
Appeal Decision

Site visit made on 18 August 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/R1845/W/20/3251572

Ye Olde New Inn, Pound Green, Arley, Bewdley DY12 3LF

- 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 R Lloyd against the decision of Wyre Forest District Council.
 - The application Ref 20/0068/FUL, dated 29 January 2020, was refused by notice dated 16 April 2020.
 - The development proposed is the erection of 2 no two bedroom bungalows, new access and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the appeal site would be a suitable location for housing, having regard to accessibility by different modes of transport and proximity of services;
 - The effect of the development on the character and appearance of the area; and
 - Whether the appeal site can be satisfactorily drained.

Reasons

Policy Context

3. Policy SAL.DPL2 of the Wyre Forest District Site Allocations and Policies Local Plan (2013) (DSAPLP) sets out the strategic hierarchy for new housing development in the area, to ensure that development contributes to the regeneration priorities for the area, reduces the need to travel and promotes sustainable communities based on the services and facilities that are available in each settlement. Residential development outside of the locations identified in these policies will not be permitted unless in accordance with policy SAL.DPL2.
4. Policy DS01 of the Wyre Forest District Core Strategy (2010) (DCS) identifies housing need based from The West Midlands Regional Spatial Strategy which has since been withdrawn, the Council consider this policy to be out of date in this regard. However, the policy also seeks to concentrate new development to brownfield sites within the urban areas, whilst providing limited opportunities

for development in rural areas so as to safeguard the integrity of the District's landscape character, to this extent it is consistent with The Framework.

5. Policy DS04 of the DCS and Policy SAL.DPL2 of the DSAPLP state that, within the rural areas of the District, proposals for residential development will not be permitted unless, amongst other things, the site is identified by the relevant town/parish Council as an exceptions site to meet an identified local housing need.
6. Such exception sites must meet the specific criteria contained within SAL.DPL2, which state that the site must be well related to the existing built up area of the settlement in which it is located; the scale of the scheme should be appropriate to the size and character of the settlement and must not damage the character of the settlement or the landscape; and the site should be accessible to local services and facilities by sustainable modes of transport.
7. Appropriate arrangements for sewage treatment must also be submitted as part of the application process in addition to satisfactory drainage measures, in order to protect the water environment.

Location

8. The appeal site is located in open countryside, outside of the settlement boundaries shown on the proposals map for the area. There are a small number of buildings within the vicinity of the appeal site, however, these are well spaced apart, and the area is sparsely developed.
9. The services nearby are limited to the adjacent public house and the community hall on the opposite side of the road, however, these facilities would not meet the day to day needs of future occupants.
10. The Officer's report states that the nearest primary school and shop are found in Upper Arley, some 1.5km away from the appeal site. The nearest settlement providing day to day shops and services is Bewdley. The distance and separation of the site to Bewdley is apparent when traveling along Pound Green and the B4194, through open countryside.
11. To access the services in Upper Arley and Bewdley pedestrians and cyclists traveling to and from the site would need to use Pound Green, this has a narrow carriageway, and does not benefit from footpaths or street lighting. It is unsuitable and would deter occupants from walking or cycling. Also, the nearest bus stop is a significant distance away on the B4194. Therefore, they would be reliant upon private motorised transport.
12. The appellant submits that the proposed bungalows would meet a local need identified in the Arley Housing Need Survey Report (2017) and is therefore an exception site. However, by virtue of the site's location it does not have suitable access to local services and facilities by sustainable modes of transport. It is therefore inconsistent with criterion 1 iii and v of Policy SAL.DPL2 of the DSAPLP and does not constitute an exception site in this regard.
13. The parties dispute whether the site should be considered greenfield or brownfield. However, its status is not determinative in this case, as the site is not a suitable location for new residential development.

14. For the foregoing reasons, the site would not be a suitable location for housing. It would not accord with Policies DS01, DS04 and CP03 of the Wyre Forest District Core Strategy (2010), and Policies SAL.CC1, SAL.DPL1, SAL.DPL2 and SAL.UP9 of the Wyre Forest District Site Allocations and Policies Local Plan (2013) which collectively seek to direct new development to sustainable locations, maintain the vitality of rural communities, and reduce the reliance on use of the car. It is also inconsistent with paragraphs 108 to 109 of the Framework which seek to ensure development is accessible and promote sustainable transport modes of transport.

