The Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2019

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 03 July 2019

Appeal Ref: APP/J1860/W/19/3225595
Maple Cottage, Green Street, Kempsey, nr Worcester WR5 3QB

- 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. Mrs. M. Mann against the decision of Malvern Hills District Council.
- The application Ref 18/00839/OUT, dated 6 June 2018, was refused by notice dated 17 December 2018.
- The development proposed is demolition of cattery buildings and erection of new dwelling.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved and I deal with the appeal on that basis. The site address above is taken from the Council's decision notice as no site address was given on the application form.

Main Issues

3. The main issues are whether the proposed development would be acceptable bearing in mind policies related to housing and employment uses in rural areas; and the effect on the character and appearance of the area.

Rural housing/employment uses

4. The appeal site is located outside of the settlement boundary for Kempsey and so, although within the hamlet of Green Street, it is located in the open countryside for the purposes of policies contained within the South Worcestershire Development Plan (adopted 2016) (SWDP). Policy SWDP2 states that in the open countryside, development will be strictly controlled and will be limited to dwellings for rural workers, employment development, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings and renewable energy projects and development specifically permitted by other SWDP policies. Although Policy SWDP13 seeks to encourage the use of previously-developed land, Policy SWDP2 indicates that the aim is to encourage the use of accessible brownfield land.

5. Although having some sustainability credentials including being close to a very small number of services and facilities, with others within a relatively short

driving distance in Kempsey, nonetheless occupants of a dwelling on the appeal site would be heavily reliant on the use of a private car for their day to day needs. As such, these aspects, and the fact that only one dwelling is proposed in breach of this policy, are not enough justification to outweigh the clear policy conflict identified and I find that the appeal site is not in an accessible location.

6. The appeal site was formerly in use as a cattery and as such the proposal for a dwelling on the site would mean the loss of an employment site. This would be in conflict with the aims of Policy SWDP12 of the SWDP to protect rural employment uses. This policy indicates that proposals to change use to any non-employment-generating purpose will need to demonstrate that the site has been actively marketed for employment, tourism, leisure or recreation purposes for a period of at least 12 months and that it is no longer viable for an employment-generating use.

7. Annex F to the SWDP indicates that it is a matter for the decision maker as to whether or not it is necessary to comply with all marketing requirements on all occasions. However, there is no substantive evidence here to indicate that either the market conditions or the individual characteristics of the site mean that that the employment use would be unlikely to resume. Whilst the cattery use had ceased prior to the appellant's purchase of the site, the effect of the proposal would still be the permanent loss of a potential employment site.

8. As such, I find on the first main issue that the proposed development would not be acceptable bearing in mind policies related to housing and employment uses in rural areas. It would conflict with Policies SWDP1, 2 and 12 of the SWDP which seek to direct development to sustainable locations and to protect rural employment uses.

Character and appearance

9. The appeal site is at the end of a row of dwellings terminated by the house at Maple Cottage and is in close proximity to the M5 motorway on the other side. A number of small scale buildings associated with the former cattery are on the appeal site, and it is immediately adjacent to the plot of Maple Cottage. As such, although located within "Principal Settled Farmlands" as defined by the Worcestershire County Landscape Character Assessment (WCLCA), visually the site appears as more closely associated with adjacent built development, rather than with the fields and open countryside beyond.

10. The proposal would not extend the line of development on this side of Green Street any further west than the buildings on the opposite side of the road, and would represent a continuation of existing built development on the same side of Green Street. On this basis, and given that the appeal site appears as associated with the existing dwelling rather than with the open countryside beyond, a single dwelling in this location would assimilate well into its surroundings, subject to appropriate reserved matters being approved.

11. I therefore find that the proposed development would not have a materially harmful effect on the character and appearance of the area. It would accord in this way with Policies SWDP 21 and SWDP 25 of the SWDP which require that all new development respects the key features and distinct character of its surroundings, and integrates with the character of the landscape setting

Balancing and Conclusion

12. The proposed development would not result in harm to the character and appearance of the area but would result in development plan conflict and harm as regards the location of rural housing and loss of a rural employment site. In weighing these matters, I find that it would conflict with the development plan, read as a whole. For the above reasons, and taking into account all other matters raised, the appeal does not succeed.

V Bond

INSPECTOR