



Appeal Decision

Site visit made on 1 October 2019

by J Gibson BUEP MPIA

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/H1840/W/19/3231109

Land off Badsey Road, Evesham W11 7PA

- 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 Mrs J Wright against the decision of Wychavon District Council.
 - The application Ref 19/00301/OUT, dated 4 February 2019, was refused by notice dated 24 May 2019.
 - The development proposed is the construction of a bungalow with septic tank drainage and carparking and siting of a temporary caravan for occupation whilst construction work takes place.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was in outline with all matters reserved. I have had regard to the Site and Location Plan (Dwg No 18/424/1, dated Sept 2018), but have regarded all elements of this drawing as indicative.

Main Issue

3. The main issue is whether the proposed development would provide a suitable location for open market housing, with particular regard for the development strategy under the South Worcestershire Development Plan (adopted February 2016) (DP).

Reasons

4. The appeal property forms part of a larger land holding gaining access via a gravel/dirt access track off Badsey Road. The site falls within the open countryside as it sits outside of the Badsey development boundary, the closest urban settlement to the site, as defined under Policy SWDP1 of the DP. The site is characterised by an old orchard which reflects the surrounding rural/agricultural character and appearance of the area. On my site visit I observed that the appeal property was subject to some temporary structures comprising a caravan, fencing and a dog enclosure, however no permanent structures were identified.
5. The appellant confirms in their representations that the proposed development would be an open market dwelling, which is restricted within the open countryside. Policy SWDP2 of the DP details the specific requirements for such

development in the open countryside. Based on the evidence submitted the proposal would not fall under any of these exceptions. The proposal would therefore erode the agricultural function of the appeal property and consequently harm the rural purpose of the open countryside by introducing an independent residential household, contrary to the development strategy under the DP. The proposal would also result in isolated development under Paragraph 79 of the National Planning Policy Framework (the Framework). I note the appellant's intention to reinstate part of the orchard and to breed dogs and livestock on the site. However, I am required to decide the proposal before me on its own merits which the appellant has confirmed is for an open market dwelling.

6. The appellant details her reasoning for the proposed development, namely to continue her work in the area as a social worker and for greater security on the property. Her contributions to the community as a social worker are not in question, however this does not, nor does the security justification, outweigh the relevant planning considerations. The appellant draws reference to nearby dwellings which were granted approval in a similar rural/agricultural setting as part of her justification. However, no specific details of these permissions and their basis for being granted have been provided for comparison and consideration. No evidence was submitted by the appellant that the site was previously used for residential purposes, nor that such use rights remain in effect to present day. I can therefore attribute little weight to this justification. I note the prior planning advice provided to the appellant, but such advice does not prejudice the assessment of subsequent planning applications. The potential ecological improvements to the site and lack of objections from the Evesham Town Council do not outweigh the harm to the development strategy under the DP.
7. Accordingly, the proposed bungalow would not be suitably located having regard for the development strategy under the DP. It therefore conflicts with Policies SWDP1 and SWDP2 of the South Worcestershire DP and Paragraph 79 of the Framework. These policies collectively, amongst other things, identify the settlement hierarchy which guides sustainable development and sets out what development may occur within the open countryside to safeguard or enhance its purpose and function.

Other Matters

8. I note the Council's concerns regarding the existing vehicle access onto Badsey Road. However, as access is a reserved matter it is premature for the Council to conclude on this as a determinative reason for the refusal of the outline application. No objections were received from the relevant Highway Authority at this stage. I therefore see no reason to believe that suitable access arrangements could not be made at the reserved matters stage to accord with Policy SWDP21 of the DP.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

J Gibson

INSPECTOR