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## 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**

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**Appeal Ref: APP/H1840/W/17/3189333**

**Pump Meadow, Ombersley Road, Claines, Worcester WR3 7RH**

- 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 Messrs Milton and Godwin against the decision of Wychavon District Council.
  - The application Ref 17/01659/CU, dated 9 August 2017, was refused by notice dated 3 November 2017.
  - The development proposed is described as the conversion of former milking shed to 1 no. dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. I have used in the banner heading the site address as provided on the application form, even though this differs from that given in the Council's decision notice.

### Main Issue

3. The main issue is 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 in the countryside outside of settlement boundaries.

### Reasons

#### *Appropriateness of the location*

4. Policy SWDP2 of the South Worcestershire Development Plan (SWDP), adopted 2016, provides a delivery strategy and settlement hierarchy. Amongst other things, SWDP Policy SWDP 2 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 common ground between the parties that the appeal building would be located outside the development boundary for Worcester. However, the appellants contend that part of the access of the appeal site would be within the development boundary and I have no reason to dispute this.
5. The site is accessed off the A449 that leads in to Worcester and there is a bus stop nearby with services to Worcester and Kidderminster. Although the

Council considered the appeal site not to be in a completely isolated location, I note that the nearest shop is the Gwillams Farm Shop some 500m away and other shops and services are approximately 1km further towards Worcester. Therefore whilst there is good access to public transport links there is only the farm shop that could be considered to be within a reasonable walking distance.

6. The appeal site lies within an open countryside location with the Grade II listed Oak Farmhouse and associated outbuildings adjacent to the east, and a stables and storage building to the south-west. The existing building is appropriate to the context of its surroundings and therefore I consider that the proposal would not lead to an enhancement to the setting. Consequently, the proposal would not comply with the special circumstances described in paragraph 55 of the National Planning Policy Framework (the Framework).
7. Despite part of the access being within the development boundary, I consider that the proposal would give rise to a new housing unit outside the development boundary. I have not been presented with any evidence that the proposed dwelling would fall within any of the exceptions specifically listed in Section C of Policy SWDP 2. Therefore the proposed development would be contrary to SWDP Policy SWDP 2 and I do not agree with the appellants' assertion that the SWDP is silent on this matter. Furthermore, I have not been presented with any evidence to indicate that the Council cannot demonstrate a five-year supply of deliverable housing sites and therefore I afford full weight to SWDP Policy SWDP 2.
8. The appellants have cited a number of other recent appeal decisions<sup>1</sup> that allowed development outside of designated settlement boundaries. In contrast the Council has also cited a number of appeal decisions that were dismissed including a recent appeal<sup>2</sup> decision for the erection of a dormer bungalow in Ombersley outside any development boundary.
9. Consequently, I have been presented with appeal decisions that have taken a conflicting view in regard to the acceptability of proposals for housing outside a development boundary under the terms of SWDP Policy SWDP 2. Whilst I do not have the full details of any of these cases, the three appeal decisions cited by the appellants would appear to be in closer proximity to the services and facilities available in their respective villages than is the case with the proposal that is before me.
10. One of the appeal decisions cited by the Council would have a more applicable locational context in terms of being near Ombersley, but the Inspector in this case also considered that the proposal would be within a reasonable walking distance of a number of facilities. Therefore, whilst I have had regard to these other decisions their circumstances would inevitably differ from the proposal that is before me. As such, none of these other decisions have been fundamentally determinative in regard to my decision and I afford them only a moderate degree of weight.
11. The appellants have also cited the approval of planning permission for 40 dwellings in Pinvin under the terms of application reference W/16/01625/OU. Again, I do not have the full details of this case but it is of a significantly greater scale than the proposal that is before me, part of the site is within the

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<sup>1</sup> Appeal references APP/J1860/W/17/3176459, APP/J1860/W/17/3172760 and APP/J1860/W/16/3164875

<sup>2</sup> Appeal reference APP/H1840/W/17/3172791

development boundary and part allocated for housing, it is located within the village and contained a significant percentage of affordable housing units. The Planning Committee approval for application reference W/16/01793/PN is for 20 dwellings on land surrounded by a large area of land that is allocated for housing. Consequently, I consider that both of these planning approvals differ significantly from the case that is before me.

#### *Other matters*

12. The appellants have also referenced SWDP Policy SWDP 12 which deals with employment in rural areas. The only potentially relevant element of this policy would be Section E which covers the residential conversion of a building as part of a farm diversification project. However, I do not consider that the proposal before me would be for a farm diversification project and in any event the appellants have not conducted a marketing exercise as required by SWDP 12E to demonstrate that employment, tourism, leisure and recreation uses are unviable. Consequently, I do not consider Policy SWDP 12 to be applicable, and in any case the proposal would not comply with it.

#### **Balancing exercise and conclusion**

13. 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 proposed development would increase the supply of housing as required in paragraph 47 of the Framework, albeit by a modest amount, it would entail the redevelopment of the former milking shed building to create a dwelling that would provide on-site security for the animals that are kept there and it would entail some overall improvements to the area immediately surrounding this building, including potential biodiversity enhancement. In addition, the proposal would attract a Community Infrastructure Levy tariff and would 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.
14. However, the proposal would give rise to a dwelling that would not be within the recognised development boundary for any settlement. 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 SWDP 2 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.
15. I attach a considerable degree of weight to the harm that I have identified in terms of conflict with the development plan. I consider that the considerations in favour of the proposal would not outweigh this harm.
16. For the above reasons, and having regard to all other matters raised including any other relevant development plan policies, I conclude that the appeal should be dismissed.

*GP Jones*

INSPECTOR