
Appeal Decision

Site visit made on 16 January 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/R1845/W/19/3239423

**Upper Norchard Farm, Netherton Lane, Dunley, Stourport-on-Severn
DY13 0UJ**

- 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 & Mrs F D’Aniello against the decision of Wyre Forest District Council.
 - The application Ref 19/0049/FULL, dated 17 January 2019, was refused by notice dated 21 August 2019.
 - The development proposed is one dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - ii) the effect of the proposal on the character and appearance of the area;
 - ii) whether the occupiers of the proposed dwelling would have adequate access to services by an acceptable choice of modes of travel; and
 - iii) whether there would be an unacceptable loss of the best and most versatile agricultural land.

Reasons

Character and appearance

3. The appeal site is located within an attractive area of countryside which is characterised by its undulating topography and low hills, dotted with isolated farms and small clusters of buildings. Fields are generally bounded by hedges interspersed with trees.
4. It is part of a sloping, triangular shaped field which, at the time of my visit, was used for grazing sheep and is accessed from Netherton Lane, which is a narrow private road leading from Netherton Road. The field shares a boundary with the curtilage of Ivy House Cottage. There is a small cluster of agricultural and other buildings which front onto Netherton Road, close to the junction with Netherton Lane, and further small clusters of buildings along Netherton Lane beyond the appeal site, associated with Upper and Lower Norchard Farms.

5. Given the proximity of other buildings nearby, the site could not be described as isolated. However, it is in a rural location outside of a settlement, and is approximately 1.4 miles to the nearest rural hamlet, Abberley, and around 2.8 miles to the town of Stourport-on-Severn.
6. Policy DS01 of the Wyre Forest Core Strategy 2010 (CS) sets out the development strategy for the area, which seeks to concentrate new development primarily on previously developed land in urban areas and larger settlements, in accordance with a settlement hierarchy. Further detail on appropriate sites for residential development is provided in Policy SAL.DPL1 of the Site Allocation and Policies Local Plan 2013 (SAPLP), which states that development outside of identified locations will not be permitted unless it accords with Policy SAL.DPL2 of the same plan. Policy SAL.DPL2 says that within rural areas, residential development will not be permitted unless it meets one of the criteria listed. In this case, the proposed development does not fall within any of these categories and as such, it conflicts with Policies DS01, SAL.DPL1 and SAL.DPL2.
7. The proposed development would involve the subdivision of the field into two, and the construction of a large two-storey dwelling with detached double garage in the lower section. The proposed house would be served by a new driveway which would join Netherton Lane in the same position as the existing field gate.
8. The appeal site is clearly visible from the field access on Netherton Lane and appears part of a wider area of countryside which rises up towards Upper Norchard Farm. Existing development at Upper Norchard Farm is not visible from the appeal site due to the topography of the area and the many trees in the hedgerows. Although the site is adjacent to Ivy House Cottage, the thick line of trees and shrubs along the shared boundary significantly limits the extent to which the existing house can be seen from the site. Other than the lane and a power line crossing the field, the area appears free from development and despite the relative proximity of existing development nearby, visually the site appears part of the wider countryside, rather than relating to an existing cluster of development.
9. I agree that the proposed siting of the development in the lowest part of the field would limit the visual impact of the development, and that existing and proposed vegetation along all three boundaries of the triangular site would provide screening which would further help to limit the impact. These factors would help to reduce the visibility of the proposed development in the wider landscape, but it would be clearly visible from Netherton Lane and nearby footpaths. The proposal would introduce new built development into this undeveloped, countryside location and would detract from the rural and open appearance of the site.
10. I note the appeal decisions which the appellant has referred to¹, but these relate to different circumstances, with different policies in different local authority areas, and one is now several years old. They are therefore not directly comparable to the appeal before me.
11. I therefore conclude that the proposal would harm the character and appearance of the area. It would conflict with Policy DS01, which restricts

¹ Appeal references APP/Q3115/W/19/3220425, APP/J/1860/A/12/2187934 and APP/K0235/W/19/3227767

development in the open countryside to safeguard landscape character, and with Policies SAL.DPL1 and SAL.DPL2, which set out more detailed requirements for residential development in rural areas.

