The Planning Inspectorate

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: 04 July 2019

Appeal Ref: APP/J1860/W/19/3225832
Rowley Farm, Ockeridge Lane, Holt Heath WR6 6LY

- 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 Mrs Clare John against the decision of Malvern Hills District Council.
- The application Ref 18/01565/FUL, dated 29 October 2018, was refused by notice dated 19 December 2018.
- The development proposed is change of use of land for the siting of one holiday log cabin.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Clare John against Malvern Hills District Council. This application is the subject of a separate Decision.

Procedural matter

3. 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.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is a parcel of land to the north of the farmstead of Rowley Farm. The farm predominantly comprises of a cluster of red brick buildings but also portal framed agricultural structures. At the time of conducting my visit, the appeal site did not include any existing buildings and mature trees and hedgerow were evident to the periphery of the site with a pond within the north-eastern corner. There are fields to the north, east and west of the site used for grazing by horses and sheep, whilst to the south of the site there is a grassed area with fruit trees, that gives this part of the landscape a generally verdant character. A Public Right of Way (PROW) runs north to south through

the field parcel to the west providing unobstructed views towards the western boundary of the appeal site.

6. Policy SWDP2 'Development Strategy and Settlement Hierarchy' of the adopted South Worcestershire Development Plan 2016 (SWDP) seeks to safeguard and enhance the open countryside. Policies SWDP21 'Design' and SWDP25 'Landscape Character' of the SWDP seek to encourage good design and to ensure that proposals are appropriate in their relationship to their surroundings and landscape setting.

7. Policy SWDP36 'Static and Touring Caravans, Chalets and Camping Sites' of the SWDP indicates that new sites, including log cabins will be permitted subject to a number of criteria. These include that the site is visually unobtrusive and well screened from important local vantage points (ii) and that development is of a design, form and scale that is well-related to its setting (iv).

8. Having assessed the inter-visibility between the site and the PROW, I observed on my site visit that whilst existing vegetation largely screened the site from the field parcel to the north, there were significant gaps in the hedgerow on the boundary with the site and the field parcel to the west and views were possible onto and through the appeal site. The appeal development would introduce a log cabin towards the centre of the site which would be conspicuous from the PROW given its size and lack of existing substantial screening.

9. The design of the log cabin including the use of timber as a facing material is typical of rural development that is encouraged by policy SWDP36 of the SWDP. I do not find conflict with the relevant policies in respect of the design of the building itself. However, policies SWDP21 and SWDP36 emphasise the need for development to be well-related to its setting, surroundings and other development. I consider, given the availability of views across the site from the nearest local vantage points (the PROW) and its visually divorced relationship with the cluster of buildings forming the farmstead to the south, that the introduction of such a structure would be poorly related to nearby built development in terms of its form and siting. Owing to the remote position and scale of the development it would be visually intrusive in its landscape setting and at odds with the predominantly rural and mainly undeveloped character of the surrounding land.

10. I note the appellants comments about the Landscape Character Assessment accompanying policy SWDP25 of the SWDP. Whilst I consider that the proposal would be mainly visible from localised viewpoints, it would nevertheless fail to integrate with its immediate environment. Given its scale and siting, the appeal development would represent a visually intrusive and incongruous addition into the countryside when viewed from the nearest local vantage point (the PROW) to the detriment of the character and appearance of the area.

11. The appellant has suggested that a scheme of landscaping could adequately screen the development, and that this and the use of alternative materials could be required by way of condition. No scheme of landscaping or alternative schedule of materials has been submitted by the appellant. Planting would take some time to reach maturity and, in any event, these are the sort of matters that would need to be considered in detail at this stage and not by planning condition.

12. The appellant asserts that the site has historically been used in association with a domestic use including a swimming pool and that the land could not realistically be used for agricultural purposes given its constrained nature. However, my site visit did not reveal any evidence of any historic use and the evidence from the appellant is not persuasive in this regard. I cannot be certain if the land is not capable of being used for some form of agricultural use. In any event, the aforementioned matters do not outweigh the very significant harm that I have found in character and appearance terms.

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 surrounding rural area. Consequently, it would not accord with the design and landscape aims of policies SWDP2, SWDP21, SWDP25 and SWDP36 of the adopted South Worcestershire Development Plan 2016 and the Framework.

Other matters

14. The appellant indicates that the Council have failed to attribute sufficient weight to policy SWDP12 'Employment in Rural Areas' of the SWDP. They argue that significant weight should have been given to this in the planning balance, particularly reference to farm diversification proposals. Whilst the Council does not explicitly refer to this policy, it does assess the proposals against directly relevant policies including SWDP36. The proposals are then weighed in a planning balance including against the principles of the SWDP and the Framework. I do accept that the proposal would lead to some economic benefits and that it would lead to a form of farm diversification. However, this is not a matter that outweighs the very significant harm that would be caused to the character and appearance of the area if the appeal were to be allowed.

15. The appellant has referred to other similar developments that have been approved in the area. Whilst some detail has been provided by the appellant, I am not familiar with the site specifics of each individual case or their relationship to the site. In any event, I have determined the appeal on its individual planning merits. The existence of other similar developments within the area does not alter or outweigh my conclusion on the main issue.

16. The appellant indicates that the proposals would be ecologically friendly, benefit mental health, would be close to and benefit local businesses and encourage use of the countryside. Whilst this may be the case, I do not find that these matters outweigh the very significant harm identified in terms of my conclusion on the main issue.

17. The appellant has raised concern with regard to the manner in which the Council determined the application. This is not directly relevant to my assessment of the merits of the appeal proposal.

18. None of the other matters outweigh or alter my conclusion on the main issue.

Conclusion

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

Robert Lankshear

INSPECTOR