The Planning Inspectorate

Appeal Decision

Site visit made on 27 February 2018

by G P Jones BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2018

Appeal Ref: APP/H1840/W/17/3189327
36 Bretforton Road, Badsey WR11 7XQ

- 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 R Chapman against the decision of Wychavon District Council.
- The application Ref 17/01522/FUL, dated 21 July 2017, was refused by notice dated 28 September 2017.
- The development proposed is the erection of a single storey detached dwelling and all associated site works.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   - whether the proposal would be in an appropriate location, having regard to the aims and objectives of national and local planning policies that seek to restrict housing outside development boundaries; and
   - the effect of the proposal on the character and appearance of the area.

Reasons

Appropriateness of the location

3. Policy SWDP2 of the South Worcestershire Development Plan (SWDP), adopted 2016, provides a delivery strategy and settlement hierarchy. Amongst other things, SWDP Policy SWDP2 states that the open countryside is defined as land beyond any development boundary, and development in such locations will be strictly controlled and will be limited to certain categories that include dwellings for rural workers, rural exception sites and replacement buildings. It is not in dispute between the parties that Badsey is designated as a Category 1 village that contains a range of services and facilities. The proposed dwelling would be sited some 10 metres outside the designated development boundary, although with reasonably good access to the range of services and facilities in Badsey and to public transport links.

4. I acknowledge that the three dwellings at Trails Orchard lie further outside the development boundary than the appeal site does, but the outline planning approval was granted prior to the adoption of the SWDP. Also, the appellant contends that the appeal site was incorporated into the overall garden area of no. 36 approximately 34 years ago and thus would represent garden curtilage.

As such it would be considered to be previously developed land as it lies outside of a built up area and thus would fall within the ambit of the eighth bullet point of paragraph 17 of the National Planning Policy Framework (the Framework). On the basis of the evidence before me, I have no reason to disagree with this interpretation. Nevertheless, the fact remains that the proposal would be located just outside the development boundary for Badsey.

5. Both the Council and the appellant have referred to other appeal decisions. However, the appeal decision[1] that the appellant has referred to relates to another District Council that could not at that time demonstrate a five year housing land supply. As such it differs significantly form the proposal that is before me. The decisions referenced by the Council also differ since they either relate to larger scale developments, to proposals that are not within Category 1 villages or that would have a difference in terms of their accessibility to services, facilities and public transport links.

6. I consider that the proposal would give rise to a new housing unit outside the development boundary and I have not been presented with any evidence that the proposed dwelling would fall within any of the exceptions listed in Section C of Policy SWDP2. Therefore the proposed development would be contrary to SWDP Policy SWDP2. It is common ground that the Council can demonstrate a five-year supply of deliverable housing sites, and I do not consider that the provision of three bungalows at Trails Orchard would render the Badsey development boundary out of date. Therefore I afford full weight to SWDP Policy SWDP2. The Council's decision notice also refers to SWDP Policy SWDP1 which generally references elements of the Framework and contains, among other things, a presumption in favour of sustainable development.

Character and appearance

7. The proposal would be located on part of the back garden area of no. 36 Bretforton Road. Immediately to the south of this are the recently built detached bungalows of nos. 1 to 3 Trails Orchard, the houses of nos. 36a and 36b lie to the north-east and a field lies immediately to the west with the main road beyond this. Therefore whilst in terms of Policy SWDP2 the site would be considered to lie in open countryside, I do not consider that the site would be genuinely open countryside in terms of either its character and appearance or that of the surrounding area.

8. Furthermore, the surrounding pattern of housing comprises more of an organic rather than an entirely formal layout, with some dwellings appearing to be infill development. Consequently, the proposal would be sited within an area that would have residential development to the front and rear and would respect the scale and plot sizes of most of the nearby properties. At present no. 36 has a significantly larger garden area than the nearby properties and the subdivision of this plot would not give rise to a proposal that would appear cramped in the context of the area.

9. For these reasons I do not consider that siting a new single storey detached dwelling in this location would give rise to a detrimental effect on the character and appearance of the area. Therefore the proposal would accord with SWDP Policy SWDP21 which seeks to ensure that development integrates effectively with its surroundings and reinforces local distinctiveness.

[1] Appeal reference APP/J1860/W/15/3032650

Balancing exercise and conclusion

10. In accordance with paragraph 49 of the Framework I have considered this proposal in the context of the presumption in favour of sustainable development. In terms of its benefits, the proposal would increase the supply of housing as required in paragraph 47 of the Framework, albeit by a modest amount, on back garden land that could be considered to be previously developed and which would be in a reasonably accessible location in regard to the facilities and services in Badsey. The proposal would attract a Community Infrastructure Levy tariff and also create some economic benefits, particularly by virtue of the construction operations required and there would be a limited boost for the local shops due to the additional patronage that would arise.

11. In terms of social benefits the proposal would allow for the appellant and his wife, who are both elderly, to move to a purpose built property next door to their daughter who could provide them with the necessary level of care. However, no. 3 Trails Orchard is located at the end of the appellant's rear garden and there are no intervening properties between the two dwellings. Therefore whilst the new property would be marginally closer, the existing property of no. 36 is already very close to that of their daughter.

12. The appellant contends that due to its age and design the current property would not be economically capable of being adapted to meet the needs of more elderly occupants. However, I note that no. 36 is a bungalow and I have not been presented with any substantive evidence to demonstrate that it would be economically unviable to make any necessary adaptations to this property. Therefore whilst a purpose built property slightly nearer to the daughter's property would be of benefit to the appellant, due to the nature of no. 36 and the relationship between the two existing dwellings this is a matter to which I attach only moderate weight.

13. The proposal would give rise to a dwelling that would not be within the recognised development boundary for the settlement and therefore the proposal would not accord with the development plan in this regard. Overall I consider that there is no justification for reducing the weight that should be given to Policy SWDP2 of the SWDP and thereby releasing the appeal site for unfettered residential development. To do so would conflict with paragraph 17 of the Framework which guides that planning should be genuinely plan-led

14. Therefore I attach a considerable degree of weight to the harm that I have identified in terms of conflict with the development plan, and I consider that such harm would significantly and demonstrably outweigh the considerations in favour of the proposal. For the above reasons, and having regard to all other matters raised, I conclude the appeal should be dismissed.

GP Jones

INSPECTOR