Character and Appearance

15. The appeal site is located within the open countryside, nearby there are a small number of buildings that are well spaced apart, separated by intervening green space and fields. The area is sparsely developed, and the prevailing character and appearance is rural.
16. The site consists of a parcel of land, encompassing a public house, its car park and grassed area to the side. It is in a prominent location owing to its position on the inside of the curve in the road, and elevated ground level relative to the carriageway. The street frontage consists of an embankment, this is largely lined in mature trees and hedgerow, that make significant contribution to the prevailing character and appearance of the area.
17. The appeal site is located within an area identified in the Worcestershire Landscape Character Assessment (WLCA) as Forest Smallholdings and Dwelling's. Boundary hedgerows and trees are identified as providing an important structural element in the area, they make a positive contribution to the intrinsic character of the landscape, that should be conserved and enhanced.
18. The north east corner of the site has recently been cleared, leaving this section of the site boundary relatively open in appearance. Based on the correspondence between the Council and the appellant I understand that this work had recently been carried out by the appellant, and that he was advised by the Council that this has contravened The Hedgerows Regulations 1997, and that replacement planting would be required. The appellant has since planted a blackthorn hedge in this location.
19. The proposed two dwellings would be constructed within the grassed area adjacent to the public house. The proposed plans show that the access would be constructed through the embankment that would require the removal of this recently planted blackthorn hedge. Whilst the appellant considers it would result in a small gap, and there are various boundary treatments in the area, the proposal would be inconsistent with the WLCA which states that roadside hedges should be protected, and where possible strengthened. Furthermore, the hard surfacing, and parking areas associated with the construction of the access would have an urbanising effect, that would visually compromise the rural character and appearance of the area.
20. Consequently, the proposed dwelling would harm the character and appearance of the area. It would not accord, with Policies DS01 and CP12 of the Wyre Forest District Core Strategy (2010), Policies SAL.DPL2 and SAL.UP9 of the Wyre Forest District Site Allocations and Policies Local Plan (2013) which collectively seek to ensure that rural exception sites do not damage the

character of the settlement or the landscape, and protect any existing trees and distinctive landscape features where possible. It would also be inconsistent with paragraph 127 of the Framework, which seeks to ensure that the form, scale and layout of development respects the character of the area.

Drainage

21. The appeal site is located within an area where there is no mains foul sewerage that the dwellings could connect to. Policy SAL.DPL2 of the DSAPLP states that appropriate arrangements for sewage treatment must be submitted as part of the application process in addition to satisfactory drainage measures, in order to protect the water environment. No detailed scheme for foul or surface drainage have been submitted with the application.
22. The appellant has stated that the proposed development would be reliant on the installation of a package sewerage treatment plant, details of which could be agreed with the Council by way of planning condition.
23. I have considered the guidance contained within the NPPG¹. However, I have found harm with regards to the location of the proposed development and character and appearance of the area. Therefore, such a drainage condition would not make the proposal acceptable in these regards, and it would not enable the development to proceed.

Other Matters

24. The appellant has provided details of several Council decisions² and appeal decisions³ from 2019 where the Council conceded that the relevant policies for the supply of housing are to be considered out of date at the time. Whereas, the Council now state that as part of the Local Plan Review that it has carried out a comprehensive assessment of housing need taking into account the Government's standardised methodology, and that it is able to demonstrate a 5 year housing land supply and as such Policies SAL DPL1 and SAL DPL2 are not constraining the delivery of housing. Neither party has provided detailed evidence in relation to housing need or supply to support their case and so I do not have sufficient evidence to conclude on the issue.
25. I have found that the proposal would cause harm in terms of the location of the development and character and appearance of the area. The suite of policies most relevant to the appeal are Policies DS01, DS04, CP03 and CP12 of the DCS and Policies SAL.CC1, SAL.DPL1, SAL.DPL2 and SAL.UP9 of the DSAPLP.
26. Policy DS01 identified the assessed needs for the District when it was adopted in 2013, and that the Council consider it to be out of date in this respect.
27. Nevertheless, Policy DS01 together with policies, DS04, SAL.DPL1 and SAL.DPL2 identifies appropriate locations for residential development and rural housing and seeks to focus development on previously-developed land, support the vitality of rural communities and safeguard the environment. This approach is consistent with paragraphs 77 and 78 of the Framework which provide that in rural areas, planning policies and decisions should be responsive to local circumstances, support housing developments that reflect local needs,

¹ National Planning Practice Guidance, Paragraph: 001 Reference ID: 21a-001-20140306

² 19/0080/FULL, 19/0613/OUTL, 19/0762/FULL, 19/0803/FULL & 20/0108/FUL

³ APP/R1845/W/3233276 & APP/R1845/W/17/3173741

- locate housing where it will enhance or maintain the vitality of rural communities; and identify opportunities for villages to grow and thrive.
28. Furthermore, Policies CP03 and SAL.CC1 promote sustainable mode of transport and accessibility, whilst Policies CP12 and SAL.UP9 aim to protect and enhance the landscape and character of the area. These are considered to be consistent with the Framework in these regards.
29. Consequently, whilst, I agree that some reduction in the weight of conflict with Policy DS01 is necessary, I consider that taken together the suite of policies most important to this appeal are not out of date. Furthermore, I consider that the proposal conflicts with the development plan as a whole. This conflict carries significant weight against the appeal.
30. I acknowledge that the development would make a small contribution to housing and provide limited economic benefits by way of a small amount of employment during construction, and some additional local spending. However, even if I were to conclude that there is a shortfall in the 5 year housing land supply on the scale suggested by the appellant, and that paragraph 11d of the Framework is engaged, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole. In any event, 2 dwellings in the context of the overall requirement for the area would be relatively inconsequential.
31. I have considered planning permission 19/0032/OUTL granted for 1 dwelling on a nearby site. I understand the Council considered this to be a departure from the development plan, and that future occupiers would be reliant on the car. However, they weighed in favour of the proposal's contribution to housing land supply at the time. This proposal differs in that the Council now consider the housing land supply situation to be different. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
32. Taking the above into account and given the minor scale of development the benefits identified would not outweigh the significant harm identified or overcome the statutory presumption in favour of the development plan.

Conclusion

33. For the reasons given above the appeal is dismissed.

R Cooper

INSPECTOR