
Appeal Decision

Site visit made on 10 June 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2019

Appeal Ref: APP/J1860/W/19/3225363

The Oaks, Bell Lane, Lower Broadheath WR2 6RR

- 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 A Candy against the decision of Malvern Hills District Council.
 - The application Ref 18/00221/FUL, dated 12 February 2018, was refused by notice dated 24 September 2018.
 - The development proposed is described as the erection of garage and enlargement of residential curtilage.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The National Planning Policy Framework (the Framework) was revised in 2019 and this post-dates the Council's refusal notice. I have determined this appeal in accordance with the Framework.
3. The description of development that appears in the banner heading above is taken from the planning application form. However, curtilage is in fact not a form of development and this appeal is not the correct mechanism for determining what is or is not existing curtilage. The Council's decision notice refers to the description of development as the 'erection of a garage and change of use of land to C3 residential use'. This more accurately describes the appeal proposal and I have therefore determined the appeal on such a basis.

Main Issue

4. The main issue is the effect of the proposals on the character and appearance of the host dwelling and the surrounding area.

Reasons

5. The appeal site relates to a barn converted under prior approval for use as a dwellinghouse. The dwelling is gable ended and finished in a mix of brick and horizontal timber cladding. The site is accessed by a track leading from the road to the west constructed of compacted hardcore. There are dwellings to the west and south of the site although the appeal site is positioned some distance away from these. The dwelling is situated within part of a field and is surrounded by fields to the north and east with established hedgerows and mature trees near to the site which add positively to the immediate setting of

the appeal site which is mainly verdant and rural in character. There is a partially constructed outbuilding and smaller domestic structures adjacent to the dwelling. A close boarded fence, approximately 2 metres in height, forms part of the boundary with the public right of way running to the north of the site. There is a low post and rail fence to the western and southern boundaries.

6. Policies SWDP21 'Design' and SWDP25 'Landscape Character' of the adopted South Worcestershire Development Plan 2016 (the development plan) seek to encourage good design and to ensure that proposals are appropriate in their relationship to their surroundings and landscape setting. These policies are complemented by the South Worcestershire Design Guide Supplementary Planning Document (SPD) that includes advice with regard to outbuildings and the need to be subordinate in scale and similar in style to the host property.
7. The proposed development is for a building to provide storage and garaging facilities with a width of approximately 14 metres and height of about 4 metres. Whilst the appellant indicates that the hipped roof reduces the visual massing of the garage, its form would appear at odds with the gable ended design of the host dwelling. The height of the garage is indicated as being broadly commensurate with the principal building. Noting this as well as its overall scale and massing, the building would visually compete with, and not appear subordinate to, the host dwelling.
8. A Public Right of Way runs along the northern boundary, with a close boarded timber fence separating it from the appeal site. Whilst this enclosure serves to partially obscure views of the site, the garage would nonetheless be in close proximity to this boundary and so would be partly visible from this public vantage point and from within the wider environmental setting. The appeal site is physically isolated from nearby dwellings and hence the development would introduce a discordant built form that would be visually intrusive and remote when seen in this part of the landscape which is essentially green and open.
9. The appellant contends that the chosen design, including amendments from a previous scheme dismissed at appeal, provides the building with a traditional rural character and that it is typical for groups of rural buildings to comprise of different designs. Notwithstanding this, each case must be assessed on its individual planning merits and having considered the development proposed in relation to its context, and for the reasons outlined above, the garage building would be significantly at odds with the character of the host dwelling and would be visually intrusive within the landscape.
10. Policy SWDP2 'Development Strategy and Settlement Hierarchy' of the development plan seeks to safeguard and enhance the open countryside and ensure the retention of the character of 'significant gaps'. Supporting text to policy SWDP2 indicates that 'significant gaps' are intended to serve as a buffer or visual break between settlements and protect land subject of development pressures.
11. The change of use element of this appeal would include the proposed garage and approximately 15 metres of land between it and the host dwelling. The appellant indicates that the position of the garage between existing and proposed built form would screen this area and any associated domestic paraphernalia. However, considering the significant harm caused by the garage building identified above, coupled with the likely incremental domestication of this land, I find that the proposals would undermine the open character of the

area and the 'significant gap' and would therefore be contrary to the landscape character aims of policy SWDP2.

12. The appellant asserts that given the position of the access track and its use by domestic vehicles that it "stands to reason" that a garage building should link with this access track and that the intervening land be approved for residential use. However, I do not find that the presence of the access track or its use by vehicles in association with the host dwelling justifies allowing harmful development.
13. For the collective reasons outlined above, I conclude that the proposed development would have a significantly harmful impact on the character and appearance of the host dwelling and surrounding rural area. Consequently, it would not accord with the design, character and appearance aims of policies SWDP2, SWDP21 and SWDP25 of the adopted South Worcestershire Development Plan 2016, South Worcestershire Design Guide SPD 2018 and the Framework.

Other matters

14. The appellant indicates that given the residential use of the appeal site that it would be of value to provide storage to serve the occupiers. I do not consider that any such benefit outweighs the significant harm identified in terms of my conclusion on the main issue.

Conclusion

15. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Robert Lankshear

INSPECTOR