



Appeal Decision

Site visit made on 24 February 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2020

Appeal Ref: APP/H1840/W/19/3234373

Plot next to No 3 Hill Mews, The Dog Walk, Elmley Castle, Pershore, Worcestershire

- 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 Mr Robin Eaton against the decision of Wychavon District Council.
 - The application Ref 19/00130/OUT, for which the statutory start date was 21 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is outline application for residential development of one house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application form was not dated. Consequently, within the banner heading provided above, I have used the statutory start date provided by the Council, rather than the date that the application was made.
3. The proposal seeks outline planning permission with all matters reserved. I have therefore assessed the proposal accordingly.

Main Issues

4. The main issues are:
 - i) whether the proposal represents a suitable site for residential development, having regard to the requirements of local policy; and
 - ii) the effect of the proposal on local biodiversity.

Reasons

Suitability of site

5. Policy SWDP2 of the South Worcestershire Development Plan (February 2016) (SWDP) provides a development strategy and settlement hierarchy for the district. The nearest settlement to the appeal site is Elmley Castle, which, based on the evidence before me, is a Category 3 village. Such villages provide varying ranges of local services and facilities and therefore, they are suited to accommodate market housing needs.

6. However, the site is located outside of the Elmley Castle settlement boundary. Accordingly, it is located within the open countryside whereby policy requires development to be strictly controlled. Whilst certain development types are acceptable within the open countryside, the policy does not make reference to open market housing. As a consequence, the appeal proposal is in direct conflict with the development plan, a matter to which I afford considerable weight.
7. The site is also located within the Cotswold Area of Outstanding Natural Beauty (AONB) whereby great weight should be given to conserving and enhancing landscape and scenic beauty. In this context, the appeal site represents a parcel of undeveloped land enclosed by a low-level post and rail fence. It is located adjacent to a recent housing development and opposite a tall red-brick wall. In addition, glimpsed views can be achieved towards a cottage to the south east of the site. However, as an undeveloped and verdant space that allows for expansive views across it and towards the open countryside beyond, the site clearly demarks the established end of the existing built form. As a consequence, the site makes a positive contribution to the rural environment in which it is located.
8. As identified above, all matters are reserved from the proposal. However, an indicative block plan suggests a wide property that would occupy much of the appeal site. That plan should only be used for illustrative purposes given the nature of the proposal, however, in whatever form the development takes, it would introduce an element of built form onto the site. Whilst this could be small or sensitively designed, the introduction of some built form would be significantly and demonstrably at odds with the open and verdant character of the site. The proposal would therefore have a harmful effect on the character and appearance of the area, including the landscape and scenic beauty of the AONB.
9. Consequently, for the reasons identified above, I conclude that the appeal site would not represent a suitable site for residential development. It would therefore fail to accord with Policies SWDP1, SWDP2 and SWDP23 of the SWDP. Taken together, these establish the development strategy for the district and require development to conserve or enhance the special qualities of the AONB.

Local Biodiversity

10. Based on the evidence before me, the appeal site was used as a reptile receptor site in association with the adjacent development. The appellant considers that this was for the construction phase only. However, evidence presented by the Council confirms that the receptor site was to be maintained as open grassland habitat. Moreover, it states that this would be protected and retained for the duration of the construction phase of the project and once completed, maintained for slow-worms in perpetuity. Following the submission of this evidence, the appellant has not disputed its accuracy.
11. Consequently, based on the evidence before me, I am satisfied that the appeal site was intended to be used as a receptor site for reptiles and that this was not just for the construction phase. The proposal would introduce a new dwelling onto the site and accordingly would result in significant harm to an area intended as a reptile receptor site. In the absence of any mitigation, the proposal would harm the status of the site.

12. Accordingly, I conclude that the proposal would have a harmful effect on local biodiversity. It would therefore fail to comply with Policy SWDP22 of the SWDP which, amongst other things, requires development wherever practicable, to conserve on-site biodiversity networks.

Other Matters

13. I note that a previous use of the site may have generated a high level of traffic movements. In this respect, the proposal would be likely to generate less traffic. However, due to the scale of the proposal, I attach very little weight to this matter.

Conclusion

14. The appeal proposal would be in direct conflict with the development plan and would be harmful to the AONB. In addition, it would have a harmful effect on local biodiversity. Consequently, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR