
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: 11 April 2017

Appeal Ref: APP/J1860/W/16/3160660

Land adjoining Picken End, Hanley Swan, Worcestershire WR8 0DQ

- 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 P Badger against the decision of Malvern Hills District Council.
 - The application Ref 16/00020/OUT, dated 7 December 2015, was refused by notice dated 11 April 2016.
 - The development proposed is outline application, with all matters except for access reserved, for the erection of 4 dwellings.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline, with all matters reserved except for access. I have dealt with the appeal on this basis, treating all plans as illustrative, except where they deal with matters of access.

Background and Main Issues

3. The Council refused the planning application on two grounds; the second concerning the lack of an off-site contribution towards affordable housing. During the course of the appeal the Council withdrew this reason for refusal, subject to a condition to restrict the gross floorspace of the development in the event that the appeal is allowed. In light of this the main issues are:
 - (i) the effect of the proposal on the character and appearance of the area; and,
 - (ii) whether the proposed development would be within an acceptable location having regard to the policies of the South Worcestershire Development Plan (SWDP).

Reasons

4. The starting position for the consideration of this appeal is the South Worcestershire Development Plan (SWDP), adopted in 2016. The Council has a 5 year supply of housing which does not bring its policies into question by virtue of paragraph 49 of the National Planning Policy Framework (the Framework).
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Character and appearance

5. Policies SWDP21 and SWDP25 seek to ensure that development is of a high design quality and integrates effectively with the character of the landscape setting. The appeal site is part of a larger field which adjoins the housing on Picken End and is highly visible within views from the surrounding fields and public footpaths. Picken End is a residential street with houses that front the road and terminates at a gate, beyond which is an agricultural field which the appeal site is part of. The appeal site is therefore rural in character.
6. The southern and western boundaries of the appeal site are clearly defined; abutting existing development and demarcated by an established fence line and hedgerow. To the north and east, the agricultural land extends beyond the boundaries of the appeal site as defined on the site plan, providing long distance views across an open field.
7. Whilst the application is in outline, the drawings show an indicative layout and the appellant has indicated that the houses would be two storeys in height. The presence of houses would result in a notable change in the character of the site; from a rural to a more urban one. The houses would also extend beyond the built form of the housing on Picken End. Whilst there would be some continuity in building lines with the existing housing, and the proposed access road would form a logical extension of Picken End, the development would protrude incongruously into an open field. As a result the houses would be clearly visible beyond any existing urban boundary and would appear inharmonious with the landscape.
8. I appreciate that when viewed from the west, the proposed houses would be seen within the context of the existing houses on Picken End and in a wider context, the residential development of Winnington Gardens. Furthermore, the existing landscaping south of the site, together with any tree planting as suggested by the appellant which could be secured by condition, would help to assimilate the development into the landscape. Nevertheless, whilst I have no doubt that these factors would help lessen the visual impact of the development, they would not overcome the harm found as a result of the location and scale of the houses and their encroachment into the open countryside.
9. I note the reference within the County Landscape Character Assessment to the importance of conserving and enhancing hedgerow patterns. New planting as part of the development would benefit biodiversity and as identified above, would help lessen the visual impact of the development. The indicative plans show how the development could be landscaped, with planting on the site's boundaries. However, there is no indication that this planting would be informed by a pattern of historical or existing hedgerow patterns to be of benefit to the local character of the landscape.
10. I find, therefore, that the development would be highly visible and incongruous within the landscape, harmful to the character and appearance of the area and contrary to policies SWDP21 and SWDP25.

Location of development

11. Policy SWDP2 sets out the development strategy and settlement hierarchy for the district. The proposed development would be located outside the

development boundary of Hanley Swan, a Category 1 settlement that provides a range of local services and facilities. For policy purposes, therefore, the development would be within the open countryside.

12. Criterion C of policy SWDP2 states that development outside an identified settlement and therefore in the open countryside will be strictly controlled and will be limited to certain forms of development¹. None of these exceptions apply here. The location of the development, therefore, would not be in accordance with policy SWDP2.
13. The site is within a reasonable walking and cycling distance of the village which offers a range of services and facilities and a local bus service. Indeed parties agree that the site is within an accessible location and from my observations on site and the evidence before me I concur. By implication, therefore, residents would not be reliant on the private car to meet their daily needs. However, the SWDP is a recently adopted plan and the purposes of policy SWDP2 is to focus most development within development boundaries and to meet an identified local need, in accordance with the Framework which seeks to manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Whilst the accessible location of the site would encourage more sustainable modes of travel, there is nothing before me which leads me to conclude that policy SWDP2 should be set aside.
14. I find, therefore, that the development would conflict with policy SWDP2 and given the recent adoption of the SWDP and its compliance with the Framework, I give weight to this conflict.

Other considerations

15. The development would result in a number of benefits, creating jobs during construction and supporting local services and facilities within the village. The development would increase Council Tax revenue. Subject to appropriate conditions to secure such details, the development would result in sustainable methods of construction and an enhancement of local biodiversity. Being a development for four dwellings I attach moderate weight to these benefits.

Conclusion

16. The development would have a harmful effect on the character and appearance of the area and would be within an unacceptable location and as a result would be contrary to the development plan, as indicated. The moderate weight given to the benefits identified do not lead me to determine the appeal other than in accordance with the development plan. The proposal would not, therefore, be sustainable development and as a result the appeal is dismissed.

R Walmsley

INSPECTOR

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.