



Appeal Decision

Site visit made on 9 May 2018

by G D Grindey MSc MRTPI Tech. Cert. Arb

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

Decision date: 17 May 2018

Appeal Ref: APP/H1840/W/17/3192423

Manor Farmhouse, Lenchwick, Evesham, WR11 4TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr R Styler against the decision of Wychavon District Council.
 - The application Ref 17/00596/CU, dated 20 March 2017, was refused by notice dated 6 July 2017.
 - The application sought planning permission for use of building as additional accommodation without complying with a condition attached to planning permission Ref W/89/0882, dated 31 August 1989.
 - The condition in dispute is No 2 which states that: "The building hereby permitted shall be occupied solely in conjunction with the occupation of the adjacent dwelling known as Manor Farmhouse and shall not form a separate curtilage".
 - The reason given for the condition is: "To preserve the amenities of the locality".
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Decision

1. The appeal is dismissed.

Background

2. The appellant is concerned that he "should not have agreed to the change in description on the application, which appears to have allowed the proposal to be judged on the basis of the original planning application¹...". Planning permission was granted in 1989 for a change of use of the Granary farm building into additional accommodation, but it was granted subject to a condition that it should be occupied solely in conjunction with the occupation of the adjacent dwelling known as Manor Farmhouse and should not form a separate dwelling.
3. That condition still applies today and thus it is necessary to consider any application to occupy the Granary building separately from Manor Farmhouse as one to use the building as residential accommodation, but without complying with that condition. That is why the Council sought agreement to change the application to "use of building as additional accommodation as approved under application 89/00882 but without compliance with condition 2, to allow use as a separate residence". I need to consider the appeal in the same manner.

¹ Email to Mr Greenhow from Mr Styler of 17 July 2017

4. I note that, during the processing of the original application a parking layout plan was submitted to the Council. During my site inspection I saw this area, and the entrance (through the green metal gate), that currently exists. I deal with the appeal bearing this arrangement in mind.

Main Issues

5. From my inspection of the site and surroundings and from the representations made I find that the appeal revolves around 1 main issue. This is whether the condition is still necessary and reasonable, having regard to present day circumstances and up to date policies for the location of dwellings.

Reasons

6. The Council has set out, in their reasons for refusal, their present day concerns about the creation of an open market dwelling in a location away from a main urban area and where access to services is limited.
7. My starting point must be the development plan, in this case the South Worcestershire Development Plan (SWDP) adopted in 2016. Policies SWDP1, SWDP2 and SWDP4 seek to steer residential development into a hierarchy of settlements, broadly based on the level of service provision and their capacity to support new housing. Lenchwick is in the 4B category with a low/medium level of public transport provision and low services/facility provision.
8. Furthermore, the appeal site is outside of the settlement boundary, in an area defined in the SWDP as open countryside for planning purposes. In the open countryside the creation of new dwellings is strictly controlled (SWDP2C). I understand the appellant's argument that the Manor was historically the hub of the village and was present hundreds of years before most of the village was constructed. However the SWDP has been the subject of extensive public consultation and debate during its preparation. The limits of the settlement were decided during that process and I do not think that the defined boundaries should be altered during the course of an appeal on an arbitrary basis.
9. Thus the creation of a separate unit of accommodation here is in conflict with the up-to-date SWDP. This weighs heavily against the scheme. Determining appeals on a 'one-off' basis, and disregarding the development plan would undermine the plan-led system and cause a loss of confidence to it.
10. The appellant argues that the property is already a self-contained dwelling and has been occupied as such for 28 years; it has its own separate land and its own access. I saw these arrangements on site but, at present, the Granary building is occupied by a relative and there is a degree of informal accessibility between the main house and the Granary accommodation as would be natural.
11. During my site inspection we walked from the front door of the main house, south-eastwards across the parking area to the rear of the Granary; the conservatory there was directly accessible and the interior visible. The Granary at present has the appearance of sitting 'within' the overall Manor Farmhouse curtilage, and this is how it appears to operate at present as would be expected with a family member in occupation.
12. I can readily understand and sympathise with the appellant's wish to secure a permanent home for his granddaughter. However, the removal of the

condition is a preferred option, rather than a necessity. Personal circumstances can only rarely outweigh policy based decisions.

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. I consider that the creation of an open market house here would not accord with the above mentioned policies of the up-to-date SWDP and I have seen no other material considerations which would provide an overriding reason to disregard the development plan. The condition is, therefore, necessary and reasonable having regard to present day circumstances and up-to-date policies for the location of housing.
14. I therefore dismiss the appeal.

Gyllian D Grindey

Inspector