



Appeal Decision

Site visit made on 6 August 2019

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/H1840/W/19/3223985

Hindlip Stables, Pershore Lane, Martin Hussingtree WR3 8TA

- 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 Zimmermann against the decision of Wychavon District Council.
 - The application Ref 18/02330/FUL, dated 5 November 2018, was refused by notice dated 12 February 2019.
 - The development proposed is conversion of remaining redundant stable complex into 3 x 1 bed apartments.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The extent of the 'appeal site' as edged red on the submitted 'Site Location Plan' is different to that shown on 'Drawing Hindlip 2'. However, as the area edged red on Drawing Hindlip 2 is broadly consistent with that given on the application form, I have relied on this drawing for the purposes of identifying the appeal site. This drawing also shows garages for the new apartments. As these garages are outside the appeal site, they do not form part of the proposal.

Main Issue

3. The main issue is whether the site is in a suitable location for the proposed development with regard to access to services and facilities, minimising the need to travel, offering sustainable travel choices, and safeguarding the appearance of the countryside.

Reasons

4. The appeal relates to part of an existing stable block which is laid out in a quadrant formation with an enclosed courtyard. The proposal is to convert part of the stable block into three, one bed apartments. Land north of the stable block also forms part of the appeal site, this is to be used for resident's parking and is accessed via the existing access off the A4538, which lies to the west of the site. The site is also located within Green Belt.
5. Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) sets out the development strategy for the area and Part C identifies that in the open countryside new development will be strictly controlled and limited to certain

types of developments and those specifically permitted by other SWDP policies. On the available evidence it has not been clearly shown that the proposal is for any such developments. The justification for this policy amongst other things states that sites beyond development boundaries generally are less sustainable as access to local services and employment opportunities tends to be poorer and therefore it is appropriate that development in the open countryside is restricted to proposals which are supportive of more specific SWDP policies.

6. The open countryside is defined as land beyond any development boundary. The site is approximately 1km from Martin Hussingtree a category 4b settlement in the SWDP, offering a low/medium level of public transport provision and low services/facility provision. Consequently, for planning policy purposes the site is within the open countryside.
7. Despite utilising an existing building, the proposal would result in the creation of new dwellings in the open countryside. Although these dwellings would not be isolated because of the existence of residential accommodation in the stable block and other development nearby, they would still be substantially detached from Martin Hussingtree.
8. Moreover, the access from the site is along a rural road with no street lighting or footpath, making it unappealing and unsafe for walking and cycling, particularly for longer journeys to destinations containing the full range of services and facilities to serve day to day needs, and for accessing the nearest facilities and bus service from Martin Hussingtree. There are some facilities and services at Fernhill Heath. However, based on the appellant's evidence and my observations these would largely be accessed from the site by driving.
9. The proposal may offer those working in Droitwich Spa the opportunity to live more locally than neighbouring towns and cities. Nonetheless, there is no certainty that future occupants would be employed in Droitwich Spa or that a reduction in commuting distances equates to less reliance on private vehicles. Therefore, based on the foregoing reasons, the location of the site is unlikely to remove reliance on private vehicles for daily requirements.
10. Turning to the appearance of the countryside, the appellant advises that the amenity area for the apartments would be within the enclosed courtyard. Furthermore, given the small and enclosed nature of the proposed parking area and the limited level of parking associated with this, such an arrangement would not result in any significant harm to the appearance of the open countryside.
11. Nevertheless, drawing on the above reasons, the proposed development would be in an unsuitable location in respect of access to services and facilities, it also fails to minimise the need to travel and does not offer suitable sustainable travel choices. I attach great weight to these factors in the interests of minimising environmental impacts.
12. For the above reasons, the proposal would be in conflict with Policy SWDP 2 of the SWDP, and with Policy SWDP 4 which amongst other things seeks developments to minimise demand for travel and offer genuinely sustainable travel choices. In light of the above, the proposal is also contrary to Policy SWDP 1 of the SWDP, which sets out a presumption in favour of sustainable development, subject to proposals being in accordance with policies in the SWDP.

Other Matters

13. The proposal would support the supply of three additional dwellings for the area, giving future occupants the opportunity to reside in and experience the countryside. However, given its modest scale, such social and any environmental benefits arising from the proposal, including any improvements in the appearance of the building would be limited, and despite the scheme being immediately deliverable, do not outweigh the harm I have identified.
14. The absence of conflict with other policies and objectives of the SWDP and the lack of objections in respect of other environmental matters, highways, design and amenity and the Green Belt are neutral factors, which do not weigh in support of the proposal. As is the implementation of sustainable energy sources and landscaping on land within the appellant's ownership. Specific issues relating to the Council's processing of the appellant's planning application are outside the scope of this appeal.
15. The existing residential accommodation within the stable block was granted through a Lawful Development Certificate (LDC)¹. The assessment for LDC's is different to that for planning applications, and I am unaware of the specific circumstances in respect of other developments near the site. On the available evidence, it has not been clearly shown that the site is of heritage significance and brownfield land, and also why the proposed units would appeal to those with limited budgets. Consequently, these factors do not alter my findings on this appeal.
16. I have taken account of the high court judgement² referred to in the appellant's evidence. However, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. Based on the evidence available to me I have found that the proposal fails to accord with an up-to-date development plan. Furthermore, there are no material considerations before me sufficient to indicate that the decision should be made other than in line with the policies of the development plan. Accordingly, I do not regard the proposal to be sustainable development.

Conclusion

17. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR

¹ 17/02453/CLE

² East Staffordshire BC v SoSCLG and Barwood Land (2016)