



Appeal Decision

Site visit made on 6 November 2018

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2018

Appeal Ref: APP/H1840/W/18/3204389

Maybush, 90 Bretforton Road, Badsey, Evesham 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 Heydon against the decision of Wychavon District Council.
 - The application Ref 18/00105/FUL, dated 16 January 2018, was refused by notice dated 29 March 2018.
 - The development proposed is described as 'proposal to build 4 new dwellings in the land between Maybush House and existing properties along Bretforton Road'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since only coordinates were provided on the application form I have taken the address of the appeal site to be that stated on the Council's decision notice.
3. The application was determined and the appeal submitted, prior to the publication of the revised National Planning Policy Framework (2018)(NPPF). The parties have been given the opportunity to comment on the implications of this on the appeal and I have also taken it into account in reaching my decision.

Main Issue

4. The main issue is whether the site of the proposed development is a suitable location for new housing, having particular regard to local and national policies for development in rural areas.

Reasons

5. The appeal site comprises a vacant plot of land, which was being used for the storage of building materials and equipment for the adjacent development site at the time of my site visit. The appeal site is located off Bretforton Road, in an area generally characterised by residential development and abuts, but sits outside, the settlement boundary of Badsey, as defined under Policy SWDP2 of the South Worcestershire Development Plan (DP), adopted February 2016. Badsey is identified as a Category 1 village because of the range of services in the village compared to other villages in this part of the County.
6. Older housing along this part of Bretforton Road is generally set out in a linear fashion fronting onto the road, with more recent development located off it. To the north of Bretforton Road, housing extends further to the east than the

appeal site. More recently permitted housing, to the east and south of the appeal site, has physically and visually enclosed it, making it feel as though it is within the village. The appellant states that because the context of the site has changed the development boundary is out of date and has drawn my attention to a number of planning permissions which have been granted outside the development boundary.

7. The appellant has also drawn my attention to Policy SWDP 2 C Footnote (2), and concludes that, as consequence, the appeal site is now within the development boundary. I do not agree with this interpretation. The adjacent sites are neither coterminous with the development boundary, nor are they allocated. Thus, the appeal site cannot be considered to be within the current development boundary and is therefore contrary to Policy SWDP2 of the Development Plan.
8. Whilst the appeal site is adjacent to the development boundary, for the purposes of Policy SWDP 2 it is within open countryside, which is defined as land beyond any development boundary. The Policy strictly controls development in open countryside to, amongst other things, encourage the effective use and re-use of accessible, available and environmentally acceptable brownfield land. Part C of the Policy identifies a number of exceptions where development will be supported in open countryside; however, the appeal scheme could not be considered to fall under any of these.
9. The appellant has drawn my attention to an appeal decision, reference APP/H1840/W/3166467 which, they state, considers similar principles to this appeal. Whilst I note there are similarities, there was a fall-back position in that case comprising two planning permissions and associated Reserved Matters approval that provided for a total of 22 dwellings, which was a significant material consideration in the determination of the appeal. Significantly, there is no fall-back position of relevance here.
10. I acknowledge that the site is bound by housing, and therefore development of the site would not harm the character and appearance of the countryside. However, the site is not brownfield land. The Council has confirmed that they are able to demonstrate a deliverable five year's supply of housing, a matter which is not disputed by the appellant. Whilst this is not a ceiling, in an area which has a more than sufficient supply of housing land, development of the site may deter the development of brownfield sites, which are generally more challenging to bring forward than greenfield sites.
11. Allowing the development of greenfield sites in these circumstances would therefore undermine the aim of the Development Strategy set out in part (iv) of Policy SWDP 2, to 'encourage the effective use and re-use of accessible, available and environmentally acceptable brownfield land'.
12. Thus, I conclude that the site of the proposed development is not a suitable location for new housing, having particular regard to local and national policies for development in rural areas. The proposal is therefore contrary to Policy SWDP2 of the Development Plan, with a resultant conflict with Policy SWDP1 which supports proposals which accord with policies in the SWDP. These policies are consistent with the Framework, in so far as it seeks that strategic policies set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield land'.

Other Matters

13. The proposal would involve the provision of 4 new dwellings located in an area which has a range of services and is accessible. Consequently, there would be a contribution to housing supply with associated benefits to the local economy, services and facilities both during construction and following occupation. The proposal is also in accordance with Development Plan policies in terms of design, density, renewable energy, highways, ecology, flood risk and drainage. However, the absence of harm in those respects does not outweigh the conflict with Policies SWDP1 and SWDP2 of the DP identified above.

Conclusion

14. For the reasons given above, and having regard to all matters raised, the appeal is dismissed.

M Savage

INSPECTOR