
Appeal Decision

Site visit made on 9 April 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2019

Appeal Ref: APP/H1840/W/18/3214699

Pillar Box Cottage, Middle Road, Stock Green, Redditch B96 6TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Paul Sperring against the decision of Wychavon District Council.
 - The application Ref 18/00700/CU, dated 9 April 2018, was refused by notice dated 1 June 2018.
 - The application sought planning permission for the conversion of threshing barn to residential annexe ancillary to Pillar Box Cottage without complying with a condition attached to planning permission Ref W/02/01714/CU, dated 11 November 2005.
 - The condition in dispute is No 9 which states that: *"The development hereby approved shall only be used as ancillary accommodation in connection with the main dwelling known as Pillar Box Cottage"*.
 - The reason given for the condition is: *"To prevent the creation of an independent dwelling which, due to its close physical relationship would have an adverse amenity impact on the existing property"*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The building was granted planning permission for conversion to a residential annexe in 2005. The application subject to this appeal sought the removal of a condition restricting the use to ancillary accommodation to the main dwelling. Whilst the reason for originally imposing the condition was to prevent an adverse impact on the amenity of the existing property, I am not restricted to considering the appeal in regard to that reason only. As such, I have had regard to the planning circumstances as they currently exist.

Main Issue

3. The main issue is whether the condition is necessary and reasonable having regard to policies restricting development in the countryside.

Reasons

4. Policy SWDP2 of the South Worcestershire Development Plan (2016) (the SWDP) sets out the development strategy for the area and states that development in the open countryside will be strictly controlled and limited to

specific types of development. These include dwellings for rural workers and replacement dwellings. The reasoned explanation to the policy explains that the open countryside is of a high quality and an important attribute to the area. This is further expanded by stating that sites outside settlement boundaries have poorer access to local services and employment opportunities.

5. The site is located outside of any settlement boundary and therefore in the open countryside for planning policy purposes. No argument has been made that the scheme would accord with any of the forms of development permitted in the countryside.
6. I observed that there was no pedestrian footway in the vicinity of the site and there was little in the way of local services nearby. The Council highlight that the site is located approximately 4 kilometres from Inkberrow where there is a shop and some local services. Notwithstanding the lack of pedestrian footways, this is not a reasonable distance to travel on foot for day-to-day needs. As such, occupiers of any independent unit would be heavily reliant on the private car. As such, there would be environmental harm arising from locating development in a location with such poor access to day-to-day services.
7. The appellant has referred me to a number of other developments within the vicinity of the site. However, from the details provided by the Council, the circumstances of each of these were different and as such they are not directly comparable to the scheme before me. It has been suggested that the scheme would meet an established need for housing in the locality. Even if this were the case, I am not persuaded that this would be an appropriate location for such development.
8. Consequently, the location is not suitable for a new, independent dwelling having regard to policies restricting development in the countryside. The scheme is therefore contrary to Policies SWDP1, SWDP2 and SWDP4 of the SWDP. These policies seek to ensure development improves environmental conditions, to control development in the open countryside and to ensure development offers sustainable transport choices.

Conclusion

9. For the reasons given above and having regard to all matters raised, I conclude that the disputed condition is necessary and reasonable such that the appeal should be dismissed.

Martin Allen

INSPECTOR