
Appeal Decision

Site visit made on 7 November 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 08 December 2017

Appeal Ref: APP/H1840/W/17/3180996

Buildings and land off Church Lane, Whittington, Worcestershire

- 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 M Rogers against the decision of Wychavon District Council.
 - The application Ref 17/00719/FUL, dated 3 April 2017, was refused by notice dated 6 July 2017.
 - The development proposed is conversion of buildings to 3no. dwellings and associated car ports, together with demolition of existing outbuildings and associated change of use of land to residential.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of buildings to 3no. dwellings and associated car ports, together with demolition of existing outbuildings and associated change of use of land to residential at the buildings and land off Church Lane, Whittington, Worcestershire in accordance with the terms of the application, Ref 17/00719/FUL, dated 3 April 2017, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is whether the site would be a suitable location for residential development having regard to the policies of the development plan, the National Planning Policy Framework (the Framework) and the accessibility of services and facilities from the site.

Reasons

3. The site accommodates some buildings which appear to be in use for general storage, including for equestrian equipment. It is outside, but adjacent to, the settlement boundary of Whittington. Part C of Policy SWDP2 of the South Worcestershire Development Plan (SWDP) states that land outside the settlement boundaries is defined as open countryside and in such locations development will be strictly controlled. The policy then lists a number of exceptions, but it has not been suggested to me that the proposal would fall into any of these exceptions. Therefore, the proposal would not accord with this part of the policy.
4. Paragraph 55 of the Framework says that isolated homes in the countryside should be avoided. Although 'isolated' is not defined, it is reasonable to understand that it means isolated spatially from other built development, and this supported by the judgement in Braintree District Council v Secretary of

State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin). In the case before me, the site is adjacent to a residential property which is within the settlement. Indeed the retained building on the appeal site runs along the boundary with the dwelling and is seen in the same context. Therefore I consider the site is not isolated, and the development would not conflict with paragraph 55. I accept Braintree District Council in the above case did not have a five years supply of housing, whereas Wychavon District does, but that does not alter the interpretation of paragraph 55.

5. In addition, paragraph 55 supports new housing where it would enhance or maintain the vitality of rural communities. I consider the provision of three new homes, in the context of the small size of Whittington, would be a substantive benefit to the vitality of the village and its facilities.
6. Whittington is a fragmented settlement comprising three detached sections along Church Lane. The village's facilities, which include a church, school, public house and bus stop, are primarily located at the southern part. A village hall is within the middle part. The appeal site bounds the northern edge of the middle section and is a short walk from all these facilities. The route from the site to these amenities would be along a fairly narrow lane with no lighting or pavement. However there is, in places, a wide grass verge to allow pedestrians refuge from any passing cars, notwithstanding the fact, from my site visit, the road did not appear to be heavily trafficked and vehicle speeds were slow. Moreover, it is not uncommon in rural settlements for there to be no pavements and so drivers would most likely be prepared for pedestrians to be in the road. In summary, I consider the access to local facilities and services is acceptable for a site in a rural area.
7. I note the concerns that Church Road is used as a 'rat run', but without any evidence of this I cannot give this matter any significant weight. Also the amount of traffic likely to be generated by the development itself would be minimal.
8. I have carefully considered the other appeal cases provided by the Council. However in all these cases, from the information provided, it appears that their accessibility to local services and facilities, or the range of services and facilities available, was not as good as it would be in the case before me. Moreover, none of the settlements appear to compare to the uncommon fragmented nature of Whittington. Notwithstanding this, each case must be determined on its own merits.
9. The Council can demonstrate a five year supply of housing, and therefore their policies can be considered up to date. I have concluded that the development would fail to accord with part C of Policy SWDP2, despite not being isolated. However the aim of this Policy is to direct development to urban areas or rural settlements with a reasonable range of local services. This site is unusually located amongst the various portions of Whittington and its accessibility to the local services in the village would be comparable, if not better, than some sites within the settlement boundary. The development would therefore be suitably located such that it would accord with the aim of Policy SWDP2, as set out above, and also of Policy SWDP4 of the SWDP which seeks to minimise the demand for travel and ensure development offers sustainable travel choices.

As such I also consider the proposal would represent sustainable development and so would accord with the Framework and Policy SWDP1 of the SWDP.

Conditions

10. I have considered those conditions suggested by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. Where necessary, in the interests of clarity and precision, I have altered the conditions to better reflect this guidance.
11. In accordance with the advice in the PPG and the Framework I have imposed the standard condition relating to the commencement of development and a condition specifying the relevant plans in order to provide certainty. I have also attached conditions relating to finishing materials and boundary treatment in the interest of preserving the character and appearance of the area. The condition relating to the access, parking and turning area is necessary in the interests of highway safety.
12. Though I note the appellant's reservations about the suggested condition relating to drainage, I consider it necessary in order to secure full drainage details to ensure the satisfactory drainage of the site.
13. I do not consider there is any need for a condition relating to contamination as there is no evidence to suggest the land is affected by this. Similarly I agree with the appellant that there is sufficient space for construction traffic and storage of construction materials within the site such that the arrangements for this need not be subject of separate approval by the Council.
14. The suggested condition relating to renewable or low carbon energy measures states that details must be submitted as outlined in the Planning Statement. The Planning Statement only refers to the use of energy efficient fixtures and fitting and adds that the conversion would be finished to a high standard to ensure high levels of energy efficiency. It would be difficult to enforce a condition which related to such measures, and therefore this condition would fail to meet the tests set out in paragraph 206 of the Framework.
15. Some conditions require compliance prior to the commencement of development so that the effects of the proposal are properly managed in order to make it acceptable.

Conclusion

16. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be allowed.

Andrew Owen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, 1706-01, 1706-02, 1706-03, 1706-04 and 1706-05.
- 3) No development shall take place until details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) Before the first occupation of the development hereby permitted a plan indicating the position, design, material and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be carried out in accordance with the approved details and completed before the first occupation of the development hereby permitted.
- 5) No dwelling shall be occupied until the access, turning area and parking facilities shown on drawing no. 1706-04 have been provided. They shall thereafter be kept available at all times for those purposes.
- 6) Development shall not commence until foul and surface water drainage works shall have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority and shall accord with the principles set out in the Planning Statement dated April 2017.