



Appeal Decision

Site visit made on 17 March 2020

by B Davies MSc FGS CGeol

an Inspector appointed by the Secretary of State

Decision date: 4 May 2020

Appeal Ref: APP/J1860/W/19/3242892

Pendock Garage, Pendock, Gloucester, GL19 3PG

- 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. David Wyatt against the decision of Malvern Hills District Council.
 - The application Ref 19/00270/FUL, dated 16 February 2019, was refused by notice dated 11 June 2019.
 - The development proposed is the erection of a cottage style self-build dwelling, redevelopment of brownfield site (demolition of existing garage).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would represent an acceptable form of development, having regard to local planning policy and accessibility, and;
 - The effect of the proposal on character and appearance of the area.

Reasons

3. The site is part of a loose ribbon of development on the south side of a rural road on the edge of the village of Pendock. The location has previously been used as a small-scale commercial garage and is now overgrown, with the main brick building observed at the site visit to be in a dilapidated state. The site is surrounded by hedged fields on three sides, and a detached house set in a spacious plot on the other. The site itself is surrounded by unkept hedgerows and trees.
4. The site has an extensive planning history and a similar refused scheme was subject to appeal in February 2018¹. The current proposal aims to overcome the earlier reasons for dismissal, in part, by decreasing the number of houses from two to one and reducing the size of the property and curtilage.

¹ APP/J1860/W/17/3181537, relating to planning application number 16/01674/FUL (refused 2017)

Location

5. The site is beyond the settlement boundary and is therefore, in terms of the development plan, in the 'open countryside'. Policy SWDP2(C) of the South Worcestershire Development Plan, February 2016 (SWDP) requires that development in the open countryside be limited in order to, amongst other things, direct the majority of development to accessible locations. The policy does allow specific exceptions, none of which apply in this case. The proposal therefore conflicts with this policy.
6. I note the appellant's argument that the location should be compared against policies applicable to the village because it adjoins the settlement boundary and is visually within the built framework of the village. However, in policy terms, it falls outside of this and must be determined as such until such time as development boundaries are formally reviewed and adopted.
7. Facilities in Pendock village comprise a chapel and small shop with post office, and as the appeal site adjoins the settlement boundary both are within easy walking distance. Furthermore, a primary school is less than 1 km away and accessible by foot. However, none of these provide larger scale shopping and leisure facilities. Other local villages could provide additional facilities, albeit limited, but as these are all more than 3 km distant and there is no local bus service they are most likely to be accessed by car.
8. Policy SWDP2, in part, seeks to direct most development to accessible locations, and Policy SWDP4 requires that development provides genuinely sustainable transport choices. Given the lack of options in this case, the proposal is in conflict with these. I therefore conclude that the proposal would not represent an acceptable form of development outside the settlement boundary or in regard to accessibility, in conflict with the development plan policies SWDP2 and SWDP4.

Character and appearance

9. The development would be at the end of a loose ribbon of similar houses, set in a plot size consistent with these and the road is at this point fairly straight and flat, meaning that it is no more prominent from the public domain than other development in the area.
10. The front hedges would need to be reduced to accommodate visibility splays at the vehicular access, which would increase visibility of the development from the public domain. However, given that vegetation could be retained, and additional landscaping provided by conditions, and in the context of comparable front gardens in the immediate area, I do not consider this harmful.
11. The design of the proposed house in mass, structure and architecture is in keeping with others in the area and through well designed redevelopment of a derelict site it would enhance its immediate setting. Domestic paraphernalia could be added, but in the context of the site being used previously and close to equivalent properties, this would not be harmful.
12. I do not find that the proposal would lead to an unacceptable consolidation of the loose ribbon of development. The site has previously been developed and the principle of a building on the site established. No significant change in the gap between properties would therefore occur and there would be no incursion

into virgin countryside. On this basis I do not consider that the character of the countryside or landscape would be harmed.

13. For the reasons set out above, the proposal would not result in harm to the character and appearance of an area and as a result I find no conflict with Policies SWP21 or SWDP25, which require that development is of high design quality, enhances its setting and is protective of the local landscape.

Other matters

14. The site has previously been developed and Policies SWDP2A(iv) and SWDP13 of the local plan encourage re-use of brownfield land 'taking into account other policy requirements'. I have interpreted this to mean that where development is strictly controlled in the countryside, the benefit of re-developing land should not take precedence over these. However, paragraph 118 of the more recent National Planning Policy Framework (2019) recommends that opportunities to remediate derelict land are supported and taking the thrust of these policies together, I consider re-development of a disused site a benefit of significant weight, although this is tempered by the scale of development.
15. There would also be benefits from increasing housing supply and the contribution this would bring to the local economy, although again, as this is only one dwelling, this would be small. Minimal weight can be attributed to the benefit of a self-build, windfall site because the proposal does not meet the exceptional criteria for development in the open countryside.
16. I have also considered the benefits of working from home, the proposals for an electric vehicle charging point and full range of sustainable measures, but again, as this is only a single dwelling this attracts minimal weight.
17. The appellant has drawn my attention to three appeals for housing in the area², and a third party has drawn my attention to a nearby successful permission at Mulberry Cottage³. I do not have details of the latter before me, but I note that the Council's housing supply was insufficient at the time and the decision was therefore made under different circumstances. The most recent Inspector's decision on this site considered the two earliest of the appeals and concluded that because they were issued before the Barwood judgment⁴, conclusions regarding sustainability were not directly comparable, a view with which I concur. The same line of argument applies to the third appeal decision.
18. Local third parties are supportive of the proposal because the site has attracted inappropriate use in the past. I sympathise with the desire to see the site developed to remedy these problems and have given weight to this. However, this is not in itself sufficient to overcome the harm found in terms of conflict with the Local Plan.

Conclusions

19. I have found no harm to the character and appearance of the area. Notwithstanding this, the benefits set out above do not outweigh the conflict I have found with the local plan and as such the proposal represents an

² APP/J1860/W/15/3135877 (March 2016), APP/J1860/W/16/3155541 (November 2016) and APP/J1860/W/16/3164684 (April 2017)

³ 15/00340/FUL (August 2015)

⁴ East Staffordshire BC v SSCLG and Barwood Strategic Land [2016] EWHC 2973 (Admin) (November 2016)

unacceptable form of development. For this reason, and having had regard to all other matters raised, the appeal is dismissed.

B Davies

INSPECTOR