



Appeal Decision

Site Visit made on 27 April 2021 by G Sibley MPLAN MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2021

Appeal Ref: APP/R1845/W/21/3267971

Land off A4117, Far Forest

- 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 20/0923/FUL, dated 11 November 2020, was refused by notice dated 7 January 2021.
 - The development proposed is construction of detached bungalow.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for costs

3. An application for costs was made by the appellant against the Council and this is the subject of a separate decision.

Main Issues

4. 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 for the Recommendation

Housing Strategy

5. The site is located approximately 270 metres from the settlement of Far Forest, and outside any settlement boundary defined in the development plan. It would not be located within one of the areas identified within Policy SAL.DPL1 of the Wyre Forest District Site Allocations and Policies Local Plan (LP) (Adopted 2013) (LP) for residential development.
6. Policy SAL.DPL2 of the LP states that within the rural areas of the District, proposals for residential development will not be permitted unless one of several exceptional circumstances applies. The proposal would not replace an existing dwelling and, as far as I have been made aware, is not subject to a community right to build order and is not proposed as a rural worker's dwelling. While I note that the Parish Council supports the proposal, there is no substantive evidence before me that it has identified the site as an exceptions site to meet an identified

local housing need. As such, the proposal would not meet any of the exceptional circumstances in Policy SAL.DPL2.

7. Even if it had been identified by the Parish Council, it has not been demonstrated that it would meet the criteria for exception sites in the Policy. In particular, the site is some distance from Far Forest and separated from the main built-up area of the settlement by fields and sporadic housing development. Therefore, it is not within or adjoining that rural settlement.
8. Furthermore, while the Rock Parish Housing Needs Survey (2019) identifies that there is a need for three-bedroom market houses within the Parish it has not been demonstrated that the proposal would actually meet that need. The supporting text to Policy SAL.DLP2, which is guidance to interpreting the policy, states that to accord with that policy, *"...the housing developed must seek to address the needs of the community by accommodating households who are existing residents or who have an existing family or employment connection to the area in line with the local connections criteria"*. Whilst the house is proposed to be occupied by the appellant's family, who currently live in the Parish, there would be no mechanism to ensure that they would do so, or indeed that any future occupant would have a local connection.
9. The supporting text also states that *"proposals for development under the rural exceptions policy will need to demonstrate that arrangements are put in place to ensure that the housing will remain permanently affordable and available to meet the continuing needs of local people"*. The proposal is not for affordable housing and therefore does not need to be secured as such in perpetuity, so criterion i) of Policy SAL.DPL2 does not directly apply. However, whilst I acknowledge that the policy could have been more clearly worded, a reasonable reading of the policy and supporting text together indicates a requirement that development permitted by that Policy to meet a local housing need must remain available to meet the continuing needs of local people. In this case, there is no mechanism or 'arrangement' before me to ensure the dwelling would remain available to meet the continuing needs of local people.
10. Consequently, the proposal would conflict with LP Policy SAL.DPL2 and therefore also with Policy SAL.DPL1. The proposal would also fail to comply with Policy DS04 of the Wyre Forest District Local Development Framework Core Strategy (CS) (adopted 2010), which requires that within the rural settlements and other rural hamlets, new residential development will be to meet local housing needs only.

Character and appearance

11. Whilst there are dwellings located sporadically along this section of the A4117, the site and the wider area is characterised by open fields and rural commercial activities like the horticultural business on the opposite side of the road. This gives the area a semi-rural character which the site positively contributes towards given that equestrian uses are typically found in rural locations. This section of the A4117 contrasts with the denser development around the centre of Far Forest which is located further along the road.
12. The Forest Smallholdings and Dwellings Landscape Type Advice Sheet provides guidance on local landscape character. It identifies that the retention of small pastures/orchards between houses is important in respecting the settlement pattern for the area; and that the gaps maintained between the groups of dwellings outside of rural settlements help to maintain the semi-rural character of the area. It also notes that the retention and appropriate management of open

- spaces within the settlement matrix should be encouraged, paying particular attention to the areas of permanent pasture and hedgerow structure.
13. The site comprises a small paddock containing a stable building which has been built close to the southern boundary of the site. Given the siting and limited scale of the stable building, the site maintains the semi-rural character of the area. Whilst the site is bound by hedgerows, they are relatively low and as such there are clear views across the site to the open countryside to the rear. As an open space between dwellings, the site makes a positive contribution to local landscape character.
 14. Despite being proposed as single storey, the proposed dwelling would be taller than the front hedge and as a result would be clearly visible from the A4117. Although it would not occupy the full width of the site, it would nevertheless restrict views through to the countryside beyond, and as such would detract from the open nature of the site which contributes to local landscape character. Whilst additional landscaping could be implemented along the front of the site, tall hedgerows would further detract from the openness of the site.
 15. The proposed dwelling would be viewed as part of the small group of dwellings to the north of the site and would extend the built form in this location. The dwellings to the south are located behind dense mature woodland and this tree screening plus the site means they are visually disconnected from the group to the north. The proposal would therefore infill the gap between two separate groups of buildings and thus would create ribbon development outside of the settlement, which would erode this gap that is integral to the semi-rural character of the area.
 16. Furthermore, whilst there is some paraphernalia associated with the existing use of the site, the proposal would inevitably result in domestic paraphernalia being placed on the site such as washing lines, play equipment and sheds. Such items are often not development and therefore fall outside planning control, so I cannot be certain that they would be located at the rear of the site as the appellant suggests. In combination with the proposed dwelling, such paraphernalia would contribute to the urbanisation of the site.
 17. The site is already served by a vehicular access and this would be reused as part of the development. Consequently, the proposal would not result in the loss of hedgerows to the front of the site and the proposed access arrangements would not cause harm to the character and appearance of the area.
 18. Nevertheless, the proposed development as a whole would cause significant harm to the character and appearance of the area and as a result would be contrary to LP Policies SAL.DPL2, SAL.UP7 and SAL.UP9 and CS Policies CP11 and CP12 which seek to ensure proposals are of the highest design quality and protect the landscape character of the area.
 19. The proposal would also would not comply with paragraphs 127 and 170 of the National Planning Policy Framework (the Framework) which seek to ensure developments are sympathetic to local character and that decisions contribute to, and enhance, the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.

Planning Balance, Conclusion and Recommendation

20. The proposal would not fall within the definition of an exception site in the LP and the location of the proposal outside of the settlement would undermine the Council's plan-led approach to the delivery of housing. Furthermore, I have found significant harm to the character and appearance of the area, a matter to which

local and national policies give considerable importance. Therefore, while the proposal would comply with other development plan policies in respect of matters such as parking and the living conditions of neighbours, it would conflict with the development plan when read as a whole.

21. The Council can identify a 5-year housing land supply which is not contested by the appellant. Whilst the CS and LP pre-date the updated Framework, paragraph 213 states that existing policies should not be considered out of date simply because they were adopted or made prior to the Framework's publication.
22. Policy DS01 of the CS is derived from the regional spatial strategy and is therefore out of date. LP Policies SAL.DPL1 and SAL.DPL2 and CS Policy DS04 are however consistent with the Framework in terms of the location of new development as they seek to direct development to sustainable locations and previously developed land and promote sustainable development in rural areas. They do not seek to constrain the delivery of housing and as a result they are consistent with the Framework's aim to significantly boost the supply of homes. LP Policies SAL.UP7 and SAL.UP9 and CS Policies CP11 and CP12 are consistent with Framework policies on design and landscape character.
23. Therefore, I find that the basket of policies most important to the case are not out of date and the presumption in favour of sustainable development set out in paragraph 11(d) of the Framework does not apply in this case. Given the importance afforded to the location of housing, design and impacts on landscape in the Framework, I give the conflict with the development plan very substantial weight.
24. The proposal would provide a single dwelling designed to be used flexibly, on previously developed land and in a location with adequate access to services. However, in the context of a Framework compliant supply of housing land, the benefits of the provision of one additional house attract very modest weight.
25. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment, while new residents could increase spending in the local economy. There would be additional benefits from further council tax income and a new homes bonus. However, no schemes upon which the bonus would be spent have been identified. In accordance with the Planning Practice Guidance, it would not be appropriate to make a decision based on the potential for the development to raise money for the Council in the absence of evidence to demonstrate how that money would be used to make this particular development acceptable in planning terms. Moreover, the economic benefits of the proposal would be generic and would arise with any housing development. Consequently, I can only attach limited weight to the economic benefits.
26. The proposal would not result in the loss of best and most versatile agricultural land which is a neutral impact. It could improve biodiversity through landscaping; however, this would be of minimal benefit given the small size of the site.
27. The other approved schemes referred to by the Council and appellant were in different settlements with a different landscape character and as such are not directly comparable to the appeal proposal in that respect. The proposals at Duke William Works and Land adjacent Walnut Cottage were found to be contrary to SAL.DPL2 but were acceptable when the 'tilted' balance in paragraph 11d) was applied, which is not engaged in this instance. The scheme adjacent Victory Hall was located within the settlement boundary and part of a wider allocation for

residential development under Policy SAL.RS2 and as such complied with Policy SAL.DPL1. The scheme at Heightington Road was adjacent to the settlement boundary and would be within the revised development boundary in the emerging Local Plan. Great weight was therefore given to the benefit of bringing it forward early. In each of those cases therefore, the matter of whether the dwellings would remain available to meet the continuing needs of local people would not have needed to be considered as each was acceptable for other reasons.

28. I have not been provided with any details about the Council's reasons for approving the scheme at the rear of the Royal Forester, so cannot be certain whether meeting a continuing need was a determinative factor in that decision. The scheme at Chapel Paddock was allowed at appeal with the Inspector concluding that the proposal complied with Policy SAL.DPL2. However, I do not know what evidence was before that Inspector, and whether they were invited by any party to engage with the matter of whether that proposal would meet a continuing need. The Inspector in the previous appeal on this appeal site concluded that the proposal would not meet an identified local need, so it is unsurprising that they did not address the matter of meeting continuing needs.
29. Consequently, none of the examples given are directly comparable to the scheme before me and there is no compelling evidence of inconsistent application of Policy SAL.DPL2. I have considered the appeal proposal on its own merits and have found, based on the evidence submitted, that it does not meet the requirements of that Policy. Therefore, these other decisions do not justify the conflict I have identified above and do not weigh in favour of granting permission for this proposal.
30. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and the benefits of the proposal, that would outweigh this conflict. Consequently, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

31. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR