



Appeal Decision

Site visit made on 11 August 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 August 2020

Appeal Ref: APP/R1845/W/20/3249140

Land off A4117, Far Forest (Easting: 372527, Northing: 274782)

- 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 B Roberts against the decision of Wyre Forest District Council.
 - The application Ref 19/0584/FULL, dated 23 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is the construction of detached dwelling (resubmission of application 19/0351/FULL).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development given on the planning application form and appeal form differ slightly. The description in the header above is taken from the planning application form which accurately describes the proposal.

Main Issues

3. The main issues are whether the site represents an appropriate location for the proposed dwelling, having particular regard to the housing strategy for the area and the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Housing Strategy

4. The appeal site is located in Rock Parish, along the A4117 which passes through Far Forest village, a rural settlement, as defined by the Wyre Forest District Local Development Framework Core Strategy (CS) (adopted 2010).
5. The proposal is for an open market home, as such the proposal does not seek to comply with the requirements of Policy DS04 of the CS in relation to affordable housing in rural settlements. However, Policy SAL.DPL2 of the Wyre Forest District Site Allocations and Policies Local Plan (LP) (adopted 2013) provides further guidance on the growth of rural areas. It stipulates, amongst other things, that planning permission may be granted for schemes which are designed to meet an identified specific affordable or local housing need adjoining the rural settlements, subject to several criteria.
6. The Rock Parish Housing Needs Survey (HNS) (2019) identifies a demand for owner-occupied 4-bedroom housing. However, from the evidence before me,

this demand can be met by the 'natural churn' of the existing housing stock in the parish. As such, although there is an identified need in the HNS for other types of new dwellings, I have no substantive evidence of an identified need for a new owner-occupied 4-bedroom dwelling.

7. There would be benefits to the local housing stock from the new dwelling which I'm told would be occupied by the appellant, freeing up their property to the housing market. However, I have no substantive details of the appellant's existing property or mechanism to ensure that that it would be made available. In any case, such a scenario would still go beyond the 'natural churn' of the Parish's existing housing stock, instead being driven by a new house, of a type which itself is not identified in the HNS as specifically needed.
8. As such, irrespective of the criteria laid out for exception sites in Policy SAL.DPL2 of the LP, as there is not a specific identified need for a new owner-occupied 4-bedroom dwelling within the Parish, the proposal would not accord with the plan led strategy for housing and growth for the area. I therefore find that the proposal would not accord with the requirements of either Policy SAL.DPL2 of the LP or Policy DS04 of the CS. These policies are consistent with paragraph 77 of the National Planning Policy Framework (the Framework), which supports rural housing where it meets local needs and enhances or maintains the vitality of rural communities.

Character and Appearance

9. The appeal site comprises of a small paddock containing a stable building adjacent to a group of houses. Despite the houses, the paddock and stables, the adjacent small woodland, fields, garden nursery, Willows Park Home and boundary hedgerows all give this part of the A4117 a distinctly semi-rural character. This contrasts significantly with the more built up area of housing within the village.
10. The stable building's size and position in the paddock are such that the appeal site has a predominantly open character. This and the site's use make a positive contribution to this transitional semi-rural landscape. The proposal would result in a significantly more dominant built form than the existing stable building and would be clearly visible over the hedgerow. Moreover, it would result in a significant reduction of the open gap and the loss of a land use that contributes to the transitional semi-rural character of the area.
11. The proposed dwelling would be viewed in combination with the existing group of houses and would extend the housing group along this part of the A4117. This would incrementally erode and be harmful to the surrounding area's distinctly semi-rural character. As a single dwelling in this location between housing and the small wooded area the extent of harm would be localised.
12. I have come to this conclusion noting that houses in the area are a mix of styles and sizes and, although the proposal would appear larger than the adjacent bungalow, it would be of a form, design and scale that would not appear incongruous in its design.
13. I therefore find that the proposal would harm the character and appearance of the surrounding area. As such, the proposal would be contrary to the requirements of Policy SAL.UP7 of the LP and Policies CP11 and CP12 of the CS. These stipulate, amongst other things, that new development must protect and

where possible enhance the unique character of the landscape including the individual settlement or hamlet within which it is located.

