



Appeal Decision

Site visit made on 30 August 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 September 2017

Appeal Ref: APP/J1860/W/17/3176459

Land adjoining Rose Cottage, Bush Lane, Callow End, Worcester WR2 4TF

- 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 L Foster against the decision of Malvern Hills District Council.
 - The application Ref 16/00059/FUL, dated 16 December 2015, was refused by notice dated 25 November 2016.
 - The development proposed is the replacement of an existing stable and hay store buildings with a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the replacement of an existing stable and hay store buildings with a single dwelling on land adjoining Rose Cottage, Bush Lane, Callow End, Worcester WR2 4TF in accordance with the terms of the application, Ref 16/00059/FUL, dated 16 December 2015, subject to the conditions in the schedule at the end of this decision.

Main Issue

2. The main issue in this appeal is whether the appeal site would be a suitable location for the proposed dwelling having regard to; the development strategy for the area; the accessibility of services and facilities from the site by sustainable modes of transport; its effect on the character and appearance of the area; and, the National Planning Policy Framework ('the Framework').

Reasons

Development Strategy

3. 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 protect 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 the second tier, with three categories of settlements in rural areas below that, where some new windfall housing is supported within villages.
4. The appeal site lies outside the settlement boundary for the village of Callow End defined in the SWDP. 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

5. The appeal site is located on Bush Lane approximately 350m from the western settlement boundary for Callow End along Upton Road. The settlement is identified by the SWDP as a Category 2 village and has services that include a local convenience store, primary school, village hall, public houses and recreation ground. Many of these facilities are located along Upton Road that runs through the village and are within comfortable walking distance of the appeal site. Away from Upton Road Bush Lane is unlit and has no footway. However, it is a narrow no through road with few dwellings along it that becomes a public right of way in the vicinity of the appeal site. As a result, it is a low speed environment and the lane can be safely used as a shared surface by pedestrians, cyclists, horse riders and motor vehicles. The surface of the lane by the appeal site is sufficiently even for such use.
6. Regular bus services throughout the day connect the village to Malvern, Worcester, Tewkesbury and Upton-upon-Severn with the wide range of services and facilities that these towns have to offer. Bus stops for these services are located by the junction of Bush Lane with Upton Road. I therefore find that services and facilities are readily accessible from the site by sustainable modes of transport. As a result, the proposed development would not result in an isolated home which paragraph 55 of the Framework only supports in special circumstances.

Character and appearance

7. The appeal site is small in size and is located at the western end of ribbon development along Bush Lane. Surrounding the site on its other sides is an agricultural landscape of fields of pasture bounded by hedges which include some trees. The appeal site however does not share the characteristics of the surrounding open countryside. It is occupied by stables and a haystore which are separated by a wide concrete yard. The low wooden fencing around its perimeter and a wide steel entrance gate allow public views from the adjacent public right of way of these plain functional buildings which are constructed from metal sheeting, concrete panels and timber. The utilitarian buildings, yard and boundary treatment detract from the character and appearance of the countryside and landscape of open hedged fields in which they are located.
8. Although at two storeys in height the proposed dwelling would be taller than the stables and haystore, together with its hardstanding it would have a far smaller footprint than the existing buildings and concrete yard. As a result, the proposal would result in a far more open site which would be more in keeping with the gaps between houses that characterises linear development along Bush Lane. This would also have the benefit of allowing views of the countryside to the north beyond the appeal site to be more readily visible from the public right of way. In scale and form the proposed house would be modest and in keeping with other houses along the lane. The use of materials and architectural features proposed would also complement existing dwellings. Furthermore, the replacement of the wooden fence around the perimeter by a native hedge would complement the surrounding countryside and landscape.
9. The Council has expressed concern that the proposal would increase pressure for similar development along the Lane. However, it is an established principle

that each application is assessed on its merits. As a result, this consideration does not alter my assessment of the proposed development.

10. For the reasons given above, I therefore conclude that the proposed development would enhance the character and appearance of the surrounding rural landscape, complement existing ribbon development along Bush Lane and constitute good design. It would therefore comply with policies SWDP21 and SWDP25 which require the protection of the character and appearance of an area through high quality design that respects local design features and the landscape.

