
Appeal Decision

Site visit made on 30 January 2018

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 09 February 2018

Appeal Ref: APP/H1840/W/17/3185471

Land to the rear of Old House Farm, Church Road, Crowle WR7 4AT

- 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 Charles Campion against the decision of Wychavon District Council.
 - The application Ref 17/00902/FUL, dated 2 May 2017, was refused by notice dated 11 July 2017.
 - The development proposed is erection of a self-build eco-friendly dwelling and associated works.
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Decision

1. The appeal is dismissed.

Procedural matter

2. During the consideration of the application with the Council amended plans were submitted showing the extent of the proposed green infrastructure within the proposals. The Council made its decision based on these amended plans and I have used them in my decision.

Main Issues

3. The main issues are:
 - the relationship to the development strategy for the area;
 - the effect on the settings of the Crowle Conservation Area (the CCA) and Cutlers Croft and The Gables as listed buildings; and
 - the effect on highway safety.

Reasons

4. The appeal site lies behind and to the west of the properties facing Church Road, although it has on its southern boundary a public right of way that also provides vehicular access to the garages of two properties, Cutlers Croft and The Gables, and the fields beyond. There is also a public right of way that runs to the west of the appeal site. The site slopes gently up to the west, although there is a ridge running through the site so that it slopes down slightly to north and south. The land form drops away to the west of the appeal site.

Development strategy

5. The development plan for the area includes the South Worcestershire Development Plan (the DP). Policy SWDP1 of the DP sets out overarching sustainable development principles, including that the Council will take a positive approach to development that reflects the presumption in favour of sustainable development as contained in the National Planning Policy Framework (the Framework). Policy SWDP2 sets a development strategy and settlement hierarchy which from the top of the hierarchy in Worcester, goes through Urban areas to the Rural Areas in Category 1, 2 and 3 villages and finally lower category villages.
6. Policy SWDP2 C indicates that the open countryside is defined as land beyond any development boundary. It is not in dispute that the appeal site lies outside the development boundary of Crowle although immediately adjacent to that settlement and does not fall within those categories of development permitted under than policy. The appellants made the point that the site is not isolated and well related to the development boundary. They note that it would be a self-build proposal to meet the needs of the existing owners of the site, who also own Old House Farm, which would then be released to the wider market. They go on to say that as the DP does not have a particular policy on self-build properties it should be considered that the DP is silent on this topic, and the tilted balanced set out in paragraph 14 of the Framework should apply.
7. However, I agree with my colleague Inspector in a recent appeal¹ in the area that a self-build proposal should be considered as if it were any other market property, since it is not being delivered for those whose needs are not being met by the market with regard to local incomes or local house prices. I therefore consider that the development plan is not silent and the proposal should be considered against the development plan as a whole, as with any other proposal, taking into account any other material considerations.
8. While it is the Government's intention to encourage self-build properties, and there is a duty under the Self-build and Custom Housebuilding Act 2015 (as amended) to give permissions for enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in an area, this only applies over a three year period which does not expire until October 2019². I do not have any information on how the Council is performing against this target.
9. In any event there is nothing to ensure that the property would be a self-build home. There is no Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) to this effect and I do not think a planning condition would pass the tests for conditions set out in the Framework and the national Planning Practice Guidance as it would not be sufficiently precise or reasonable in all other respect. As such I am not able to give any additional weight to any self-build attributes of the proposal.
10. The development boundaries for the various settlements were drawn up to ensure that the development needs for the plan area were to be provided for in the plan period. They provide a base against which proposals should be considered. In that regard, the proposed site lies outside the settlement of

¹ APP/H1840/W/16/3151822

² See Reference ID: 57-023-201760728 of the national Planning Practice Guidance

Crowle and does not fall with those categories of development considered appropriate for the open countryside. Therefore the proposal should be considered to be contrary to Policy SWDP2 of the DP.

Heritage Assets

11. The appeal site lies outside but immediately adjacent to the CCA and to the west of Cutlers Croft and to the northwest of The Gables, both Grade II listed buildings. All of these are designated heritage assets. The Council has adopted a Crowle Conservation Area Appraisal and Management Plan (the CAAMP) which has identified the special interest and character of the CCA and provides guidance on how the preservation or enhancement of its character or appearance can be achieved. As this is in line with legislation³ I give the CAAMP significant weight.
12. The CAAMP notes that Crowle is a linear village flanked by pasture and arable fields, and partially set on top of a ridge which has distance views out. The rural village setting contributes to the character of the CAA. It also states that permission will be refused for, amongst others, development which would be harmful to the setting of the CAA or adversely affect important views.
13. Paragraph 132 of the Framework indicates that the when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to state that significance can be harmed or lost through development within the setting of a designated heritage asset.
14. The appellants provided a heritage statement which looked at these relationships. This accepted that there would be harm to the setting of the CAA and the setting of the listed buildings, but took the view that this harm would be negligible and outweighed by the benefits.
15. The introduction of a new dwelling, even designed as here proposed with a sedum roof and other features to enhance its sustainability credentials, would have a significant and harmful urbanising effect on this area. As well as the physical structure rising above the site, there would be the parking of cars and other domestic paraphernalia around the dwelling.
16. It would therefore be harmful to the setting of the CCA and to the significant view across the appeal site identified in the CAAMP from the edge of the CCA. In my view this would represent more than negligible harm, particularly as it would result in part of the current open view being lost. Having said that, in terms of the Framework, this would represent less than substantial harm to the heritage asset.
17. Similarly, the introduction of a new dwelling would have a harmful urbanising effect on the wider settings of Cutlers Croft and The Gables, which are currently rural. Special regard should be given to this harm, as set out in legislation⁴. Again, in the context of the Framework, this would represent less than substantial harm.
18. Paragraph 134 of the Framework indicates that where development will lead to less than substantial harm to the significance of a designated heritage asset,

³ Section 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

⁴ Section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

this harm should be weighed against the public benefits of the proposal. I will consider this below in the planning balance.