14. These policies accord with paragraph 127 of the Framework which requires developments to be sympathetic to local character and the surrounding built environment and landscape setting. They would also accord with paragraph 170 of the Framework which seeks to ensure that decisions contribute to, and enhance, the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.

Other Matters

15. The Council state that it can demonstrate a 5-year supply of housing. I note its supply has previously been less and the housing figure set out in the CS is not based on an up-to-date housing requirement figure for the area. However, I have no substantive evidence before me to demonstrate that the Council can not demonstrate a 5-year supply of housing.
16. Although the CS & LP pre-dates the Framework, paragraph 213 (of the Framework) states that existing policies should not be considered out of date simply because they were adopted or made prior to the Framework's publication. The Council's position as to whether relevant development plan policies are out of date or not has evolved and I have also been referred to various applications and appeal decisions on this matter. I have in any case, reached my own conclusions below.
17. In this appeal, the main issues for determination are the effect of the proposal on the Council's housing strategy and the character and appearance of the surrounding area. Therefore, in my view, the most important policies for determining this appeal are Policies SAL.DPL2 and SAL.UP7 of the LP and DS04, CP11 and CP12 of the CS which, as outlined previously, are consistent with the Framework. As such, the most important policies are not out-of-date and the so called 'tilted balance' is not engaged in this case.
18. There is some dispute as to whether the appeal site falls under the definition of previously developed land. "Agriculture" is defined in s336 of the Town and Country Planning Act (TCPA) 1990. The interpretation does not include the breeding and keeping of horses.
19. "Keeping" horses involves activities other than just putting them out to graze. From all that I saw, whilst there is grazing land associated with the stables, the site had the characteristics of a leisure plot for the keeping of horses. As such, I find it reasonable to conclude that the site is not in agricultural use in the context of the TCPA and having regard to relevant case law. The site can therefore be described as previously developed land and the reuse of such land would garner support in the Framework.
20. The appeal site is not isolated in the context of the Framework. It is within walking distance to the village along a footpath, although I did note that in places this was reasonably narrow and unlit. Nonetheless, the village contains several facilities which could be walked or cycled to from the appeal site. Bus stops in the village would also enable alternative means of transport.
21. Although occupants of the proposed property are likely to use private vehicles to access a broader range of services and facilities, paragraph 103 of the Framework does acknowledge that opportunities for sustainable transport

solutions in rural areas are reduced. Given the availability of facilities within the village, in my view, occupants would not be wholly reliant on private vehicles and the proposal would support the vitality of the community.

22. However, as a single dwelling, the associated economic and social benefits would be limited and would attract limited weight in favour. I have come to this conclusion having regard to the importance that the government places on boosting the supply of housing, locating and building sustainably and making effective use of land including on previously developed land.
23. Although I note the recommendations for site enhancements within the appellant's Preliminary Ecological Appraisal Report and a commitment to additional landscaping, there is no firm evidence before me that the proposal would result in an increase in biodiversity habitat as suggested. Moreover, the absence of harm in respect of other matters including, amongst other things, the adjacent woodland and highway safety are neutral matters weighing neither for nor against the proposal.
24. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal. The validity or not of such matters does not affect the planning merits or effects of the proposal before me.

Conclusion

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that the determination of applications should be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the proposal would conflict with the plan led strategy for growth and there would be harm to the distinctly semi-rural character of the area. Overall, and given the limited benefits I afford to the proposed dwelling, I find there to be no material considerations that would indicate that the appeal decision should be taken other than in accordance with the development plan.
26. For the above reasons, the appeal is dismissed.

Robert Walker

INSPECTOR