Overall Conclusions

11. The location of the appeal site outside the settlement boundary of Callow End is contrary to the development strategy contained in policy SWDP 2. However, it is in an accessible rather than an isolated location and I have found that it would enhance the character and appearance of the area. As a result, in this instance the environmental harm that the SWDP envisages would be caused by allowing development in the open countryside would not be caused.
12. Paragraph 55 of the Framework supports rural housing where it will enhance or maintain the vitality of communities. The proposed dwelling would contribute to the vitality of the village by the addition of a further household that it is reasonable to expect would participate in the local community and make use of village facilities. The proposed development would therefore also have some social and economic benefits. Environmentally, secured by condition, the development would result in enhancement of the biodiversity value of the site in accordance with policy SWDP 22 and paragraph 109 of the Framework.
13. The proposal would comply with the environmental, social and economic roles as a whole of the SWDP contained in policy SWDP1 which are consistent with the Framework. In the absence of material harm the benefits of the proposal outweigh the conflict that exists with the development strategy of policy SWDP2. Material considerations therefore indicate in this instance that permission should be granted for development that is not in accordance with this policy.
14. For the reasons given above, I therefore conclude that the proposed development is in a suitable location and that the appeal should be allowed.

Conditions

15. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. In order to ensure that the development complements its surroundings, further details on external materials are required. To ensure that the hedge planting proposed becomes well established it needs to be well maintained.
16. To protect the living conditions of neighbours restrictions on the hours of construction are necessary. In the interests of highway safety, a vehicle parking and turning area needs to be provided. To encourage the use of sustainable modes of transport cycle parking also needs to be provided.
17. To ensure that sustainability measures required by the development plan are incorporated into the scheme, further details, including how some of the dwelling's energy requirements will be generated from renewable sources, are required. To ensure in accordance with the development plan that the dwelling has adequate internet access, superfast broadband needs to be provided.

18. To enhance biodiversity in accordance with the development plan and the Framework, the recommendations contained within the submitted ecological report need to be carried out. In the interests of sustainable drainage, in accordance with the development plan, details of a soakaway test together with details of any proposed soakaways are required. Given the buildings currently present on the site, in the event that any contamination is encountered during construction it needs to be assessed and properly dealt with.
19. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
20. Given the details provided on the submitted plans and the small scale of the development it is not necessary for further landscaping details to be provided. I have therefore not attached the condition suggested in relation to this matter.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 3900s, 3900bl, 3900a
- 3) Prior to the commencement of development samples and trade descriptions of the external facing and roofing materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a soakaway test has been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority. The results of the test shall be submitted to and agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation of the development hereby permitted.
- 5) No development shall take place until details on the location of any proposed soakaway have been submitted to and agreed in writing by the Local Planning Authority. Any soakaway should be located no less than 5m from any building or sub-structure and 2.0m from a site boundary. If soakaway drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. The agreed recommendations shall be implemented in full prior to the first occupation of the development hereby permitted.
- 6) Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development, proposed utilities connections to the dwelling shall facilitate super-fast broadband connectivity (landline, mobile and wi-fi) including fibre optic rather than copper cabling where practicable.
- 7) Prior to the commencement of development a scheme to demonstrate on site micro-generation to meet at least 10% of the household's predicted

energy requirements from renewable or low carbon sources equivalent shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained hereafter.

- 8) Prior to the commencement of development details of sustainability measures (including waste, recycling and water management) to be incorporated into the design of the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full and retained thereafter.
- 9) Demolition or construction works shall take place only between 07:30 hours and 19:00 hours on Monday to Friday and between 07:30 hours to 13:00 hours on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 10) The works shall be carried out in strict accordance with the recommendations set out in the Ecological Appraisal carried out by Envirotech Ltd dated 11th December 2015 and submitted with this application.
- 11) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 12) Prior to the first occupation of the dwelling hereby approved an area shall be laid out within the curtilage of the property for the parking of 2 cars and this area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. This area shall not thereafter be used for any other purpose than the parking of vehicles.
- 13) Prior to the first occupation of the dwelling hereby approved secure parking for 4 cycles to comply with the County Council's standards shall be provided within the curtilage of the dwelling and these facilities shall thereafter be retained for the parking of cycles only.
- 14) If within a period of five years from the date of the planting of any hedge plants in accordance with the approved plans that hedge plant, or any hedge plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another hedge plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written approval to any variation.

-----End of Conditions Schedule-----