
Appeal Decision

Site visit made on 24 November 2020

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/R1845/W/20/3258222

Land at Nib Green Road, Arley, DY12 3LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr H Page against the decision of Wyre Forest District Council.
 - The application Ref. 20/0273/OUT, dated 16 October 2019, was refused by notice dated 5 June 2020.
 - The development proposed is the erection of a detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The application is in outline format with all detailed matters reserved for subsequent approval. The main issues are:
 - Whether the Council can demonstrate an adequate housing supply at the moment;
 - Whether the principle of the development in this location accords with the development plan;
 - The effect on the character and appearance of the area;
 - Whether the proposal would contribute to a sustainable pattern of development; and
 - Whether the proposal would contribute to a risk of flooding.

Reason

Background

3. The appeal site forms part of an open field which lies in an isolated position in an area of undulating countryside. There is an access to the site from Nib Green Road where there are scattered other houses along this cul-de-sac lane and a caravan storage area and a holiday complex. It is proposed to erect a detached dwelling on the site. The appellant puts forward personal circumstances to be able to continue to live locally which will be considered in the planning balance below.

Policy context and housing land supply

4. From the appellant's evidence it appears that the Council's position on housing land supply has varied in recent years. However, the Council reports that the Housing Delivery Test over 2018 and 2019 indicates that housing has been delivered appropriately against the current housing requirement. The emerging Local Plan sets a higher housing requirement but this has still to be subject to examination in the formal plan making process and adopted. I therefore cannot put much weight on the change at this stage. On the evidence presented, I find that the Council can satisfy the requirements of paragraphs 73 and 74 (and Footnote 7) of the National Planning Policy Framework (the Framework) at the moment.
5. The Council accepts that Policy DS01 of the Core Strategy is 'out of date' as it relates to data derived from the regional spatial strategy. However, policies in the more recent Site Allocations and Policies Local Plan are the most relevant to the case in terms of the location of new development and local circumstances. In particular, policy SAL.DPL1, on suitable sites for development, favours previously developed land, (separate from the provision regarding allocated sites) and Policy SAL.DPL2, in connection with the development of 'Rural Housing', are both reasonably consistent with the Framework and the drive for sustainable development. Therefore, I find that the basket of policies most relevant to the case are not out of date and the provisions of Paragraph 11(d) of the Framework do not apply in this case.

Principle of development

6. The starting point is Policy SAL.DPL1. Leaving aside aspects related to the Green Belt and allocated sites, there is a presumption that other development sites will be found within previously developed mixed use, retail or appropriate community sites, all within established built up areas. The policy goes on to indicate that outside of these defined locations, residential development will not normally be permitted unless in accordance with Policy SAL.DPL2. This continues the general presumption against development outside settlements unless one of the defined exceptional circumstances apply. The appeal scheme does not accord with any of these exceptions. While the provision for an 'exception site' can apply where there is an identified local housing need, in locational terms the sites must be within or adjoin a rural settlement and the 'affordable housing' must remain so in perpetuity.
7. The appeal site does not lie close to a recognised settlement and as the proposal is for an open market dwelling, there would be no ongoing restriction on its tenure or occupancy. I therefore find that the principle of the erection of a dwelling on the appeal site does not accord with the locational strategy set out in the development plan.

Effect on character and appearance

8. The appeal site forms part of a larger grassed field in an area of open countryside on the edge of the Wyre Forest, although there are farmsteads and scattered houses along Nib Green Road and other tourist related development. The area is not subject to any special landscape designation and the Landscape Character Assessment defines it as part of a 'Forest Small-holdings and Dwellings' type.
9. Although there is a roadside hedge along the road frontage, because of the slope of the land any new dwelling and residential curtilage on the appeal site

is likely to be very visible from the public realm even if it were a small bungalow. While the visual impact would be relatively local, and could be partially screened by further landscaping, a new dwelling would fundamentally change the character of the open field and urbanise it. On its own, it would add to the ribbon development along this lane, and it would also create a precedent for similar development.

10. I find that the proposal would harm the character and appearance of the rural landscape and not enhance it and so conflict with the requirements of Core Strategy Policy CP12.

Sustainable pattern of development

11. Core Strategy Policy CP03 generally promotes development maximising accessibility to sustainable transport options. Policy SAL.CC1 also supports 'Sustainable Transport Infrastructure' but the details of the policy do not have particular relevance to the appeal proposal other than in respect of road safety. Nevertheless part 9 of the Framework seeks to promote sustainable transport and indicates in paragraph 103 that planning decisions should actively manage patterns of growth while taking account of the differences between urban and rural areas.
12. In terms of the relationship of the appeal site to sustainable transport options I have taken account of the distance to services and facilities set out by the appellant in representations but it appeared to me at the visit that the site is relatively remote from the nearest settlements of Pound Green and Upper Arley, and facilities in these areas appeared to be limited. Also Nib Green Road did not appear to be a bus route. Overall, the location of the site is well away from a range of transport modes or opportunities and the occupiers of the house proposed would be likely to have to go about their day to day needs by car. I conclude on this issue that the location of the appeal site would not support a sustainable pattern of growth.
13. The appellant refers to other development permitted locally or where there is said to be traffic generation on the lane but these factors do not outweigh the inherent problem over the remoteness of the site in relation to basic services and facilities.

Effect on flooding

14. The application forms indicate that surface water at the new dwelling would be disposed of by a sustainable drainage system however, the Council considers that there is inadequate information to assess the principle of the disposal of such drainage. Nevertheless, taking account of the detailed comments of North Worcestershire Water Management, and my observations at the site visit, there does not appear to be a problem in principle with one dwelling being served by a suitable drainage system. If all other aspects of the proposal were acceptable, I am satisfied that the disposal of both foul and surface water drainage can reasonably be dealt with by the requirements of conditions. On this basis there is no conflict with Policy SAL.CC7.

Planning Balance

15. On the main issues I have found that the principle of the erection of a dwelling on the appeal site would not accord with the main relevant policies in the development plan. A new dwelling here would be harmful to the mostly

undeveloped rural landscape of the area and the remoteness of the site from day to day services and facilities means that a new house would not support a sustainable pattern of growth. These aspects mean that the proposal conflicts with the development plan when read as a whole. The environmental harm and remote location also mean that the proposal conflicts with the Framework when this is read as a whole, and the proposal does not constitute 'sustainable development'.

16. The adverse local effects and the conflict with the development plan have to be balanced with other considerations. I recognise the appellant's desire to continue to live and work in the same area that they have lived in for many years and also have a property that would be designed for his and his wife's needs. However, these benefits are personal rather than public and relatively short term compared to the permanence of the dwelling sought. The occupiers of a new dwelling could help support the limited local facilities but in practice the degree of benefit would be very limited. The lack of suitable accommodation for local needs is noted but the proposal is put forward as an open market dwelling and there would be no control over its tenure or occupancy in the long term. The appellant stresses the need for further housing in the area to meet the identified local social needs but this is a matter to be addressed through the preparation of the development plan rather than an individual appeal decision.
17. I have also taken account of the other cases referred to by the appellant's agent about similar development allowed by the Council, but from the limited information presented, the main case was judged by the Council to be in conflict with the development plan and the other factors that outweighed this at that time are not evident from the representations. Other cases appear to be materially different in that the relevant sites were within a settlement or already developed area. I therefore cannot place much weight on these cases.
18. Overall, I find that the other considerations put forward, either individually or when taken together, do not outweigh the conflict with the development plan, and this indicates that the appeal should not be allowed.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR