
Appeal Decision

Site visit made on 19 April 2017

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 12 May 2017

Appeal Ref: APP/J1860/W/16/3165260

Land adjacent Pattan Bungalow, Abbots Wood, Littleworth WR5 3QH

- 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 Morris against the decision of Malvern Hills District Council.
 - The application Ref 16/00008/FUL, dated 9 November 2015, was refused by notice dated 15 June 2016.
 - The development proposed is 1 no 4 bed house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. Following the submission of the appeal an amended plan was submitted by the appellant, which was made available for public consultation. Consequently, I do not consider that anyone's interest will have been compromised by my acceptance of the plan which showed a revised location for the proposed dwelling but did not alter its design.
 3. I am aware that there is an inconsistency in the spelling of Pattan Bungalow between that found on the application form and other documentation. However, for the purposes of this appeal I have used the spelling found on the application form. In addition, I note that there are a number of differences between the floor plans and elevations as submitted. For the avoidance of doubt I have determined the appeal on the basis of the submitted plans of the elevations, and the amended block plan. As I have dismissed the appeal this has not impacted on my ability to determine it.
 4. Prior to the application having been determined the South Worcestershire Development Plan (DP) was adopted.
 5. In addition, prior to determining the appeal I requested an extract of the Policies Map. A copy of this plan was circulated to the appellant for information.
 6. The proposed development was refused for five reasons, one of which related to the provision of an off-site contribution for affordable housing. However, the Council has since confirmed that it no longer wishes to pursue this reason for refusal. Therefore, I have not considered it in my determination of the appeal.
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Main Issues

7. Both main parties are agreed that the Council can demonstrate a deliverable supply of five years of housing. The main issues in this case are whether the proposed development would be consistent with the settlement strategy of the development plan; the effect of the proposed development on the character and appearance of the area including whether the proposal would result in environmental improvements; and the effect of the proposed development on highway safety.

Reasons

Settlement strategy

8. Policy SWDP 2 of the DP sets out the settlement strategy to control and distribute development. This has been informed by the Village Facilities and Rural Transport Study which sets out a detailed assessment of services and available facilities. Open countryside is explicitly defined within the policy as land beyond any development boundary.
9. The appeal site lies adjacent to a stretch of ribbon development, including the Parish Hall and pre-school and playing fields, which runs to the south of Littleworth along Wadborough Road, but falls outside of the defined settlement boundary of Littleworth. Consequently, the appeal proposal falls to be judged by the provisions of criterion C of Policy SWDP 2 of the DP, which is broadly consistent with Paragraph 55 of the Framework, and strictly limits development to a number of exceptions, none of which include the construction of market housing within the open countryside.
10. In support of the appellant's case, I have been provided with considerable detail as to the distance between the appeal site and local facilities, with which I have no reason to disagree. However, this relative proximity to services, in itself, does not weigh against the provisions of the settlement strategy and the planned distribution of housing set out in the adopted policy of the development plan. In coming to this conclusion, I am aware of the importance of windfall housing and that housing targets should not be considered as a cap on the delivery of housing.
11. As such the appeal proposal for market housing outside of the defined settlement boundary is contrary to Policy SWDP 2 of the DP.

Character and appearance

12. The narrow appeal site is situated between Pattan Bungalow and open agricultural land to its west and to the south. The wider rural landscape is relatively flat, characterised by irregular shaped fields, hedges and small groups of woodland and isolated trees, with dispersed farmsteads and dwellings consistent with its identification within the Worcestershire Landscape Character Assessment as Principal Settled Farmlands with Pastoral Land Use. However, as described above, the adjacent Pattan Bungalow is the last house at the end of a string of ribbon development and is visually separate from the neighbouring agricultural field.
13. The appeal site includes a disused, box like, utilitarian workshop made of sheet metal, set back off the road with a large concrete apron at its front. When viewed from the road it appears similar to a large outbuilding and from what I

observed on site appeared visually linked to the grounds of Pattan Bungalow. Consequently, due to the angle of the boundary with the fields and its location behind the building line of Pattan Bungalow it is not especially visually intrusive.

