



Appeal Decision

Site visit made on 10 March 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2020

Appeal Ref: APP/J1860/W/19/3241761

Tanners Bungalow, Beach Hay, Bayton DY14 9NF

- 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 Mrs Wendy Hill against the decision of Malvern Hills District Council.
 - The application Ref 19/01181/FUL, dated 6 August 2019, was refused by notice dated 28 October 2019.
 - The development proposed is erection of a single dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Notwithstanding the description of the development, the accompanying 'Planning Supporting Statement' refers to the demolition of the existing building at the appeal site.

Main Issues

3. At appeal the Council confirmed that based on additional information provided by the appellant and the lack of any objection from Natural England (NE), it would not pursue its third reason for refusal regarding insufficient information being submitted with the application to ascertain the likelihood of impacts on the nearby Wyre Forest Site of Special Scientific Interest (SSSI). I return to this in my Decision.
4. Accordingly, the main issues are:
 - i) the effect of the proposed development on the character and appearance of the countryside; and,
 - ii) whether the site is in a suitable location for the proposed development with regard to access to services and facilities, along with minimising the need to travel and offering sustainable travel choices.

Reasons

Background

5. The appeal site is in a rural location and comprises a largely concreted open yard which is occupied by a storage building of a utilitarian appearance, constructed of a steel frame with block work and profiled metal clad walls and profiled metal sheet roof. A Public Right of Way-Bayton BA-564(C) (PROW)

briefly passes through the site and along the southern boundary of the site. The site is located close to the Wyre Forest SSSI.

6. The storage building benefits from a prior approval for change of use from storage or distribution buildings (B8) and any land within its curtilage to dwellinghouse (C3). In addition, a separate application for external alterations to this building to facilitate the change of use has also been approved. Based on these and given that the commercial use of the appeal site has ceased, it is highly likely that these extant approvals would be implemented if I was were to dismiss this appeal. I therefore attach significant weight to these extant consents which constitute the appellant's 'fallback'.

Character and appearance

7. The area in the vicinity of the appeal site is characterised by a predominantly rural landscape comprising a mosaic of arable land and pasture, defined by a strong framework of hedges and woodland areas. The nearby built development is confined to a sparse number of sporadically arranged dwellings and associated buildings and structures.
8. The existing storage building is orientated away from the road and is set-back from this and the PROW. Furthermore, due to its modest scale and siting, the building is settled against, and partly screened by the surrounding woodland. Therefore, it has a limited visual impact when viewed from the road and PROW. Whilst the remainder of the appeal site comprises a hardstanding, due to the absence of any significant development its openness gives prominence to the adjacent woodland areas. Moreover, utilitarian buildings with areas of hardstanding are not uncommon in rural areas, such as those associated with farmsteads. Consequently, the appeal site does not significantly detract from the rural character and appearance of the area. Nonetheless, due to its proximity to the PROW and road, it is prominent and particularly sensitive to change.
9. In light of the above and the modest extent of alterations and land associated with the approved fallback scheme, its effects on the rural character and appearance of the area would be limited. However, in contrast and despite some design and materials references to the approved fallback scheme, the new dwelling would be larger than the building which it is intending to replace and located in a more prominent and open part of the site. The new building would include extensive glazing to prominent elevations and is to be finished in rendered blockwork and timber cladding with a standing seam steel roof. Cumulatively, these would result in starkly modern façades, which along with its overall scale would give the building a dominant presence. Furthermore, at night the proposed openings would be more apparent and draw the eye when lit internally, in views from the PROW and road.
10. The proposed scheme also incorporates a generous amenity area around the dwelling, appreciably larger than that approved for the fallback scheme. This, along with the proposed parking and the introduction of residential paraphernalia, would lead to the suburbanisation of the countryside.
11. To facilitate the development areas of hardstanding would be removed, and some proposed landscaping is shown on the submitted drawings. However, and despite the lack of objection from the Council's landscape officer, on the information before me, I cannot be certain that the additional landscaping

would sufficiently mitigate the nature and scale of development proposed. Furthermore, given the prominent and sensitive nature of the site, such details should not be left to a condition.

12. For the above reasons, the proposal would result in a significant encroachment and suburbanisation of a particularly sensitive and prominent site to the detriment of the character and appearance of the countryside. I therefore find conflict with the design aims of Policy SWDP 21 of the South Worcestershire Development Plan (SWDP), which amongst other things require that proposals are of a high design quality that complement the character of the area, and Policy SWDP 25 of the SWDP, which requires that development integrates with the character of the landscape setting.

Location and accessibility

13. Policy SWDP 2 of the SWDP sets out a development strategy and settlement hierarchy for the area. In particular, Policy SWDP 2, part C, advises that land beyond any development boundary is defined as open countryside, where development will be strictly controlled and limited to various exceptions, or development specifically permitted by other SWDP policies.
14. The reasoned justification to the above Policy advises, in paragraph 4, that the high quality of the open countryside is an important attribute of the area and that sites beyond development boundaries generally are less sustainable as access to local services tends to be poorer and it is, therefore, appropriate that development in the open countryside is restricted.
15. Having regard to the National Planning Policy Framework ('the Framework'), the appeal site is not isolated due to the existence of nearby dwellings. Nonetheless, in respect of the development plan, the appeal site falls within the countryside and the proposed development does not meet any of the given exceptions. Nor is it specifically permitted by any other policy in the SWDP. Furthermore, based on the information available to me, accessibility from the appeal site to the nearest settlement of Bayton and to public transport is poor. As such, future residents would be reliant upon the private car for the majority of their day to day journeys. There is also limited evidence of sustainable travel choices and the availability of services and facilities in any other nearby villages. Consequently, the new dwelling is unlikely to support services in rural villages, as envisaged by paragraph 78 of the Framework.
16. However, when taking account of the fallback scheme, although proposing a larger dwelling, the appeal scheme seeks to substitute the approved family dwelling for another in this part of the countryside. As such, the proposal would potentially have a neutral effect on the above aims of Policy SWDP 2 of the SWDP. Nevertheless, in the absence of any suggested mechanism for securing the demolition of the existing building, I cannot be certain that only a single dwelling would be retained at the appeal site. Had the proposal been acceptable in other respects, I would have sought the views from the main parties on this.
17. Based on the foregoing reasons, the proposal would not be in a suitable location with regard to accessibility to services and facilities, minimising the need to travel and providing sustainable travel choices. Therefore, I find conflict with Policy SWDP 2 of the SWDP.

Other matters

18. NE advise that the closest watercourses to the appeal site are hydrologically linked to the SSSI. The proposed package treatment plant (PTP) as shown on drawing number 3806-3A would discharge to a soakaway within the site. This soakaway would be located about 95m from the nearest watercourse. Based on NEs advice, this exceeds the 50m distance from watercourses which is required to allow soil to remove phosphate before reaching the receiving waterbody. On this basis and the lack of objection from NE, the proposed PTP, which could be secured by condition if the appeal were to succeed would safeguard against any impact to the SSSI.
19. I have noted the appellant's reasons for proposing a new dwelling instead of implementing the fallback scheme, which include safeguarding nearby trees. However, despite some concern from an officer of the Council there are no strong technical reasons why the future use of the storage building and any retained hardstanding would be to the detriment of existing trees.
20. Furthermore, given the existence of the fallback any benefits arising from the proposal would be limited. Consequently, these, along with some improved energy performance/functionality associated with the new dwelling and local support for the proposal, do not outweigh the harm I have already identified and overall conflict with the development plan.

Conclusion

21. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR