
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: 21 December 2020

Appeal Ref: APP/H1840/W/20/3257652

Hampton Park Farmhouse, Red Lane, Hampton, Evesham, WR11 2RF.

- 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 I Rodenhurst against the decision of Wychavon District Council.
 - The application Ref. 19/02693/CU, dated 12 December 2019, was refused by notice dated 11 March 2020.
 - The development proposed is 6 holiday chalets and change of use of part of land from farm to holiday accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development proposed on highway safety and the suitability of the access for the use;
 - The effect on the setting of the Listed Buildings of Hampton Park Farmhouse and Hampton Park Cottage;
 - Whether the site is affected by flooding; and
 - Whether the proposal accords with the development plan policy on tourism.

Reasons

Background

3. The appeal site comprises a triangular shaped piece of open land which lies alongside the curtilages of Hampton Park Farmhouse and Hampton Park Farm Cottage, which was originally listed as a single building. The site generally lies in an isolated position near the River Avon and the Oxford to Worcester main railway line. Access to the site is via unmetalled tracks some 2.4 kms away from the public highway of the B4084. It is proposed to use the site for the siting of six chalets for tourist accommodation and each unit is shown to have two parking spaces.

Highway safety and access

4. For the most part the site is served off unmetalled farm tracks, and there are alternative routes (via School Road or Red Lane) available close to the built up area. The track used at the site visit was reasonably level although I noted

that there were occasional pot-holes and a lack of passing places. Moreover, the track leading from School Road is a bridleway – a public right of way, and at the time of the site visit the route appeared popular with walkers. Although the tracks are used by farm vehicles, given their length and nature, I share the Council's concern that they are unsuitable as a means of access for the traffic generation likely to be associated with the use of 6 holiday chalets. The increase would be likely to have a harmful effect on the surface and use of the tracks and their enjoyment by other users. There is evidence of some caravans being on the site previously, but such use has not been shown to be lawful and I am not able to place much weight on the level of traffic possible stemming from this use. I conclude on this issue that the proposed tourist development would not have a satisfactory means of access suitable for all users.

Effect on setting of Listed Buildings

5. The listed building has a general setting in the flat, open, riverside landscape, notwithstanding the raised embankment of the railway line close-by. While I agree that the 'functional inter-relationship' between the Farmhouse and the surrounding agricultural landscape is not as significant as the Council suggests, there is a clear visual inter-relationship with the areas of land and I am satisfied that the appeal site should be considered as part of the setting of these heritage assets.
6. When approaching the dwellings from the access track and the tunnel below the railway line, the main aspect of the properties is from the south. However, this setting would be encroached on by the presence of the proposed 'crescent' of timber chalets on the appeal site. I recognise that there is currently a partial screen of mature conifers along part of the northern boundary of the appeal site which provides a visual screen over about 10m high. However, the setting of the listed buildings has to be considered in the long term and this screen of natural vegetation cannot be relied on in perpetuity. The proposal could include additional landscaping, as required by conditions, but I am not satisfied that this would be bound to make the inter-relationship acceptable.
7. I find that the siting and form of the holiday chalets would spoil the setting of the listed building and harm the significance of the heritage asset. This harm amounts to 'less than substantial harm', as set out in paragraph 196 of the National Planning Policy Framework (the Framework), and I will weigh this against the public benefits in the planning balance. In terms of the development proposed there is conflict with the provisions of Policy SWDP6.

Effect on flooding

8. In terms of whether the appeal site is at risk of flooding, the main parties disagree in their interpretation of submitted surface water flooding maps included in the South Worcestershire Development Plan (SWDP). On the evidence presented, the Council's depiction from a national government web site is more up to date and detailed, and it shows an extent of flood water which includes part of the appeal site and the access to it, including in the underpass beneath the railway line. In addition, this mapping evidence is consistent with the Council's photographs, said to be taken in February 2020, which show surface water flooding at the access to the site and in the railway line underpass.

9. These photographs only show a snapshot in time and the flooding may have come about because of unusual and infrequent circumstances, but the evidence demonstrates that the site and the access to it is at risk of surface water flooding. Bearing in mind the guidance in part 14 of the Framework that new development should be steered to areas with a low risk of flooding, in the absence of a specific flood risk assessment for the site and the access, I am not satisfied that the use and operation of the holiday chalets proposed can be made safe and acceptable by the imposition of conditions on any permission as suggested by the appellant. As the proposal stands the use proposed would be likely to suffer from a risk to health and property from flooding.

Tourism policy

10. The relevant policy on tourist and leisure development, including new chalets, is SWDP 36. This generally supports proposals for new sites subject to stated criteria. From the issues set out above, in this case there are fundamental concerns over the adequacy of the access to the site, the effect on the setting of the adjacent listed buildings, and the extent and effect of surface water flooding, to establish that parts A(i) (ii) of the policy are not met.

Planning balance

11. On the main issues I have found that the access to the site is not suitable for the use proposed and the additional traffic would be likely to affect other users of the public right of way. The site and the access to it is also affected by a risk of flooding from surface water which may harm health and property. The siting, physical form and presence of 6 chalets would also harm the setting of the adjoining listed building of Hampton Park Farmhouse/Farm Cottage in the long term. While this harm amounts to 'less than substantial harm', the Framework makes clear that great weight should be given to the conservation of the heritage asset whatever the level of harm.
12. These factors constitute significant adverse effects, but they have to be balanced with the benefits of the development including the public benefits.
13. I acknowledge that the proposal would be likely to tidy up the site where at the moment there are remnants of a previous use and a dilapidated caravan. The tourist use of the chalets would be likely to contribute to the local economy, as well as their manufacture and ongoing servicing, and provide a social benefit for the occupiers.
14. However, the actual public benefits that would arise are limited. The environmental harm that has been identified means that the proposal does not accord with the Framework when this is read as a whole. I conclude that the other considerations that arise, considered either separately or together, do not outweigh the conflict with the development plan and this indicates that the appeal should not be allowed.

Conclusion

15. For the reasons given above I conclude that the appeal should not be allowed.

David Murray

INSPECTOR