The Planning Inspectorate

Appeal Decision

Site visit made on 3 January 2018

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 23 January 2018

Appeal Ref: APP/H1840/W/17/3183313
Far Oaks Furlongs, Copcut Lane, Salwarpe, Droitwich Spa WR9 7JB

- 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 J Sandhu against the decision of Wychavon District Council.
- The application Ref 17/00243/FUL, dated 3 February 2017, was refused by notice dated 11 May 2017.
- The development proposed is a new dwelling and partial demolition of existing property.

Decision

1. The appeal is dismissed.

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 re-use of previously developed land; and, the effect of the proposed development on highway safety and the character and appearance of the area.

Reasons

Development Strategy

3. The development plan for the area includes the South Worcestershire Development Plan (SWDP) which was adopted in 2016. Policy SWDP 1 advises that the Council will take a positive approach to pursuing sustainable development in accordance with the National Planning Policy Framework ('the Framework'). 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. Droitwich Spa 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 Droitwich Spa 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 and the development strategy for the District.

Previously developed land

5. The plot for the proposed development consists of private residential garden land and a dayroom connected to the house at Far Oaks Furlongs. Private residential gardens that are not located in built up areas, for example in the open countryside, as with the appeal site, are not excluded from the definition of previously developed land in the Framework. On the basis of what I have read and seen, I agree with the parties that the appeal site is previously developed land that the Framework and policy SWDP 13 encourages the re-use of.

Highway safety

6. In order to address the Council's concerns regarding visibility at the two new proposed accesses a vehicle speed survey has been carried out. Based upon national guidance contained within *'Manual For Streets'* the minimum required visibility splays at the new eastern access proposed to serve the existing dwelling, measured along the nearside edge of the carriageway, would be achieved.

7. At the proposed western access serving the new dwelling the view of the Council is that the required visibility to the west would, in part, need to be set out over third party land. As this land is not within the control of the appellant the view of the Council is that this would not be achievable. The appellant contests this and notes that the existing access towards the western boundary of the appeal site was created in 2006 without objections on highway safety grounds. Be that as it may, on the basis of the submitted evidence and my observations during the site visit I agree with the Council on this point.

8. However, as I have noted, visibility at the proposed eastern access would be acceptable. Given that both the plot for the proposed house and the existing house are located within the application site red line, revised access details required by condition involving the sharing of the eastern access by both dwellings could overcome the harm to highway safety identified. I therefore find that, subject to the submission and approval of such details, the proposed development would comply with policy SWDP21 which, among other matters, seeks to prevent harm to highway safety.

Character and appearance

9. Copcut Lane is characterised by sporadic linear development of detached houses of different design along the northern side of the lane, with limited development in depth under construction at Middleton Cottage. Whilst an urban extension, currently being built, wraps around two sides of the appeal site, housing within the urban extension is set a significant distance back behind a deep buffer of soft landscaping. As a result, with the hedged fields on the southern side of the lane the area has the character of open countryside.

10. The house at Far Oaks Furlongs is a substantial detached property set well back from the lane. A large single storey dayroom with a steeply pitched roof linked to the side of the main house occupies the position of the proposed dwelling. The siting and layout of the proposed dwelling would therefore respect the predominantly linear pattern of sporadic development along the lane. Whilst taller than the host dwelling the Council has no objection to the design of the proposed house. As a result, the Council has concluded that the

proposed development would comply with policy SWDP 21 which requires high quality design that complements the character of the area. Given its design, and that the house would occupy a space between two existing houses which is currently occupied by a large single storey element of the existing house, I have no reason to disagree with that conclusion.

Other matters

11. Links will be provided from Copcut Lane to the urban extension which will have public transport, cycle and pedestrian links to the town centre. Services and facilities would therefore be accessible from the appeal site by sustainable modes of transport.

12. Reference has been made to permission for other residential development along Copcut Lane, including at Middleton Cottage. However, the Council states that permissions for these developments were granted during the adoption process of the SWDP when its policies were not afforded full weight and when the district did not have a five year housing land supply. More recent permissions related to situations where extant permissions existed. This has not been refuted by the appellant. As a result, the circumstances of these permissions are materially different to the appeal scheme and reference to them therefore has not altered my assessment of the appeal.

Conclusion

13. The appeal scheme would re-use previously developed land, which the Framework and development plan is supportive of, be in an accessible location, and provide some, albeit limited, local economic benefits during construction. Socially, it would make a nominal contribution to increasing the supply and choice of housing in a district whose housing land supply is comfortably in excess of five years. I have found that the appeal scheme would not have an adverse impact upon the character and appearance of the area or upon highway safety (although the absence of harm is a matter of neutral rather than positive weight in favour of a proposal).

14. The proposal though would conflict with the overarching development strategy of an adopted up to date development plan designed to direct the location of new windfall housing to within urban areas and larger villages. The policy support for the re-use of previously developed land needs to be viewed in this context. As a result, I find that the proposed development would be contrary to the development plan when considered as a whole.

15. This basic conflict with the SWDP and its spatial strategy is a matter that must attract significant adverse weight, particularly having regard to the Framework's emphasis on plan-led decision making. The material considerations in favour of the development do not outweigh this conflict. Thus, for the reasons given above, I conclude that the proposed development would not be a sustainable development and that the appeal should be dismissed.

Ian Radcliffe

Inspector