
Appeal Decision

Site visit made on 9 May 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 25 May 2017

Appeal Ref: APP/J1860/W/17/3168740

Bricket House, North End Lane, Malvern WR13 5AD

- 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 Mark Dewson against the decision of Malvern Hills District Council.
 - The application Ref 16/00936/OUT, dated 24 June 2016, was refused by notice dated 21 December 2016.
 - The development proposed is a new 4 - 5 bedroom house in the grounds of Bricket House, alteration of existing field access.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application was submitted in outline, with all matters reserved. I have dealt with the appeal on that basis and I have taken the indicative plans that have been submitted into account only insofar as it is relevant to my consideration of the principle of the development on the appeal site.

Main Issue

3. The main issue in this appeal is whether the appeal site would be a suitable location for the development with reference to; the development strategy for the area; the accessibility of services and facilities from the site by sustainable modes of transport; and, the status of the site as previously developed land.

Reasons

Development Strategy

4. Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework ('the Framework') is an important material consideration. A core planning principle of the Framework is that decision taking should be plan led.
 5. The development plan for the area includes the South Worcestershire Development Plan (SWDP) which was adopted in 2016. In order to further sustainability objectives and in the interests of protecting the countryside, policy SWDP 2 sets a development strategy for South Worcestershire. Among other things, windfall development proposals, such as the appeal proposal, are to be assessed in accordance with the identified settlement hierarchy, which has the city of Worcester at the top. Malvern is classified as a 'main town' in
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the second tier, with three categories of settlements in rural areas below that, where some new windfall housing is supported within villages.

6. The appeal site is located approximately 400m beyond the settlement boundary for Malvern defined in the SWDP. It is not an allocated site, nor is it within a village where windfall development may be appropriate. As a consequence, for planning policy purposes it lies within the open countryside where new development is strictly controlled by policy SWDP 2. It is no part of the appellant's case that the proposal accords with the exceptions set out in this policy. The location of the proposed new house would therefore be contrary to policy SWDP 2.

Accessibility

7. In terms of accessibility, policy SWDP 4 requires, amongst other matters, that proposals must offer genuinely sustainable travel choices. The justified reasoning to the policy confirms that the overarching development strategy of the SWDP is to focus development where it has good access, by sustainable modes of transport, to local services. The location of the proposed development therefore needs to be assessed in this regard.
8. To the west, out of view across open countryside, is the edge of Malvern where a retail park containing, amongst other shops, a supermarket and a medical practice is located. Using nearby public rights of way across fields, these facilities are within a reasonable walking distance of the appeal site. However, as the rights of way have stiles, are unsurfaced, unlit and largely have no natural surveillance, they would not be suitable for use by those with pushchairs or who are vulnerable.
9. By road to the north, the retail park and medical practice is approximately 1.6km away. By road to the south, these facilities are a similar distance away. In my assessment, having regard to national guidance contained within the Urban Design Compendium and the Institute of Highways and Transportation 'Guidelines for Providing Journeys on Foot', one way walking distances of over 1.2km are likely to result in future residents of a development choosing not to walk to access facilities. Given the distances involved and that significant parts of the routes by road do not have a footway and are unlit, endangering pedestrian safety, the facilities at the retail park are not reasonably accessible on foot.
10. In terms of cycling, whilst the retail park is within a reasonable distance the rural roads that connect the site to Malvern are unlit and in places are narrow with limited forward visibility. The route to the north also involves a significant section of road where the national speed limit applies, with a 40mph limit applying to the rural road on the southern route. As a consequence, the highway environment is not conducive to cycling and this mode of transport would be an option only for the most confident and able.
11. The village of Madresfield is located within reasonable walking distance of the appeal site, but with a nursery, primary school and church it has a limited range of services that could not meet the day to day needs of future residents of the proposed house. Furthermore, the absence of footways along the roads to the village and the absence of lighting would discourage walking.
12. On the basis of the evidence that has been submitted, I therefore conclude that it has not been demonstrated that the proposal would offer genuinely

sustainable travel choices. The proposal would therefore be contrary to policy SWDP 4.

Previously developed land

13. A core planning principle of the Framework is to encourage the effective use of land for development by reusing land that has been previously developed, provided that it is not of high environmental value. The recent judgement in *Dartford BC v SSCLG* has confirmed that private residential gardens that are not located in built up areas, for example on the edge of villages or in the open countryside, as with the appeal site, are not excluded from the definition of previously developed land. On the basis of what I have read and seen the appeal site is not of high environmental value. I therefore conclude that the site constitutes previously developed land. This is a consideration that weighs in favour of the proposed development.

Conclusion

14. The proposal would not comply with the SWDP because it would be contrary to the development strategy for the area and it does not offer genuinely sustainable travel choices. I find that the other considerations put forward in favour of the proposal, including its status as previously developed land, potential for a landscaping scheme to mitigate the urbanising effect of Bricket House and the proposed dwelling, and increased use of the services in Madresfield by future occupiers of the proposed house are insufficient to outweigh non-compliance with the development plan and the unsustainable nature of the location in terms of accessibility. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan.
15. For the reasons set out above, I therefore conclude that the proposal would not constitute a sustainable development and that the appeal should be dismissed.

Ian Radcliffe

Inspector