The Planning Inspectorate

Appeal Decision

Site visit made on 26 February 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2019

Appeal Ref: APP/H1840/W/18/3211781
Three Wells, Hazdor Lane, Hazdor, Droitwich, Worcs WR9 7DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by J Thornes against the decision of Wychavon District Council.
- The application Ref 18/01121/HP, dated 6 June 2018, was refused by notice dated 9 August 2018.
- The application sought planning permission for: Resubmission of planning application W/12/01301/PP for the erection of a 3 no. bay oak-framed garage on site of existing garage and adjacent shed to include use of 1st floor for ancillary habitable accommodation, without complying with a condition attached to planning permission Ref W/13/00084/PP, dated 7 March 2013.
- The condition in dispute is No 2 which states that: The ground floor of the 3-bay garage hereby approved shall only be used for the domestic storage purposes incidental to the domestic use of the dwelling and shall not be used for commercial or business purposes or converted into habitable accommodation. The first floor of the garage block hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 'Three Wells'.
- The reason given for the condition is: In order to prevent the overdevelopment of the site; to protect the amenities of the area; and to ensure that the accommodation remains ancillary in nature, in accordance with saved Policies GD2, ENV14 and SUR7 of the Wychavon District Local Plan (June 2006).

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether Condition 2 is necessary having regard to the Council's spatial strategy for the location of visitor accommodation, in respect of minimising environmental impacts.

Reasons

3. The building which is the subject of this appeal is a detached two-storey, oak framed garage ('garage block') comprising storage space at ground floor with self-contained accommodation at first floor. The garage block is located to the rear of the host dwelling, known as Three Wells.

4. The appellant has confirmed that the first floor of the garage block has been in use as visitor accommodation. The removal of condition 2 would facilitate the further use of the first floor of the building as visitor accommodation.

5. Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) sets out the relevant development strategy for the area and Part C identifies that in the open countryside new development will be strictly controlled. The justification for this policy amongst other things states that sites beyond development boundaries generally are less sustainable. As access to local services and employment opportunities tends to be poorer and therefore it is appropriate that development in the open countryside is restricted to proposals, which are supportive of more specific SWDP policies. It is not disputed by the parties that this site is outside the development boundary. Therefore, for planning policy purposes it is within the open countryside.

6. Policy SWDP 35 of the SWDP refers specifically to visitor accommodation. Part B of this policy relates to sites outside a development boundary and identifies a few categories where visitor accommodation in these locations would be acceptable. This includes the re-use of a redundant rural building of permanent or substantial construction. The garage block is a rural building of substantial and permanent construction.

7. Although the garage block may have replaced an existing redundant building, my determination of the appeal is based on the extant building. The appellant has advised that the garage block was initially built to provide ancillary accommodation for family members and is no longer suitable or required for that purpose. On this basis, the appellant submits that the garage block is now redundant. At the time of my visit the first floor was furnished but unoccupied and the ground floor was in use for the storage of motor vehicles and other household paraphernalia. Irrespective of the circumstances relating to the first floor, the ground floor of the building is in use. The garage block is therefore not a redundant building and it does not meet the requirement of Policy SWDP 35, part B.

8. The reasoned justification to the above policy advises, in paragraph 2, that the retention of existing and the provision of new visitor accommodation is an essential element of supporting tourism in the South Worcestershire area, and that by encouraging the development of visitor accommodation in built-up areas, the environmental impact of building in the open countryside can be minimised. Sites within settlements are more appropriate as they already have access to the infrastructure, amenities and public transport links and cycling and walking infrastructure needed to support them.

9. Despite being an existing building, the removal of Condition 2 would support visitor accommodation in the open countryside in Hazdor. This is formed largely of a collection of dwellings which are substantially detached from the main settlement of Droitwich Spa and the facilities, services and public transport links associated with this. Access from the appeal site is along a rural road with no street lighting or footpath, making it unappealing and unsafe for walking and cycling, particularly for longer journeys to destinations containing the full range of services and facilities to serve day to day needs. Furthermore, my attention has not been drawn to any regular bus service from near the appeal site.

10. The appellant's submissions confirm that when in use there was constant demand for the visitor accommodation at the appeal site and while some visitors did undertake walking trips locally and visit nearby places, others also visited pubs, shops and attractions in or near Droitwich, Worcester and

Malvern. To access these areas, guests staying at the site would most likely be reliant on their own cars for travel. I also have no strong basis to support the appellant's suggestion that the visitor accommodation use is no different to the intended use of the garage block for ancillary accommodation. Taking into account the above factors and in the absence of any substantive evidence to the contrary, the use of the garage block for visitor accommodation fails to provide sustainable travel choices resulting in a detrimental environmental impact.

11. For the above reasons, Condition 2 is necessary to support the Council's spatial strategy for the location of visitor accommodation, in the interests of minimising environmental impacts. The removal of Condition 2 would be in conflict with Policies SWDP 2 and SWDP 35 of the SWDP.

Other Matters

12. The use of the garage block for visitor accommodation provides economic benefits, this includes the retention of employment in association with its maintenance and management, along with visitor expenditure in the local economy. It also offers social benefits through the provision of visitor accommodation. The use of an existing building that utilises small-scale renewable energy features is also an environmental benefit. Nonetheless, such benefits associated with a single unit of visitor accommodation would be limited and this along with some local support for it, do not outweigh the harm I have identified.

13. The appellant advises that the Council has allowed buildings to be converted to visitor accommodation locally. However, I am unaware of the specific circumstances of these and therefore cannot draw any meaningful conclusions. Local demand for short-term let visitor accommodation, the lack of any adverse impact on neighbours, along with the appeal site having been assessed for business rates do not influence my findings on the main issue.

Conclusion

14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposed development does not accord with the relevant policies in the development plan, and there are no material considerations before me sufficient to indicate that the decision should be made other than in line with the policies of the development plan.

15. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR