that is not supported by policy and by implication, would be unsustainable.

6. Boston Lane is a road that is unlit and devoid of a pavement. The road has the characteristics of a rural road, bound on both sides by hedgerows, grass verges and mature landscaping. The opportunities, therefore, for prospective residents to walk safely and out of the way of oncoming traffic are limited. Moreover, the site is a distance from the nearby settlements of Charlton and Evesham and therefore the development would not be within a reasonable walking or cycling distance of local services and facilities.
7. The appellant suggests that the site is within a short distance of a farm shop and café, a grocery store, a takeaway and a public house as well as a local bus service and that there are footpaths connecting the site with Hampton, the most western part of Evesham. I have no details pertaining to these matters for me to consider how residents might access local services and facilities by more sustainable means than the motor car. As it stands the facilities described are limited and as a result residents would still be reliant on the motor car to meet their daily needs. Furthermore, in the absence of details to suggest otherwise, bus services in a rural location, as is the case, are often limited and do not provide a regular service that residents can depend on. This leaves me to conclude that residents would be primarily reliant on the car, contrary to a core land use planning principle of the Framework which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.
8. In all, therefore, I find that the development would be in an unsuitable location having regard to its accessibility to services and facilities and therefore would be contrary to policy SWDP2 of the SWDP.

Character and appearance

9. The appeal site adjoins a small cluster of buildings either side of Boston Road. The buildings are dispersed and surrounded by mature landscaping in an area rural in character. The appeal site itself also has a rural feel being an open field surrounded by mature hedgerows and trees. The indicative plans show how four houses could be accommodated on the site. Using the existing access into the site would help assimilate the development into its surroundings, as would the suggested retention of the hedgerow adjoining Boston Lane and an area of habitat within the site. Nevertheless, four dwellings would be a clear incursion into an underdeveloped space that has the characteristics of the countryside. This domestication of the land would be harmful to its countryside character.
10. Beyond the immediate cluster of the buildings surrounding the appeal site, the development would be a distance from the settlements of Charlton, Evesham and Hampton for the development to be considered part of the more urban character of these settlements.

¹ Dwellings for rural workers, employment development in rural areas, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings, renewable energy projects and development specifically permitted by other SWDP policies.

11. In all, therefore I find that the development would have a harmful effect on the character and appearance of the area. As such the development would conflict with policies SWDP21 and SWDP25 of the SWDP which seek development that integrates effectively with its surroundings and the character of the landscape setting.

Other matters

12. The development is described as self-build residential plots. The Council has 28 people on the register of custom builders. Whilst this suggests an appetite for self-build within the area, it is not a figure which suggests a high demand that weighs heavily in favour of allowing development in a location unsupported by the Council's strategy for development. Furthermore, I concur with the Inspector examining the SWDP that self-build properties are another form of market housing and therefore in this instance, I do not consider that self-build housing should be treated more favourably.
13. I note that planning permission has been granted at The Old Winery, opposite the appeal site, for the conversion of an existing building for holiday lets. The conversion of an existing building and the use as holiday lets are material differences to the development proposed for them to not carry weight by way of precedent in favour of the appeal.
14. The provision of green infrastructure and the mitigation measures proposed in light of the preliminary ecological assessment are welcome, as is the consideration given to the orientation of the development for the purposes of heating and cooling and impact on neighbourhood amenity. However, whilst these measures could be secured by condition for more detailed consideration at the reserved matters stage, they would not outweigh the harm identified as a result of the site's location and impact on the character and appearance of the area. In light of this they do not carry weight in favour of the appeal.
15. The appellant draws my attention to appeal ref: APP/P3040/A/13/2191142 regarding the location of the development and surrounding built development. However I have no details of this appeal or the sections of it that are considered relevant to give any weight to it by way of precedent.

Overall balance and conclusion

16. I have found that the development would be harmful by way of being in an unsuitable location and having a harmful effect on the character and appearance of the area. For this reason the proposal would be contrary to the development plan as indicated. The other matters put forward in favour of the development proposed do not outweigh this harm and therefore the development would be unsustainable. As a result the appeal is dismissed.

R Walmsley

INSPECTOR