The Planning Inspectorate

Appeal Decision

Site visit made on 17 July 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 3rd August 2017

Appeal Ref: APP/J1860/W/17/3168471
Land adjoining Taverns End, Severn Stoke, Worcester, Worcestershire WR8 9JA

- 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 & Mrs M Stone against the decision of Malvern Hills District Council.
- The application Ref 16/00294/FUL, dated 9 February 2016, was refused by notice dated 31 August 2016.
- The development proposed is a new dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this case is whether the site would be a suitable location for a dwelling having regard to the policies of the development plan and the National Planning Policy Framework (the Framework) and any other material considerations.

Reasons

3. The appeal comprises an overgrown car park to a former public house that has been converted to residential use. It would presently appear to be used as an area to store farm machinery. To the north, west and south of the site are dwellings. The site is bounded by fields to the east and it has a frontage onto the A38. The proposal would involve the construction of a one and a half storey house in close proximity to the eastern boundary of the site.

Location and accessibility

4. The development plan includes the South Worcestershire Development Plan (SWDP) adopted February 2016. Policy SWDP 1 sets out the general presumption in favour of sustainable development. Policy SWDP 2 is a key policy of the development plan setting out the development strategy and settlement hierarchy. There is no dispute between the parties that the site is not within the development boundary of Severn Stoke. Sites outside the development boundaries are to be considered as open countryside where development will be strictly controlled.

5. Even though the site could be treated as being previously developed the delineation of a settlement boundary and the choice of a site for some

additional housing in a small settlement are matters which would normally be considered when a new plan is prepared, in the light of any representations made through consultation exercises. I have no evidence before me as to whether the appeal site was considered during the SWDP process.

6. The development would not fall within one of the categories of development allowed by Part C of Policy SWDP 2 and as such it would be in conflict with this policy. Even though the appeal site is within the historic core of the settlement the proposal for a dwelling on it would therefore conflict with the strategy for the location of new housing in the relatively recently adopted SWDP.

7. Severn Stoke is a Category 4B settlement with a public house, church and village hall. The site is within easy walking distance of the nearest bus stops. The bus services cater for the local schools and provide a 2 hourly service. Consequently, there are some facilities and services within walking and cycling distance of the site and the bus services would provide an alternative to the private motor car to access services and facilities in the wider area. As such, I do not consider that the dwellings would be isolated in terms of paragraph 55 of the Framework. However, based on the evidence before me, I consider that for some of the time and for convenience reasons, occupiers would still tend to be dependent on travel by the private car to access day-to-day services and facilities in the wider area.

8. Paragraph 55 of the Framework sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. However, the contribution one new dwelling would make to the vitality of the rural community would be small. Moreover, there is no evidence to suggest that the existing services and facilities close to the village are under threat.

Character and appearance

9. This settlement is characterised by dispersed traditional ribbon development which gives a clear linear pattern of development. Nonetheless, there are also modern developments interspersed throughout the settlement. Consequently, there is a variety of age and form to the settlement's dwellings. Within the immediate vicinity of the appeal site the majority of dwellings are located within close proximity of the A38. However, the proposed dwelling would be sited a significant distance back from the A38 frontage. As such, its location within the plot would be at odds with the predominant pattern of development within this part of the settlement.

10. The Parish Council has stated that the site is untidy and an eyesore and as such its development would improve the character and appearance of the area. The removal of the farm machinery would improve the appearance of the site and it was quite overgrown at the time of my site visit. However, the harm produced by the existing untidy site is temporary in nature and minimal in relation to the overall character and appearance of the area and as such does not outweigh the harm that would be caused by the proposed development.

11. Even though the dwelling's design is not innovative nor of a modern architectural style it reflects the local vernacular and as such its design would not harm the character and appearance of the area. The dwelling would be surrounded by a generous plot and this may not be as efficient in density terms as it could be. However, there are existing dwellings within this part of the

settlement that have generous plots and therefore the proposal would be in keeping with the character of the area in this respect.

12. Notwithstanding my favourable findings in relation to these latter matters, this would not overcome the harm that would be caused to the character and appearance of the locality by the scheme being contrary to the pattern of development that characterises this part of the settlement. The proposed scheme would therefore be contrary to Policy SWDP 21 which, amongst other things, seeks development that safeguards the distinct identity and character of settlements.

Living conditions

13. The dwelling's generous plot would ensure that there was sufficient amenity space to meet the day-to-day needs of any future occupiers. However, the majority of that garden area would be to the front and sides of the dwelling. As such, it would be clearly visible from the A38 and pavement and future occupiers would have little privacy when in their garden. Nevertheless there are a number of dwellings, within the immediate vicinity of the site, that have tall boundary treatments on the boundaries of their gardens alongside the A38. Consequently, I consider that if I was minded to allow the appeal this matter could be mitigated by the way of a condition in relation to a suitable boundary treatment. As such, the proposal would comply in this respect with Policy SWDP 21 which, amongst other things, seeks development that provides an adequate level of privacy.

Other matters

14. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.

15. The appellant and the Parish Council have drawn my attention to other developments that have been built or approved in the area. However, I do not have the full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. Moreover, since the matter under consideration in this appeal is specific to the site and its immediate surroundings I have given them limited weight. In any case, I am required to determine the appeal on its own merits.

16. I note that there were no technical objections from consultees to the scheme. However, a lack of harm in these respects is a neutral consideration and does not weigh for or against the scheme.

Overall Balance and Conclusion

17. The Council have stated that they can demonstrate a 5 year supply of housing land (HLS) and this is not disputed by the appellant. In such circumstances, the Framework at paragraph 49 sets out that relevant policies for the supply of housing can be considered up-to-date and paragraph 14 of the Framework sets out a presumption in favour of sustainable development. For decision taking this means *'approving proposals which accord with the development plan without delay'*. The Framework establishes, as a core planning principle, that planning should be genuinely plan-led.

18. The Framework at paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental. There would be economic benefits associated with the proposal including the provision of construction jobs, some additional local spend and New Homes Bonus and community tax receipts. Prospective occupiers would provide some support for local services. However, as stated above the contribution one new dwelling would make to the vitality of the rural community would be small. The proposal would provide a new dwelling which would make a small contribution to the housing supply. The development would therefore have some social benefits.

19. I have found that future occupiers would tend to be highly dependent on travel by the private car and that the proposal would harm the character and appearance of the area. Consequently, I consider that the environmental dimension of sustainable development would not be met. The proposal would reuse land that has been previously developed but that reuse would not be sustainable in other ways.

20. I have found that the proposal would conflict with the development plan. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. The failure to comply with the development plan leads me to conclude that the proposal would not be sustainable development.

21. Taking all of the above into account I consider that the site is not a suitable location for the proposed dwelling. Having regard to all other matters raised I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR