
Appeal Decision

Site visit made on 27 November 2019

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 January 2020

Appeal Ref: APP/J1860/W/19/3225729

Ardachie Slyng, Worcester Road, Great Witley WR6 6HP

- 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 Mark Tibbitts against the decision of Malvern Hills District Council.
 - The application Ref 18/01247/FUL, dated 30 August 2018, was refused by notice dated 20 November 2018.
 - The development proposed is the erection of one 2 bedroom detached bungalow and detached garage, store, log store and bin store with associated drive and parking area.
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Decision

1. The appeal is dismissed

Procedural matters

2. Notwithstanding the various spellings in the appeal submissions, I understand the correct name of the dwelling is the one I have given in the heading above.

Main Issues

3. The main issues in this case are
 - a) whether the development respects the aims of the Council's approach to development and
 - b) whether it harms the setting of the Grade II* Registered Park and Garden of Witley Court Park.

Reasons

The approach to housing development

4. The appeal site is part of the large curtilage of a bungalow that is set back from the main road behind a chapel. Woodland is to the east while houses fronting the road are to the west, with their long gardens behind. The new dwelling would be in the sizeable portion of garden between the chapel and the appellant's existing house.
5. The appeal property is near to but outside of the development boundary of Great Witley. As such, in the *South Worcestershire Development Plan* (the Development Plan) it is within the open countryside. The approach to development is outlined in Policy SWDP2 of this document and is based upon a

- number of principles. These include safeguarding the open countryside and focussing development on urban areas where accessibility to lower-cost public services is greatest. As part of this strategy, Policy SWDP2C states development in the open countryside is to be strictly controlled to certain specified forms, none of which accord with the proposal.
6. Great Witley appears to have a range of services that would be within walking distance of the site. Therefore, in locational terms, I am satisfied the development would be sustainable and, being a single dwelling, it would be of an appropriate scale to the settlement. The scheme would also bring some economic benefits, both through the construction phase and once occupied, but the size of the proposal means these would not be of great significance.
 7. Turning to the effect on the character and appearance, which the appellant identifies as a main issue, the site is not isolated. However, the sizeable curtilage of the existing dwelling and its location away from the village with woods and fields beyond mean it does not read as being part of Great Witley or within a cluster of houses. As a result, the proposal would be perceived as being a new dwelling outside of the built-up area. It would therefore have an urbanising effect on the surrounding landscape, eroding its rural, undeveloped character to a harmful extent.
 8. In coming to this view I accept that the proposal would be concealed from the streetscape by the intervening chapel and planting, and from the east by the woodland. It would also not be readily apparent from the west or south. However, such circumstances could be applied to much development in the countryside and, if accepted as a justification for the scheme, could lead to the cumulative erosion of the landscape. I appreciate too that the curtilage is broadly domestic in appearance at the moment with its ornamental planting and lawns. Despite that though it is nonetheless open, and the development would cause a notable and harmful change in this regard. I accept that the village will continue to evolve, but that should be undertaken in a manner that is controlled and respects the environment. For the reasons stated, I consider that would not apply to this development.
 9. The appellant has further contended there is a '*realistic potential*' of curtilage buildings being built here, which would have a comparable impact to that of the scheme. There is certainly a theoretical possibility this could happen, as it seems to be accepted that 'permitted development rights' to allow the construction of large outbuildings (subject to compliance with certain stated conditions) exist at the property. However, it has not been shown why the possibility of such sizeable buildings being built is indeed '*realistic*', especially given the relatively large outbuildings on site now and the scale of the dwelling proposed. Moreover, even if they were to be built, I have no details as to the form they would take and so I cannot find their visual impact would be more harmful. As such, I can afford the effect of 'permitted development rights' only limited weight in my decision.
 10. I have also had regard to the appeal decisions submitted by the appellant. However, in the one concerning Sawrey¹ the site was described as '*situated within a small cluster of dwellings*' while the site of the Middleton Cottage decision² was '*more sub-urban in appearance rather than sharing the attributes*

¹ APP/J1860/W/17/3172760

² APP/H1840/W/18/3218524

of the countryside further south'. Neither description fits the site of the appeal before me, which is more undeveloped and open in character, and so I find those decisions do not have a significant bearing on my reasoning.

11. It was said too that the development would appear cramped on its plot. However, it would be viewed in the context of the remaining spacious garden around the existing bungalow and the woodland to the east, and so any sense of it being cramped would not be detrimental.
12. Accordingly, I conclude that the proposal would be development outside the settlement boundary that failed to accord with the accepted exceptions and failed to safeguard the character or appearance of the countryside. Consequently, it would be contrary to the Council's approach to development and so conflict with Policy SWDP2 in the Development Plan.

The effect on the Registered Park and Garden

13. The site lies outside of but next to the Grade II* Registered Park and Garden of Witley Court Park. The significance of the Park lies in part, in its formal arrangement and the manner in which it supported and served Witley Court. It covers an appreciable area and extends some distance from the main house.
14. However, the Park's extensive nature coupled with its informal woodland along the western boundary mean it appears separate to the village beyond. Therefore, even assuming the separation between the Park and Great Witley was planned and the resultant isolation of the Park intentional, I consider these aspects would not be eroded to any material degree by the presence of the scheme or how cramped it would appear on its plot.
15. Accordingly, I conclude the proposal would not harm the setting of the Grade II* Registered Park and Garden of Witley Court Park, and so in this regard would not conflict with Policies SWDP6, SWDP21 and SWDP24 in the Development Plan, which broadly seek to safeguard heritage assets.

Other considerations

16. While it was agreed by the parties that the Council can demonstrate a 5-year supply of housing land, I accept that this does not mean further housing is unacceptable. However, to my mind any benefit from one more unit does not outweigh the harm I have identified.

Conclusions

17. For the reasons stated the appeal is dismissed.

J P Sargent

INSPECTOR