14. The proposed dwelling would be constructed of traditional materials and be a two storey brick development with a pitched roof and attached garage with a lower cat slide roof and dormer. To ensure the required three metre distance is maintained between the mid- point of the culvert, the footprint of the proposed development would be set at an awkward angle, close to the boundary with Pattan Bungalow, and would not be parallel with the road. This would result in an odd relationship both with the front elevation and the road, and the front elevation of the appeal property and the neighbouring dwelling. This impact could be mitigated, to some extent, through appropriate landscaping. However, the fundamental concerns relating to the angle and position of the property could not be overcome. Consequently, when approaching the village, the appeal proposal would adversely impact on the character and appearance of the area. Similarly, when leaving the village, due to the angle of the side of the property the odd roofline as a result of the changes in roof levels, together with the number of dormers would appear clumsy and conspicuous, contrary to the principles of good design set out in Policy SWDP 21 of the DP.
15. Moreover, the creation of an additional dwelling which would extend the stretch of housing development out of the village would result in the further suburbanisation of the countryside, which would be contrary to the objective of Policy SWDP 25 of the DP. This requires that developments enhance the primary characteristics defined in the relevant character assessment, which in this case is that development is dispersed. Consequently, the design of the proposed house would be contrary to Policy SWDP 25 of the DP.
16. In coming to this conclusion, I have been aware of the existing visual impact of the workshop and have concluded that the design and location of the proposed development would not result in an environmental improvement. Indeed, it would result in substantial harm to the rural character and appearance of the area.

Highways

17. I note that the Highway Authority has not raised any technical objection to the proposed development relying on the imposition of conditions as a means of ensuring that road safety matters are resolved and adequate parking provision is made. However, in the absence of detailed plans, it is not clear that the development, in which the house would be positioned closer to the road than the existing building, would be able to provide safe access and egress for vehicles, as well as appropriate levels of on-site parking. Consequently, the proposed development would be contrary to Policies SWDP 4 and SWDP 21 of the DP which require that proposals demonstrate that road safety is addressed and that appropriate access and parking arrangements can be provided.

Other matters

18. I am aware of representations received by neighbouring residents relating to flood risk matters. However, following receipt of the amended plan I conclude that it would be possible for the appellant to demonstrate a minimum stand-

off distance to the culvert. As such, having considered the evidence before me, I am satisfied that flood risk matters could be resolved.

19. The proposed development would result in an additional market dwelling to which I accord a moderate benefit. I am aware that the appellant has paid up to date business rates on the property, and that there is the possibility of the property being reused for commercial purposes. However, I am also aware that the legal planning use of the workshop is unclear. Consequently, I give limited weight to the potential benefit of not restarting the commercial use.
20. Paragraph 17 of the Framework encourages the use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. However, in the context of a five year supply of deliverable housing sites I accord this benefit limited weight in my consideration of an application for one dwelling.
21. I am cognisant of the history of the site, and am aware that the appellant feels aggrieved at the handling of the case. Nonetheless, this is not a matter for me to consider in my determination of the case as I must determine the appeal solely on its particular merits.
22. I have been referred to a number of appeal decisions in support of the application. However, whilst I have carefully considered them, I have not been provided with sufficient detail of the circumstances of each case to enable me to conclude whether direct parallels can be drawn. Nonetheless, I note that the Crophorne and Sinton Green decisions (APP/H1840/A/14/2228591 and APP/J1860/A/13/2194221) were issued prior to the adoption of the DP, which is a significant difference between the appeals and the one before me.
23. I have been referred to the economic benefits of the scheme as a result of the construction of the property which I accord limited weight as the benefit could accrue in other locations, consistent with the development strategy. I accord limited benefit to the increased patronage of local services and facilities, and the assimilation of residents into the local community as such matters have been considered when formulating the settlement strategy within Policy SWDP 2 of the DP.

Planning balance and conclusion

24. Planning law require that applications for planning permissions must be determined in accordance with the development plan unless material considerations indicate otherwise.
25. The proposed market housing would be located within the open countryside and would clearly conflict with Policy SWDP2 of the DP. I have found that it would harm the character and appearance of the wider area and therefore would be contrary to Policies SWDP 21 and 25 of the DP. Given the lack of detailed information relating to highway matters, I am not confident that safe access and egress from the site could be provided, and sufficient parking accommodated on site to enable me to conclude that such matters could be adequately covered by condition. Therefore the proposed development would be contrary to Policies SWDP 4 and SWDP 21 of the DP.
26. The other material consideration in favour of the development is principally the contribution of an additional dwelling to the housing supply to which I

accord moderate weight. The moderate benefit of an additional dwelling is not such as to outweigh the demonstrable harm I have found to the policies of the development plan. In sum it would not result in sustainable development. As such, for the reasons set out above I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR