
Appeal Decision

Site visit made on 9 October 2018

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2018

Appeal Ref: APP/H1840/W/18/3203197

Land to the rear of The White House, Main Street, Peopleton WR10 2EG

- 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 and Mrs Corbett against the decision of Wychavon District Council.
 - The application Ref 18/00510/FUL, dated 13 March 2018, was refused by notice dated 10 May 2018.
 - The development proposed is construction of dwelling and annexe.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Parties have had the opportunity to make comment on it in their appeal submissions. Where any comments have been made these have been taken in to account. There have been no fundamental changes to national planning policy relevant to the main issue in this appeal, which I have determined having regard to the revised Framework.
3. The address on the application form refers to the site as being on "land to the rear of The White House" while the decision notice and appeal form only state "The White House". No correspondence indicating a change was agreed has been provided and I consider the inclusion of the additional wording provides greater clarity and therefore have used that in the banner heading above.
4. Although not included in the description of development, the proposal also includes the construction of a garage. Details of it were provided in the application and I have assessed the appeal on the basis that the garage forms part of the proposal.
5. Despite the delegated report referring to the site being wholly outside of the development boundary and the Peopleton Conservation Area, the details provided as part of the appeal indicate that part of the red line application site incorporating the access is within them. I have had regard to this in my assessment of the appeal.

Main Issue

6. The main issue is whether the proposal would be in a suitable location for housing, having regard to local and national planning policies.

Reasons

7. The appeal site is a relatively rectangular area of land within a larger field with access from an existing entrance leading past The White House. The majority of the site is located outside the Peopleton Conservation Area although the entrance and initial part of the access lane is within it. There is an existing stable building on the field and landscaping to parts of its boundaries. There are 2 properties under construction to the west of the site, fields to the north and east and a ménage to the south. The main part of the appeal site, including the dwelling, annexe and garage would be located outside of the development boundary although the entrance is within.
8. The relevant development plan is the South Worcestershire Development Plan (the Plan). Policy SWDP1 of the Plan sets out the broad presumption in favour of sustainable development in line with the Framework. Policy SWDP2 of the Plan goes on to establish the settlement hierarchy and development policy that should apply in settlements and the open countryside. Peopleton is classified as a Category 3 village in the Hierarchy of Settlements. The delegated report describes these settlements as having at least one key service. Policy SWDP 2 indicates that housing sites are allocated to address the need for housing and support local services in these settlements. Infill development within the development boundary is also acceptable in principle.
9. The open countryside is defined in Policy SWDP2 as land beyond any development boundary. The policy indicates that development in the open countryside will be strictly controlled. Development in the open countryside is only considered appropriate if supported by other relevant local policies or meeting one of the criteria listed.
10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework comments that where a planning application conflicts with an up-to-date development plan it should not usually be granted. Only if material considerations in a particular case indicate that the plan should not be followed should they be permitted.
11. The proposed development conflicts with the policies of the Plan as it does not meet any of the exceptions where residential development in the open countryside is considered appropriate. The Council have indicated they have a 5-year supply of housing land and this has not been contested by the appellants. I therefore consider the relevant policies of the development plan are not out of date, absent or silent in regard to housing.
12. The appellants, however, consider there are clear material considerations why planning permission should be granted in this instance, departing from the Plan. The lack of harm in relation to highway matters, drainage, living conditions, green infrastructure, pollution, prime agricultural land and design have been highlighted. The lack of harm from these results in neutral impacts that do not weigh in favour of the development. I acknowledge that the

provision of a minimum 5 year housing supply is not to be considered as an upper limit and the proposal would align with the national aim to boost the supply of housing. However, being for a single dwelling, with annexe, the contribution to the supply or mix of housing in the area would be very limited. Therefore this adds limited weight, even in the context of other development in the village potentially being restricted or a perceived lack of allocated sites.

13. The proposal would provide additional support to the existing village services. I acknowledge the comments regarding the village shop and support from the Framework in relation to rural services. Nevertheless, while any contribution is worthwhile, as with tax revenue, construction jobs and local trades, being a single unit the contribution would be very limited. I have also taken into account the proposed landscape and ecological enhancements along with the energy efficiency of the proposal. While these would represent benefits of the proposal, these again are not significant due to the scale of the development and therefore add little weight.
14. I note that the appellants have chosen the appeal site over other parts of the land in their control. That said, that an alternative location could result in greater issues and harm does not add weight in favour of the current proposal.
15. There are services, facilities and public transport in the village and the site would have convenient access to these. The Council have not raised any concern over the accessibility of the location and I have no reason to disagree.
16. The appellants describe the village as being capable of accommodating infill residential development. Nonetheless, the Plan only refers to infill development being acceptable in principle within settlement boundaries. Although part of the site is within the development boundary, the key elements of the proposal are outside it. The Appellant suggests that it could be argued the appeal site is previously developed land. No lawful development certificate or other compelling evidence has been put to me to demonstrate this is the case. The proposal may in some respects meet the aims of certain policies contained in the Plan. However, there are other considerations that need to be satisfied as part of an overall balance of policy. Although the proposal would not discourage the use of brownfield land, or prevent most development being located in urban areas, it remains contrary to the Plan policies in regard to the settlement hierarchy. A "call for sites" from the Council is referenced by the Appellant however no details of this have been provided and there is nothing to suggest that this alters the status of the Plan.
17. A lack of new and suitable housing in the area is referred to. However, no evidence in relation to the local housing market has been put to me. The appellants currently reside in the village and their existing accommodation is no longer suitable for their family needs. The desire to remain in the village and create a flexible living environment for their extended family is entirely understandable. Policy SWDP20 of the Plan and the Framework are discussed in regard to impacts from an aging population and creating a wider choice of housing. Nonetheless, these personal circumstances and a development of a single dwelling are not sufficient to outweigh the conflict with the other policies identified.
18. I note the principles of policy SWDP2 in relation to sustainable development and have taken into account the benefits of the proposal. Nevertheless, it is clear that beyond any development boundary new residential development is

limited to certain circumstances in the Plan. Even though the site is not isolated from the village or other residential properties, it is outside of the development boundary.

19. The proposal would not therefore be in a suitable location for housing, having regard to local and national planning policies. It would be contrary to policies SWDP1 and SWDP2 of the Plan which provide the overall principles of development in the area, and specify the exceptions where housing is permitted outside of development boundaries. It is also contrary to the Framework in that the proposal conflicts with an up-to-date development plan and therefore should not usually be granted.

Other Matters

20. The appeal site is partly within in the Peopleton Conservation Area (PCA). The Council have not referred to any harm from the proposal on the PCA, its setting or the setting of The White House which is a listed building. The PCA includes the traditional properties within the village and highlights its historic core. The White House is a building distinct from many of the other traditional red brick properties in the area by its colour and external timber features. While the Appellant suggests that the proposal would be a high quality design I find it would preserve the character and appearance of the PCA, its setting, and that of the listed building. This is therefore a neutral impact.
21. My attention has been drawn by the Appellant to a number of appeal decisions. The appeal decisions themselves have been provided for 2 of these. One relates to a site near to a Category 2 settlement (APP/J1860/W/17/3191631). These are defined as having greater services than the appeal before me and the proposal was for 3 dwellings. The site is described as being within a distinct enclave of development centred on the village church and part of the garden of an existing property. I consider that to be a different context to this appeal. While the other appeal was near to a Category 3 village, the proposal was for also 3 dwellings (APP/J1860/W/18/3192959). The site included an existing dwelling within the development boundary, and other outbuildings which were to be demolished. In the appeal before me only a limited part of the access lane is within the development boundary and there is no existing residential development on the site. Both appeals were for a greater number of properties and would have made more of a contribution towards housing supply and supporting local services than this appeal.
22. Reference is made to several other appeals although I have not been provided with the decisions or full details of the considerations before the Inspectors (APP/J1860/W/17/3172760, APP/J1860/W/17/3170968, APP/J1860/W/16/3164875 and APP/J1860/W/17/3176459). As such I cannot be sure they represent a direct comparison to this proposal.
23. Where details have been provided there are certain similarities between the appeals quoted by the Appellant and this one. There are also elements that make the cases materially different to the one before me. Individual appeals are decided on their own particular merits and I have determined the appeal in this way.

Planning Balance

24. Section 38(6) of the Act and the Framework are clear that significant weight must be given to the development plan and where applications conflict with an up-to-date development plan permission should not usually be granted. It is only where other material considerations justify departing from the development plan should permission be granted. The proposal would result in significant harm by way of conflicting with the relevant housing policies of the development plan, thus undermining the housing strategy. I consider that the benefits of the proposal do not outweigh this harm, and that the other material considerations are not sufficient to grant planning permission in this case.

Conclusion

25. I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR