
Appeal Decision

Site visit made on 23 February 2021

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2021

Appeal Ref: APP/J1860/W/20/3261365

Land off A38, north of Stratford Bridge, Ripple WR8 0PY

- 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 G Chatterton of Envex Contractors Ltd against the decision of Malvern Hills District Council.
 - The application Ref 20/00711/FUL, dated 29 May 2020, was refused by notice dated 21 August 2020.
 - The development proposed is redevelopment of existing depot to provide 3 no. commercial buildings for B1/B8 use.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - Whether the proposal represents a suitable location for the provision of additional employment development, having regards to the development plan;
 - The effect of the proposal upon the character and appearance of the area; and
 - The highway implications of the proposal, including accessibility and location.

Reasons

Suitability of the location

3. Criteria E of Policy SWDP 8 of the South Worcestershire Development Plan (LP) is supportive of the provision of further employment land in addition to specifically allocated sites, providing the development supports an existing business or a new enterprise of an appropriate scale to the location. Policy SWDP 12 deals specifically with employment in rural areas, with Criteria C supporting the expansion of existing employment sites where it has been demonstrated that the intensification of the existing site is not viable or practical.
4. The appeal site lies within the open countryside and is currently in employment use, principally for the open storage of materials, although there is an existing building on site, along with a number of portacabins, which provide internal storage space. From the appellant's evidence, it is their intention to relocate their whole business operation from their existing site, which for a number of

reasons, is limited and inadequate and does not meet either their future requirements or their plans for future diversification. In this regard, the proposal to redevelop an existing employment site would appear, on the face of it, to meet the requirements of both Policies SWDP 8 and SWDP 12.

5. It has been put to me by the Council that, due to the nature of the development and the design of the buildings, the proposal would appear to be incompatible with the existing use of the site and the intended end users, in particular due to the lack of external storage and limited flexibility with regards to the buildings. In this respect however, there would appear to be no requirement within the development plan for the redeveloped site to be used by the existing operator. Therefore, given the existing site is a brownfield site already in employment use, the intensification of the site would, through the delivery of new job opportunities, accord with the aims of the development plan.
6. For the above reasons, I therefore conclude that the proposal is considered to be a suitable location for employment development and, in this respect accords with Policies SWDP 8 and SWDP 12 of the LP and Paragraph 83 of the National Planning Policy Framework (the Framework).

Character and appearance

7. The appeal site lies in a rural location, bounded on three sides by open, relatively flat fields, with the A38 to the other. Positioned towards the rear of the site is an existing building, which is agricultural in appearance, with the remainder of the site being hard surfaced and used for the storage of equipment and materials associated with its use. Along the boundaries there is landscaping, which along with the position of the building, combine to ensure that both it and the existing operations are not overly visible from surrounding public viewpoints.
8. Policy SWDP 21 of the LP requires the layout, scale, massing, density, materials and design of developments to respect the character and quality of the area. Policy SWDP 25 of the LP requires proposals to demonstrate that they are appropriate to and integrate with the character of the landscape setting.
9. In contrast to the existing development on site, the proposal would introduce three relatively substantial buildings that would be of a considerably greater height, bulk and mass than the existing building and storage use. As a consequence, the proposal would considerably increase the amount of built development on the site, which would be clearly visible from surrounding viewpoints. As a result, the proposal would appear as a prominent, incongruous feature within the rural setting and have an urbanising effect, which would harm the rural character and local distinctiveness of the surrounding area.
10. Reference has been made by the appellant to the introduction of substantial landscaping around the site, although the ability to implement such a scheme is questioned by the Council. Be that as it may, whilst the provision of new landscaping would, to some degree, help to soften the visual impact of the proposed development, I am not convinced that given the overall scale of the scheme, that landscaping, on its own, would enable the proposal to adequately assimilate into what is essentially a relatively open, flat and undeveloped landscape.