12. There is no indication that the proposal would meet any identified needs. As such, there is conflict with Framework paragraph 77, which supports rural housing where it meets local needs. The proposal would also conflict with Framework paragraph 127c), which seeks to ensure that developments are sympathetic to local character and the surrounding landscape setting, and with paragraph 170b), regarding the need to recognise the intrinsic character and beauty of the countryside.
13. The Council has referred to CS Policy CP12: Landscape Character in its decision notice, but no assessment of the proposal in relation to the Worcestershire Landscape Character Assessment has been provided. I therefore give limited weight to this policy. Policies of the SAPLP are mentioned but it is not clear which are relevant here.

Accessibility by a choice of modes of travel

14. The appellant has acknowledged that the rural location of the site offers limited opportunities for sustainable transport, and that future occupiers are likely to be reliant on the private car to access services and facilities.
15. Framework paragraph 103 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This is recognised in Policy DS01, which allows limited development in rural settlements, but seeks to direct the majority of new development to urban areas and larger rural settlements in accordance with a settlement hierarchy. The aim of the policy is to ensure that development reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement. Through implementation of this strategy the plan seeks to minimise development in locations which are reliant on the private car.
16. I note the comments made by the planning officer and appellant that the proposal would help to enhance and maintain the vitality of nearby rural communities. However, any such benefit arising from a single dwelling would be very modest.
17. I therefore conclude that the occupiers of the proposed dwelling would not have adequate access to services by an acceptable choice of modes of travel and would conflict with the development strategy for the area set out in Policy DS01. There is further conflict with Section 9 of the Framework, which promotes sustainable transport and seeks to ensure that appropriate opportunities to promote sustainable modes can be taken up.
18. The Council's decision notice refers to CS Policy CP03 which relates to wider transport infrastructure and parking, and the impact of traffic on the local network. None of these matters directly relate to the reason for refusal so the policy is of limited relevance. Similarly, SAPLP Policy SAL.CC1 relates to site layouts, bus and cycle routes, and is not directly applicable to the proposal. Section 7 of the Framework is concerned with ensuring the vitality of town centres and is also of limited relevance.

Agricultural land

19. The Council's decision notice refers to the site as comprising Grade 2 (very good) agricultural land. I note that paragraph 7.110 of the SAPLP refers to land quality in the district being generally very high in the area running from east and south-east of Kidderminster eastwards towards the District boundary.
20. However, the assertion regarding land quality relates to the Agricultural Land Classification (ALC) map, which is not sufficiently accurate to determine this at the site specific level. No detailed evidence has been provided to ascertain the quality of the agricultural land on the site, which from looking at the ALC map could be Grade 2, 3a or 3b. Only if it is Grade 2 or 3a would it be classed as 'best and most versatile agricultural land' (BMV) for the purposes of CS Policy DS04 and SAPLP Policy SAL.UP14.
21. The proposal would involve a single dwelling, so the area lost would not be extensive, and the upper part of the field would remain in agricultural use. Furthermore, the triangular shape of the site and its position at the bottom of a slope may limit the practicality and quality of the land for agriculture, which could impact on its ability to form BMV land.
22. On the basis of the information before me I conclude that there would not be an unacceptable loss of BMV agricultural land. As such, I find no conflict with Policy DS04, SAL.UP14 or Framework paragraph 170b), all of which recognise the importance of BMV agricultural land and seek to protect its development.

Other Matters

23. The adopted local plans for the area are a number of years old and predate publication of the National Planning Policy Framework (the Framework). However, Framework Paragraph 213 states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework, and that due weight should be given to them, according to their degree of consistency with it.
24. I acknowledge that the housing figure set out in the CS is not based on an up-to-date housing requirement figure for the area. However, there is no suggestion that the Council lacks an up to date supply of land for housing. Furthermore, the policies identify locations where development should and should not take place by directing development within an overall settlement hierarchy, which is not inconsistent with the Framework.
25. To promote sustainable development in rural areas, paragraph 77 of the Framework requires that housing is located where it will enhance or maintain the vitality of rural communities. The development plan for Wyre Forest sets out a strategy which allows for development in villages and rural settlements which accords with this objective. The strategy also reflects the Framework's environmental objective which seeks to protect and enhance our natural environment and make efficient use of land. The overall development strategy set out in the plan, and the approach to development in the rural area, is not inconsistent with the Framework. Therefore, the policies referred to are not out-of-date and the 'tilted balance' is not engaged.

Conclusion

26. Whilst I find no harm in respect of the loss of agricultural land, I do find harm in respect of locational sustainability and character and appearance. For these two reasons I conclude that the appeal be dismissed.

R Morgan

INSPECTOR