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: 21 May 2019

Appeal Ref: APP/H1840/W/18/3211837
Land adjacent Pridzor Road, Droitwich Spa, Worcestershire WR9 8LQ

- 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 J Garbet against the decision of Wychavon District Council.
- The application Ref 18/00878/FUL, dated 30 April 2018, was refused by notice dated 2 August 2018.
- The development proposed is change of use of land and erection of 1 single storey dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

   i) Whether or not the proposal would be inappropriate development in the Green Belt in terms of the National Planning Policy Framework (the Framework) and development plan policy;

   ii) Whether the site is in a suitable location for residential development with regard to local policy and the Framework; and,

   iii) If the proposal would be inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development in the Green Belt

3. In accordance with part E of Policy SWDP 2 of the South Worcestershire Development Plan (SWDP), applications within the Green Belt should be considered in accordance with the Green Belt provisions of the Framework which sets the national context for Green Belt policy.

4. The appeal site comprises an open plot of land, which is located between established residential development off Prizdor Road and three recently built dwellings. The site was being used for the storage of a limited amount of building materials and equipment, in association with the adjacent development. The proposals are for the erection of a two-bedroom bungalow with a garage. The construction of new buildings is inappropriate development

in the Green Belt; however, paragraph 145 of the Framework outlines some exceptions. Sub-section g) states that the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development would not constitute inappropriate development.

5. The appellant contends that the site constitutes previously developed land (PDL)[1]. The assertion is that it has been within the curtilage of the former adjacent commercial buildings that have now been replaced with the three recently built dwellings. In support of this assertion, aerial photographs of the appeal site and adjacent land have been provided, along with a copy of a previous site plan[2]. However, this information shows the physical relationship of the site and adjacent land: it does not show use of the site as a curtilage to the former commercial buildings. There is nothing before me to firmly suggest how the land in question was used as curtilage to the former commercial buildings. It is unclear as to the nature and scale of the land's use as an enclosure to the former commercial buildings.

6. Even if it had been shown that the site is PDL, the introduction of a new dwelling of the size proposed on the appeal site would result in the loss of spatial and visual openness of the Green Belt. Furthermore, for the reasons given below the proposal would also fail to assist in safeguarding the countryside from encroachment, which conflicts with the purposes of designating land inside the Green Belt.

7. Drawing all of the above points together, I find that the proposal would constitute inappropriate development inside the Green Belt. There is conflict with part E to Policy SWDP 2 and the Framework.

Suitability of the location of the site for residential development

8. The appeal site lies just outside the development boundary of Droitwich. Policy SWDP 2 sets out the Development Strategy for the area. This defines open countryside as land beyond any settlement boundary, where development will be strictly controlled with certain specified exceptions as set out under SWDP 2, part C. The proposals do not meet these exceptions.

9. The appellant refers to the appeal decision[3] for the three recently built dwellings, on land adjacent to the appeal site. The Inspector in determining that appeal concluded that Policy SWDP 2 must be read as a whole having regard to part A, which sets out the overarching principles for the Development Strategy. Amongst other things, to safeguard the open countryside, encourage the effective re-use of accessible, available and environmentally acceptable brownfield land, maintain the openness of the green belt and focus most development on the urban areas.

10. The Inspector found the adjacent site to be a part of the urban area, accessed through residential development on the north-east edge of Droitwich and, in character and appearance, not part of the open countryside. However, that decision relates to a site that comprised PDL and incorporated existing buildings.

[1] As defined under Annex 2: Glossary, National Planning Policy Framework
[2] Appendix D1 to Appellant's Written Statement of Appeal
[3] APP/H1840/W/16/3152337

11. Travelling east from the settlement boundary, despite the existence of the recently built dwellings and others nearby, this area is rural in character and the open space of the appeal site contributes to this. This is in contrast to the built-up urban area contained within the settlement boundary. Moreover, the appeal site forms part of the open countryside which surrounds the three new dwellings and provides a visual buffer between the latter and urban area. The site also allows views from the track along its frontage into the open countryside. Consequently, in this particular location, the proposed dwelling would represent encroachment in to the open countryside.

12. Drawing on the above factors, the site is not suitable for this kind of residential development and the proposal would conflict with Policy SWDP 2 of the SWDP and Policy SWDP 1, which seeks to ensure that development follows the broad presumption in favour of sustainable development as set out in the Framework, subject to proposals being in accordance with policies in the SWDP.

Other considerations

13. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework also says that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

14. I have already found the site not to be PDL. Furthermore, the Council is able to demonstrate a deliverable five year's supply of housing. 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. Allowing the development of greenfield sites in these circumstances would therefore undermine a further aim of Policy SWDP 2.

15. The appellant states that there is an identified need in the area for the type of accommodation proposed for elderly residents. Be that as it may, there is no certainty that the proposed dwelling would be occupied by this particular group. The proposal would deliver an additional dwelling for the area. Furthermore, future occupants would also form part of, and support the local community. These would be social benefits arising from the proposal.

16. The close proximity of the site to Droitwich and existing shops, services and facilities here, would reduce the need to travel by car. The proposed dwelling would also be energy efficient. Ecological and landscape enhancements could also be secured by conditions, if the appeal were to succeed. In terms of design the proposed dwelling would complement the adjacent recently built properties. These would be environmental benefits associated with the proposals.

17. There would also be economic benefits arising from the proposals, including those from the initial construction phase, along with the use of local businesses for the on-going maintenance of the new dwelling. It would also generate council tax and New Homes Bonus receipts, and support existing shops, services and facilities in Droitwich. Nevertheless, such social, economic and environmental benefits arising from a single dwelling would be modest.

18. The lack of impact on any agricultural land, heritage assets, ecological feature, green infrastructure, landscape character or existing infrastructure, and the absence of waste or pollution impacts, along with the no objections from some consultees are neutral factors.

19. The appellant has referred to previous appeal decisions[4] with regard to Policy SWDP 2. From the information available to me those proposals did not relate to sites within the Green Belt. Furthermore, in two of those cases the sites incorporated some existing development and in two cases the sites were partly located within settlement boundaries. As such, these are materially different to the appeal before me and therefore do not alter my findings on the main issues. In any event, each application is determined on its merits.

The Green Belt balance

20. The proposal would harm the Green Belt by reason of inappropriateness to which substantial weight is given and there would be loss in openness. Additional weight is given to the finding that the site would be unsuitable for this kind of development. There is therefore conflict with Policies SWDP 1 and SWDP 2 of the SWDP, and the Framework.

21. On the other side, I attach modest weight to the economic and social benefits arising from the proposal, and an additional dwelling would make a limited contribution to the supply of housing even for elderly persons. The potential environmental harm would be serious.

22. Overall, I conclude that, individually or cumulatively, the other considerations do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm arising from the proposal. Accordingly, the very special circumstances needed to justify the development do not exist.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR

[4] Appeal References: APP/J1860/W/18/3192959, APP/J1860/W/17/3191631 and APP/H1840/W/18/3197607