11. The appellant has drawn my attention to the existing open storage use on the site and that the proposed development would remove this element. However, I note from the evidence that the planning permission, via a condition, restricts the height to which materials can be stored. This is considerably lower than the height of the proposed buildings. Therefore, whilst the existing use of the site has some visual impact, due to the scale and height of the proposed development, I consider that it would be more harmful to the rural character of the area than the existing use.
12. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect would conflict with Policies SWDP 21 and SWDP 25 of the LP and the Framework.

Highway issues

13. Policy SWDP 4 of the LP requires proposals to demonstrate that the layout of development will minimise demand for travel, offer genuinely sustainable travel choices, that they address road safety and are consistent with the delivery of the Worcestershire Transport Plan.
14. Whilst the appeal site is located on the main A38 and is in close proximity to the motorway network, it is located beyond what is considered to be a reasonable walking distance from nearby settlements. In terms of cycling, given the lack of suitable cycling facilities, along with the lack of street lighting within the area, neither does the site fall within a location that would be attractive to anyone other than the most confident of cyclists. A bus stop is located within walking distance of the site, however from the evidence before me, the services offered from this stop do not correspond with normal working hours. On this basis, it would appear that the most realistic option for employees to access the site would be via private car.
15. It is recognised in Paragraph 103 of the Framework that in rural areas, the potential to provide for alternative means of transport, is often more limited than within urban locations. Furthermore, I note the support offered in Paragraph 83 to the sustainable growth and expansion of businesses in rural areas. However, in this case, I find the characteristics of the location to be one that would not provide any suitable opportunity for future employees to use alternative modes of transport or be in a location where alternative modes are a realistic choice. It is therefore likely that future employees would need to rely heavily upon private vehicles to access the site.
16. I note the submission by the appellant that the level of traffic would not be significant when compared to the daily flows on the adjoining A38 and within the likely daily variation expected in background traffic, although no evidence is before me with regards to the current capacity on the A38 to fully substantiate this claim. However, it is clear that the proposal would result in a significant increase in vehicular traffic when compared with the existing use. Therefore, given the limited opportunities for employees to access the site via alternative modes of transport and taking a precautionary approach, the proposal would fail to deliver a range of transport choices and fails to minimise demand for travel.
17. The appellant has referred to the nature of the business and the specific type of trips and activity that would be likely generated from the proposed

development. In this respect however, the appeal application is for a B1/B8 use with no suggested restrictions to the specific users. There is therefore no guarantee before me that the proposed development would be operated and occupied in the manner suggested by the appellant. I have therefore attributed little weight to these submissions.

18. For the above reasons, I therefore conclude that the proposal lies within an unsustainable location and would fail to minimise demand for travel and, in this respect, would be contrary to Policy SWDP 4 of the LP and Section 9 of the Framework.

Other Matters

19. It has been put to me by the appellant that due to the age of the policies in relation to economic growth, along with the current timetable for their review, that Paragraph 11d of the Framework is engaged in this case. In this respect, I am mindful of Paragraph 213 of the Framework and the need for consistency between it and the development plan. In this regard, I consider that the relevant policies contained within the LP are broadly consistent with the Framework and therefore Paragraph 11d is not engaged in this instance. Even if I had concluded that Paragraph 11d was engaged, given the harm I have found to the character and appearance of the area and the unsustainable location of the site, these would significantly and demonstrably outweigh the benefits of the development.
20. Reference has been made by the appellant to the inadequate provision of foul drainage within the development. From the evidence, I consider that this is a matter which could adequately be addressed via a suitably worded planning condition and therefore, on its own, would not provide a justifiable reason for withholding planning permission.

Planning Balance and Conclusion

21. I have found that, given the existing use on the site, the appeal site would accord with development plan policy in relation to the provision of new employment opportunities. This benefit attracts considerable weight in the overall planning balance.
22. On the other hand, I have concluded that the proposal would harm the character and appearance of the area and lies in an unsustainable location and would fail to minimise the demand for travel. These matters carry substantial weight.
23. Overall, whilst the proposal would deliver benefits, principally in the form of new employment opportunities, these benefits are not considered to be sufficient to outweigh the substantial harm caused through the identified conflict with the development plan and the Framework.
24. For the above reasons, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR