
Appeal Decision

Site visit made on 23 July 2019

by J Alderman BA(Hons) MA MRICS

an Inspector appointed by the Secretary of State

Decision date: 17 September 2019

Appeal Ref: APP/H1840/W/19/3222556

Church Farm Villa, Elmbridge Lane, Elmbridge, WR9 0DA.

- 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 D Hughes against the decision of Wychavon District Council.
 - The application Ref 18/02469/FUL, dated 21 November 2019, was refused by notice dated 16 January 2019.
 - The development proposed is change of use from detached two bay car garage to 2no. holiday lets.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue are whether the proposed development is:
 - (1) suitable development in the open countryside; and
 - (2) the appeal site is appropriately located for holiday lets.

Reasons

Development in the open countryside

3. The proposed development is located in Elmbridge, a settlement of buildings scattered along rural roads. It is surrounded by fields and open countryside.
4. The appeal site is situated on a country road, bordered by trees and hedgerows and comprises a semi-detached dwelling with a driveway, garage, a building described as stables and gardens.
5. The proposed development would be the change of use and conversion of the building, currently a garage into two one bedroom, two storey self-contained holiday lets. The external alterations would be limited to an additional doorway, windows and rooflights. Access and associated carparking would be via an already existing separate field entrance on the opposite side of the proposed development to the current garage entrance.
6. Policy 2 of the South Worcester Development Plan (SWDP), adopted in 2016 states that development in open countryside will be strictly controlled and lists policies where exceptions could occur. It also states that development will be

- allowed where it is permitted specifically under other SWDP policies. One of the policies noted is SWDP 35 which applies specifically to visitor accommodation.
7. The parties are not in dispute about whether the proposed development would be in open countryside. They agree that the requirements of SWDP 35 Part A would be met. These specify that visitor accommodation should be of an appropriate type and scale and that there should be no adverse impact on neighbours. They also agree that the building would be a rural building of permanent and substantial construction. However, they are not agreed that it is "redundant", which is a requirement of SWDP 35 Part Bv.
 8. The Council assert that the garage is ancillary to the host dwelling and there is a distinction between the building being usable in its current form, even though the current occupiers choose not to use it and it being redundant. The appellants view is that SWDP 35 does not define redundant and the Council have introduced a further test to their policy which the policy wording does not envisage or support.
 9. In determining this point I have started with the Oxford Dictionary definition of redundant, which says that something is redundant if it is "not or no longer needed or useful; superfluous." It does not qualify this in any way, it is a description at a point in time. In the case of the proposed development the appellant has decided that the garage is no longer required and they have no need for it and therefore it falls within the above definition. Within Policy SWDP 35 there is no further qualification of the term redundant, neither is it defined within the Framework.
 10. The Council in coming to their decision referred to an appeal decision (Ref: APP/J1860/W/18/3204695), which had apparently similar circumstances. In this case the Inspector drew a distinction between vacant and redundant and suggested that due to the lack of any alternative garaging and storage the garage building in question was ancillary to the existing house and as such continued to have a use, although not to the current occupant.
 11. However, in the case of the proposed development there is alternative general storage which is available in the building towards the rear of the existing house known as the stables. During my site visit I noted that it appeared adequate for storage purposes. There is also parking for vehicles in front of the existing house, providing an alternative to the garage. For these reasons I consider that the circumstances are sufficiently different between these two appeals. In any event each case has its own local characteristics and must be decided on its own merits.
 12. I therefore conclude that the proposed development, in its existing form as a garage, can be considered as being redundant for the purpose for SWDP 35 and therefore it complies with policy SWDP 2c, in being a suitable development within the open countryside and Policy SWDP 35, specifically part Bv.

Appropriate location

13. Elmbridge has minimal facilities and therefore travel to nearby settlements would be necessary for activities such as obtaining essential supplies and potentially undertaking activities that visitors to an area might reasonably be expected to take part in, such as eating out or visiting local attractions.

14. The appellant has suggested that visitors to the proposed development may only have limited travel requirements. I have no evidence before me to support the type of visitors to the proposed development or what their activities or travel movements might be. It is not in my opinion reasonable to assume that potential visitors would bring sufficient supplies with them thus reducing the need to shop locally or that they would not travel around in order to experience the area they are visiting.
15. It is acknowledged that the proposed development is located close to footpaths and therefore walking to take advantage of these would be possible. However, despite this, it is highly likely that additional vehicle movements would be generated.
16. SWDP 4, which is concerned with travel around South Worcestershire is very clear that development proposals must demonstrate how they offer genuinely sustainable travel choices.
17. Although SWDP 2, permits development in the countryside in specific circumstances there is nothing suggesting that these developments do not need to demonstrate how they would meet the requirements of SWDP 4. The policy does not suggest that this should be less achievable in more rural areas. Although as pointed out by the appellant it is likely to be more difficult in these areas. Similarly, although the appellant has demonstrated how the proposed development would align with the principles of SWDP 2 this does not offset the obligation of SWDP 4.
18. The appellant has drawn my attention to another case concerning travel where planning permission was granted (Ref: 17/00948/CU), however, the circumstances of this case were different in that it related to the provision of tented accommodation. It is explained in the Officer's report that SWDP 4 is rendered more difficult to comply with in this case, but this was qualified through the application of SWDP 36 which apparently has specific requirements for camping and recognises that these sites might be remotely located. As a different policy context exists this case is not directly relevant.
19. The proposed development does not demonstrate how it would offer genuinely sustainable travel choices and the reliance on travel by car would be very likely to generate additional traffic movements despite the proposal being for only two holiday lets. It would therefore fail to comply with Policy SWDP 4.

Other Matters

20. I have considered whether the appeal proposal would be consistent with the social, economic and environmental dimensions of sustainable development, as set out in paragraph 8 of the Framework. I have found that the proposed development would fail to contribute to sustainable transport choices and this would put it in conflict with the environmental dimension of paragraph 8. Whilst the holiday lets would make a positive social contribution by providing the opportunity for leisure pursuits and an economic contribution through employment associated with the construction and the holiday let business, these benefits of the scheme do not outweigh the environmental harm that I have identified above.
21. Furthermore, having considered the relevant policies drawn to my attention I am led to conclude that there is conflict with the development plan as a whole

and the Framework in respect of the requirement for sustainable transport choices and I find the scheme is not sustainable development.

Conclusion

22. For the reasons given above I conclude that the proposal would conflict with the development plan as a whole by failing to provide sustainable travel choices, and so the appeal should be dismissed.

J Alderman

INSPECTOR