19. The proposal would therefore be harmful to the setting of the CCA and of Cutlers Croft and The Gables as listed buildings. As such the proposal would be contrary to Policies SWDP6 and SWDP24 of the DP which indicate that development proposals should conserve and enhance heritage assets and proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance. It would also be contrary to the CAAMP in that it would be harmful to the setting of the CAA and result in the loss of an important view. It would be contrary to paragraph 132 of the Framework as set out above.

Highway safety

20. Access to the proposed dwelling would be from the access between The Gables and Cutlers Croft to Church Road. The track while hard surfaced has a grass middle section. The Council objects to the proposal on the basis of the sight lines at the junction with Church Road and due to the length of the track, which would mean, so it asserts, that vehicles meeting on the access would lead to vehicles reversing, particularly into Church Road.
21. Exiting the access drive in a forward gear the sight lines at the junction of Church Road are sufficient to the left hand side for a road with a 30 mph speed limit. However, the sight lines to the right hand side are compromised by a hedge meaning that anyone egressing the site would not be able to see vehicles travelling along Church Road until very close to the junction. In addition, should there to be a meeting of vehicles travelling in either direction along the access, it would be necessary for one or other vehicle to reverse as there are no passing places. Given the length of the access it is likely that anyone being towards the Church Road end would be likely to reverse. Backing out to Church Road would be hazardous, particularly any reversing on to the nearside carriageway where the sight lines are poor. Backing out to the far side carriageway would involve reversing across traffic and would also be hazardous. Anyone driving a reversing vehicle would have less view of the nearside carriageway than driving out in a forward gear. It is not realistic to state that somebody travelling east along the access drive out from the appeal site should always reverse if it met another vehicle travelling west.
22. The appellants submitted a highway report with the appeal which included information on vehicle speeds. It provided a case based on average speeds taken from a survey on Church Road. However, Manual for Streets indicates for assessing sight lines that speeds should be taken from the 85th percentile for vehicle speeds of up to 60 km/h. The survey data in the highway report confirms that these 85th percentile speeds are higher. As the case for the appellants uses an incorrect input I am only able to give the conclusions of the highway report very limited weight.
23. The appellants make the point that vehicles associated with both Cutlers Croft and The Gables already use the access and there is no record of any accidents, and also point to Foredraught Lane on the opposite side of Church Road which has poor sight lines on both sides. However, the increase in traffic associated with an additional dwelling would increase the likelihood of vehicles meeting on the driveway, if even in absolute terms it is a relatively low number. That a

situation exists does not mean that it should be made more hazardous by an increase in movements, or be repeated elsewhere.

24. I also noted that there were a number of cars parked on Church Road. Whether they were associated with the nearby school I do not know, but inevitably parking would increase at school dropping off and collecting times. The proximity of the school adds to my concerns as to the lack of sight lines and potential for conflicts on the highway. This is because those driving on Church Road will need to pay attention for children and may not expect vehicles manoeuvring through the junction of Church Road and the access drive with the issues I have identified above.
25. Manual for Streets 2 encourages decision makers to consider the individual site or situation and make a judgement based on evidence rather on whether a proposal meets the relevant values set out in documents. I have followed that approach above.
26. As such the proposal would be harmful to highway safety. Therefore it would be contrary to Policies SWDP4 and SWDP21 of the DP which indicates that new development should have regard to material design criteria and that vehicular traffic should be able to access the highway safely. It would also be contrary to paragraph 32 of the Framework which indicates that safe and suitable access should be achieved for all people.

Other matters

27. Local residents expressed their objections on a number of matters, most of which I have considered above. I am satisfied, however, that had the proposal been acceptable, then matters relating to the construction of the proposal and the provision of refuse storage could have been resolved through planning conditions.

Planning Balance

28. The proposal would be located outside the development boundary of Crowle, and would be harmful to the settings of the CCA and two listed buildings, to which special regard should be given, and would be harmful to highway safety.
29. The benefits of the proposal would be the provision of an additional dwelling which would be a public benefit to the economy both during construction and thereafter, and would represent a social benefit. However, the harm to highway safety would be a social dis-benefit, and the harm to the setting of the CCA and the listed buildings would be an environmental dis-benefit. These harms outweigh the benefits of the proposal.
30. The determination of the appeal should be made in accordance with the terms of the DP taken as a whole, unless other material considerations indicate otherwise. The proposal would be contrary to the development strategy of the DP. As paragraph 12 of the Framework states proposed development that conflicts with an up-to-date development plan, as here, should be refused unless other material consideration indicate other wise. Both individually and collectively, other material considerations do not outweigh the development plan presumption. The proposal would not represent sustainable development and the appeal should be dismissed.

Conclusion

31. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

R J Jackson

INSPECTOR