



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: 20 March 2020

Appeal Ref: APP/H1840/W/19/3240542

Land to rear of Cotswold House, 21 The Green, Broadway WR12 7AA

- 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 J Mould on behalf of Mould Resources Ltd against the decision of Wychavon District Council.
 - The application Ref 19/01683/FUL, dated 22 July 2019, was refused by notice dated 20 September 2019.
 - The development is proposed Tearoom with toilets.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Broadway Conservation Area.

Reasons

3. Within the Council's Conservation Area Appraisal (2006) (CCA), it is stated that the special interest of the Broadway Conservation Area (CA) includes the contributions of trees, gardens, open spaces and views. In addition, it is stated that the village derives much of its significance from the historic form of its buildings, plots and village layout.
4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The appeal site is located within the CA, to the rear of an unlisted building of local distinction, which itself lies behind an area of prominent open space. Adjacent to the site, and enclosing much of its western boundary, is a large building which forms part of a shopping arcade. To the east, a two storey detached dwelling, which is set significantly back from the highway, partially encloses the eastern boundary of the site. Due to the layout and location of these neighbouring developments they combine to create a dense and enclosing built form.
6. In contrast, the appeal site is a largely undeveloped parcel of land and as a consequence, its openness can be readily appreciated from within the more open section of the adjacent shopping area. Due to the principally open nature of the appeal site, it offers some visual relief from what is an otherwise dense

and enclosing built form. Additionally, due to the scale and location of the adjacent dwelling, and the depth of the appeal site, views of the site and its openness are apparent from the main road. Therefore, as an open and prominent site, it is consistent with the important characteristics which contribute to the significance of the CA, as identified within the CCA. Accordingly, the site makes a positive contribution to the character and appearance of the CA.

7. The proposal would introduce a new building on to the site. Whilst it would be single storey, it would have a large footprint which would occupy the majority of the open garden. The building would also have a tall ridge height. Therefore, due to the size and location of the building, it would significantly reduce the openness of the appeal site. For the same reasons, it would also be visible from the main road. As a consequence, the proposal would add to the existing dense form of development in a manner that would be detrimental to the important sense of openness and visual relief that the appeal site provides.
8. Due to the presence of other infill and backland development, such buildings are a characteristic of the CA. I also accept that previous development has also reduced views of the appeal site. However, open gardens represent an important characteristic of the CA. Accordingly, for the reasons identified above, the proposal would fail to comply with the provisions of the Act.
9. The harm generated by the proposal would be less than substantial. Therefore, Paragraph 196 of the National Planning Policy Framework (the Framework) states that this should be weighed against the public benefits of the proposal. In this regard, the proposal would bring economic benefits to the area, including the creation of jobs. The inclusion of toilets and increasing public access to the site would also be social benefits that would weigh in favour of the proposal. However, due to the small scale of the proposal, I attach limited weight to these matters.
10. I also note that the proposal seeks to address previous appeal decisions. However, based on the evidence before me, my findings are comparable with the conclusions of previous Inspectors. In addition, the definition of open space within the Framework does not alter the contribution that the site makes to the CA.
11. Paragraph 193 of the Framework states that great weight should be given to the asset's conservation. Whilst this does not mean that development should be precluded in conservation areas, for the reasons identified above, I am satisfied that the public benefits would not outweigh the harm. Accordingly, although the appellant suggests that the site is currently overgrown, underused, and may have previously been used for the parking of cars, for the reasons identified above, the proposal would not result in the optimal use for the site.
12. I therefore conclude that the proposal would fail to preserve or enhance the character and appearance of the CA. As a consequence, it would fail to accord with Policies SWDP6 and SWDP24 of the South Worcestershire Development Plan (2016), which taken together, and amongst other things, require development proposals to conserve and enhance heritage assets.

Conclusion

13. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR