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## Appeal Decision

Site visit made on 31 January 2019

**by G Powys Jones MSc FRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> March 2019**

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**Appeal Ref: APP/H1840/W/18/3214172**

**Marston Grange, Long Marston, Pebworth, CV37 8AG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr William Barnett against the decision of Wychavon District Council.
  - The application Ref 18/00215/OUT, dated 25 January 2018, was refused by notice dated 24 April 2018.
  - The development proposed is described as outline application for 4 Dormer Bungalows on vacant land, which is currently within the garden curtilage area of Marston Grange, Long Marston.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The original application was submitted in outline with all matters, bar the means of access, reserved for future approval. However, a block plan was produced showing the proposed means of access and how 4 dwellings could be accommodated on the site. Means of access apart, I have treated the drawing of the proposed layout as illustrative of the appellant's proposals.

### Main Issues

3. The main issues are: (a) whether the proposed dwellings would be sustainable in respect of their location; (b) the effect of the development upon highway safety, and (c) the effect of the development upon archaeology.

### Reasons

#### *Location*

4. The appeal site lies adjacent to a tree-lined country road, being separated from it by a dry stone wall. It is well screened by mature trees on all but one boundary. The presence of play and leisure equipment on this grassed site provides an indication of its claimed use in association with Marston Grange. However, I have insufficient information to determine conclusively whether it forms part of its curtilage as garden.
5. Policy SWDP 1 of the South Worcester Development Plan (DP) indicates that the Council will take a positive approach towards development proposals that reflect the presumption in favour of sustainable development. DP policy SWDP2 sets out the Council's Development Strategy and Settlement Hierarchy.

Amongst the principles applied in the development strategy are, firstly, that it should provide for and facilitate the delivery of sufficient housing to meet objectively assessed needs to 2030; secondly, that the open countryside should be safeguarded.

6. Criterion C of policy SWDP2 provides that the open countryside is defined as land beyond any development boundary where development will be strictly controlled and, in so far as housing is concerned, limited to dwellings for rural workers, replacement dwellings or on rural exception sites. The land clearly lies well outside the nearest settlement boundary, and accordingly, for policy purposes, stands in the open countryside. Although my attention has been drawn to some nearby development, old and new, the appearance of the site and its surroundings exudes the characteristics of pleasant open countryside. The proposal does not fall within any of the types of housing permitted under the terms of policy SWPD2, and therefore the development would conflict with it.
7. The appellant has referred to the nearby presence of a development of 4 dwellings served by the same access. I do not have the full circumstances of that case before me, although I note that they appear to have been formed from a conversion of a previously existing building. Therefore that development is not directly comparable to the appeal proposal.
8. The appellant has supplied a 2011 bus time-table indicating a limited service to and from Stratford and other villages. However, whilst the bus service would provide an alternative means of transport to the nearest main settlement in the terms of DP policy SWDP4 it has limitations of the service in terms of regularity and destinations. Therefore, it seems to me that most journeys from the site on a day to day basis would take place by car.
9. This would be contrary to Paragraphs 102 & 103 of the Framework which says that planning should actively manage patterns of growth in support of the objective to promote walking, cycling and use of public transport. Whilst I recognize that sustainable transport solutions will vary between urban and rural areas, from the evidence before me, it seems that there is very little that would be accessible from the site by sustainable transport modes.
10. The appellant has drawn my attention to other development, which he says could be built under permitted development rights. However, I have no plans of such alternative schemes to demonstrate that they would be a more harmful fallback position with a realistic chance of being implemented should this appeal be dismissed and therefore I have given very little weight to this scenario.
11. To my mind the development is in clear breach of the Council's settlement policies, and a permission would lead to the proliferation of harmful sporadic development. I therefore conclude that the development would not be locationally sustainable and would conflict with those provisions of DP policies SWDP1, SWDP2 & SWDP4 relating to development in the open countryside and requiring sites to offer genuinely sustainable transport choices. The development would also be at odds with the provisions of The Framework's paragraphs 78 & 103, which offer similar policy guidance.

### *Highway safety*

12. The appellant intends using an existing private access onto the local country road, which already serves other limited development. This emerges at a cross-road. No drawings have been submitted showing any improvements to the access point, or the availability of achievable lateral visibility splays. I saw that existing visibilities from the mouth of the access point were constrained to an extent by the trees growing in the verge between the dry-stone wall and the edge of highway.
13. No clear indication is given in the proposed block plan as to whether the verge is in the appellant's control or ownership, or whether it forms part of the highway. No speed survey has been undertaken. The outcome of such a survey would undoubtedly have assisted in calculating the appropriate lateral visibility splays required to make for a safe access on a country road subject to the national speed restriction of 60mph.
14. In the circumstances, I share the Council's view that insufficient information has been provided to properly assess whether the existing access is capable, without improvement, of safely accommodating the additional traffic generated by the development. Therefore, there is an unacceptable risk that the proposal would harm highway safety and it would therefore conflict with DP policy SWDP4 which indicates that development proposals must demonstrate that they address road safety.

### *Archaeology*

15. The Council's archaeologist advised that the site is situated within an area rich with Medieval ridge and furrow and that the area may have been utilized in the Medieval period. I note the appellant's reference to the hard surface and soil importation. However, such works would not necessarily remove features of archaeological importance.
16. Therefore, further investigations should be undertaken to ensure that no important archaeological remains would be destroyed by the proposal. Without this prior information there would be an unacceptable risk that the development would have an adverse effect upon archaeology. Accordingly, the proposal conflicts with DP policy SWDP6, which seeks to conserve and enhance assets of potential archaeological interest.

### **Overall Conclusions**

17. I have considered all other matters raised in the representations but none outweigh the conclusions I have reached in respect of the main issues identified at the outset. Accordingly, I dismiss the appeal.

*G Powys Jones*

INSPECTOR

