The Planning Inspectorate

Appeal Decision

Site visit made on 10th May 2018

by Alison Roland BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2018

Appeal Ref: APP/H1840/D/18/3195533
Mount Pleasant, Elmley Lovett, Droitwich, WR9 0PX.

- 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 Meredith against the decision of Wychavon District Council.
- The application Ref: 17/01726/HP, dated 19 August 2017, was refused by notice dated 24 November 2017.
- The development proposed is dependant persons annex.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposal amounts to inappropriate development in the Green Belt (GB) and if so, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

3. The appellants maintain that the proposal would amount to the redevelopment of previously developed land (pdl) (paragraph 89 of the Framework last bullet point) and thus would not amount to inappropriate development in the GB. They claim the appeal site falls within the residential curtilage of the appeal property, whereas the Council suggest it lies beyond it. This is relevant to the assessment of whether it could comprise pdl because of a recent Court judgement [1] which established that residential garden land, outside "built-up areas" is not excluded from the definition of pdl. Being in the open countryside, associated with a single dwelling and outbuildings, the appeal site is clearly not in a built up area.

4. The site comprises a hard standing area adjoining open fields on one side and the farm yard to the other. It stands nearby the former agricultural buildings (which the appellants concede are mostly outside the residential curtilage), to

[1] *Dartford Borough Council -v- SSCLG* [2017] EWCA

which it shares greater visual affinity than with the main body of the farmhouse, which is sited further away. At my site visit there was a large horsebox and land maintenance equipment stored thereon, including trailers, water storage containers and a land roller; all of which are likely to be associated with the equestrian use of the adjoining land and are not items generally found within residential gardens. Whilst it may have been used for parking of the appellants' vehicles, the available evidence suggests that this has not been its sole or main use. For these reasons, I am inclined to the Council's view that the appeal site stands outside the residential curtilage of the farmhouse.

5. Pdl is defined in the Framework as "*Land which is or was occupied by a permanent structure, including the curtilage of the developed land".* Aerial photographs of the land taken in 1999, 2005, 2013 and 2017 depict a series of vehicles and smaller undiscernible structures sited thereon. However, the very fact that these vary over the range of photos illustrates their transience and I do not consider on the available evidence that the use of the site for parking and open storage would be tantamount to land occupied by a permanent structure as envisaged in the definition of pdl.

6. In any event, even if the site did constitute pdl, the Framework requires that development thereon would not have a greater impact on the openness of the GB and the purpose of including land within it than the existing development. Whilst I do not doubt the appellants' intentions concerning the intended use of the building as an annex, it would nonetheless have the appearance of a bungalow. I am in no doubt that its built form and permanence would have an appreciably greater impact on the openness of the GB than the use of the land for open storage. Relative comparisons between the volume of the annex vis a vis the outdoor storage on the site are not decisive because a permanent building is not comparable to transient outdoor storage which varies from time to time.

7. In regard to potential conflict with the purposes of including land in the GB, the most relevant criterion is to safeguard the countryside from encroachment, as the proposal would clearly not fall foul of the remaining four purposes. Since the annex would be sited on existing hard standing which is physically distinct from the adjoining fields, I do not consider it could be said to encroach onto the adjoining countryside.

8. However, because of its siting relatively remote from the farmhouse and particularly its elevated position relative to the adjoining fields, it would appear as an unduly dominant element in the landscape. It would be clearly evident from users of the public footpath which traverses the fields to North and East where it would appear perched up relative to the adjoining countryside in a discordant fashion.

9. The effect would be exacerbated by the fact the annex would be sited up to the edge of the hard standing with no intervening space for landscaping and the four patio doors with Juliet balconies on the rear elevation would have a suburbanising appearance when viewed from the countryside beyond. Although the appellant indicates a willingness to plant hedgerows, these would take many years to mature to a sufficient height to screen the building effectively and

could not practically be sited close to the site boundaries as they would obscure the outlook from the building.

10. For these reasons, I conclude that the proposal would amount to inappropriate development in the GB and added to this definitional harm, would be a loss of openness thereto, as well as harm to the character and appearance of the countryside arising from its discordant siting. This would bring it into conflict with Policies SWDP2E, SWDP21 and SWDP25 of the South Worcestershire Development Plan (2016), which seek to ensure that development in the GB accords with the Framework and is of a high design quality that integrates effectively with its surroundings and the character of the landscape setting.

11. The Council also cite criterion C of Policy SWDP2. Whilst detached annexes do not feature in the list of development types, this is a strategic policy aimed at restricting development to that which is appropriate to a countryside location and is specifically permitted by other policies of the plan.

12. The Council maintain the proposal would be tantamount to a new dwelling and thus conflict therewith. I take the appellant's point that case law has determined that merely because a building contains all the facilities requisite for independent accommodation, does not render it a separate planning unit. [2] Nonetheless, by virtue of its detached siting some distance from the main farmhouse and outside its residential curtilage, I consider that it would potentially lend itself to future subdivision to a separate dwelling should circumstances change. Merely because it would share an access with the main farmhouse would not alter that. This adds to my concerns on the main issue.

13. The appellant advances several other considerations in favour of the appeal. Firstly, the benefit to the appellants who are both elderly and use mobility scooters. I have no reason to doubt that the proposal would afford more convenient accommodation on a single level compared to the existing two storey farmhouse and I attach some weight to this point.

14. Secondly, the existing storage use of the site which appears longstanding and in the absence of any evidence to the contrary from the Council, could presumably continue. However, having regard to its nature, namely a parking area for vehicles which come and go and other relatively small and impermanent items associated with the use of the surrounding land, I give this factor limited weight.

15. Thirdly, the appellant refers to the potential fallback position of siting a mobile home on the land without needing planning permission. This is questionable given that I concur with the Council's position regarding the site lying outside the residential curtilage of the farmhouse. There is also no suggestion that this is a likely outcome of the appeal being turned away and I thus afford this factor limited weight.

[2] Uttlesford District Council v Secretary of State for the Environment and White [1992]

Overall Balance and Conclusion

16. I have found on the main issue that the proposal would amount to inappropriate development in the GB and that it would also give rise to a significant loss of openness. I attach substantial weight to these findings. Added to this, I have found that it would appear as an unduly dominant and suburban element in the landscape by virtue of its prominent and elevated position relative to the adjoining countryside. I attach significant weight to this harm. I also have concerns about the potential severability of the annex in the future given its siting relative to the farmhouse.

17. For the appeal to succeed, the combined weight of the other considerations raised by the appellants must be sufficient to clearly outweigh the totality of harm identified. Overall, I conclude that the other considerations raised by the appellants, even taken together, would not clearly outweigh the harm identified. It follows that the very special circumstances necessary to justify the development do not exist. The appeal therefore fails.

ALISON ROLAND

INSPECTOR