



Appeal Decision

Site Visit made on 11 May 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2021

Appeal Ref: APP/J1860/W/21/3266730

Plot 1 adjacent to the Moorlands, Moseley Road, Monkwood Green, Nr. Hallow, Worcester WR2 6NX

- 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 and Mrs Gunnell against the decision of Malvern Hills District Council.
 - The application Ref 20/00583/CU, dated 4 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is 'change of use of the land for the siting of a log cabin for use as a permanent dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the appellant's appeal form and the Council's decision notice. This adequately and simply describes the proposed development instead of the much longer and detailed description given on the application form.

Main Issues

3. The main issues are:
 - whether or not the location of the site is acceptable for the development proposed;
 - the effect of the proposed development on the character and appearance of the countryside;
 - whether or not the proposal is acceptable in the absence of an agreed contribution to affordable housing.

Reasons

Location of development

4. The site is located on land identified as open countryside in the South Worcestershire Development Plan ('SWDP') (adopted February 2016). Although not within Green Belt, policy SWDP2 part C of the SWDP seeks to limit development in the open countryside, allowing for certain exceptions. The appellants have suggested the proposal may be justified under one of the uses specified in this policy, but have not stated which of the uses they consider would be applicable.

5. It is clear, however, that the proposal is sought in conjunction with the appellants' small holding. Lambing is highlighted as a time requiring constant attention, and there are a range of other uses related to the small holding requiring the appellants' input on site. Paragraph 79 of the National Planning Policy Framework ('Framework') establishes that development of a rural worker's home in open countryside would need to be justified on the basis of there being an 'essential need' for the worker to live permanently at or near their place of work.
6. The Planning Practice Guidance provides further considerations that are relevant to assessing the need for rural worker accommodation¹. For example, whether there is a need for 24-hour a day presence on site and the risks of this not being provided. Notwithstanding any additional tests to be satisfied under SWDP19 relating to rural worker dwellings, there is insufficient evidence before me to demonstrate an essential need for rural worker accommodation. As set out above no express argument has been made in that respect, there is no clarity on the intensity or nature of activities here, and I note that such a use is not specified in the description of development.
7. The appellants submitted a map indicating other log cabins in the area and some supporting photographs. However I have not been provided with details of their planning permissions, if they benefit from such, or other circumstances related to them so am unable to make any meaningful comparisons. In any event each proposal must be determined on its own planning merits and according to the particular circumstances of the case.
8. Whilst facilities in Monkwood Green are limited I note that there are facilities in nearby villages, such as Hallow, which would be accessible by car if not by bus. However the accessibility of the site to these is not sufficient on its own to justify development in this location contrary to the approach in the development plan. The development would make a very small contribution to housing supply, albeit the Council considers it can demonstrate a robust and deliverable five year housing land supply (which is not contested).
9. In the absence of robust evidence to the contrary, I conclude that the proposed development would conflict with policy SWDP2, not being an acceptable form of development in this countryside location. The SWDP strategy seeks to ensure a sustainable pattern of development. This focusses new development on larger settlements where there is greater access to local services and employment opportunities, and consequently less reliance on travel by private car and associated emissions. The scheme would not be consistent with these development plan objectives.
10. For similar reasons, without further evidence, the development does not satisfy paragraph 79 of the Framework in respect of rural worker dwellings or any other exception.

Character and appearance

11. The site is located in a field off Moseley Road at Monkwood Green. There is a public house and bus stop in the vicinity of the site, however the appeal land feels separate from these and the rest of the village due to the screening effect of substantial vegetation along the field boundary. There is a residential

¹ Planning Practice Guidance Reference ID: 67-010-20190722

property accessed from the same access track as the appeal proposal but this is only partially visible from the site and feels remote from it. The character of the site and surrounding area is rural in nature and defined by fields and hedgerows interspersed with glimpses of houses and agricultural buildings.

12. The design of the proposed house, being single storey and constructed from wood with a corrugated tin roof, would not be out of keeping with the rural character of the area where there is a mix of architectural styles and materials, and a range of agricultural farm buildings. The building would be screened from the road by the existing vegetation.
13. The topography of the land is such that the ground level falls away to the south, however the building is designed with a low profile which would limit its visibility from the surrounding countryside. The removal of the mobile homes on site on completion of the proposed development would have a slight positive effect on the character and appearance of the area. Nevertheless from the evidence before me, the use of the mobile homes for residential accommodation on site is not authorised. Their removal from site is a separate matter and not reliant on the proposed development. Therefore any associated benefit from their removal from site does not weigh in favour of the scheme.
14. Accordingly, given the rural character of the site and surrounding area I find the proposed single storey log cabin style building would not harm the character and appearance of the area. It would therefore be in accordance with policy SWDP21 and SWDP25 which seek to ensure development is of a high quality design that integrates with the character of its surroundings. For the above reasons the proposal accords with paragraph 127 of the Framework which seeks to ensure developments are sympathetic to local character and landscape setting. However this is effectively a neutral finding in my assessment of the scheme.

Planning obligation

15. Amongst other measures, in order to support appropriate provision of affordable housing in the District, criterion B. v. of policy SWDP15 requires that, on sites of fewer than five units, a financial contribution towards affordable housing will be sought. I note also that paragraph 63 of the Framework enables authorities to seek affordable housing contributions in designated rural areas, such as Malvern Hills. The proposal is not supported by an associated contribution, and there is no substantive evidence before me as to why that is the case. As such I cannot find other than that the absence of a mechanism to secure an appropriate level of affordable housing provision carries weight against allowing the appeal.

Planning balance

16. The development would contribute to housing supply, albeit to a very limited degree. Its design would not be harmful to the character and appearance of the area and the scheme would incorporate positive sustainability measures such as the proposed use of solar and wind energy. I also acknowledge the private benefit to the appellants of providing a permanent home on site.
17. However on the basis of the evidence before me, the proposal conflicts with development plan policy by representing development in conflict with the approach in policy SWDP2. This, combined with the lack of provision for an

affordable housing contribution, carries substantial weight against the proposal (which is not outweighed by its minor public benefits). The proposal would be contrary to the development plan when taken as a whole.

Other Matters

18. The lack of objections from the Parish Council, local residents and the Highways Authority does not justify the harm I have identified.
19. The appellants have suggested that as the Council has not pursued the enforcement action against the use of the two joined mobile homes on site, their use as some form of residential accommodation may not be a concern. However the Council has provided evidence that use of the accommodation for residential purposes remains unauthorised. The absence of enforcement proceedings does not weigh in favour of the development.

Conclusion

20. The proposal conflicts with the development plan which seeks to limit development in open countryside, and fails to make provision for affordable housing. It has not been robustly demonstrated that there is an essential need for a permanent rural worker dwelling. Whilst the development would not harm the character and appearance of the area, the private benefit to the appellants, and the small benefit of delivering an additional dwelling are not sufficient to outweigh the harm I have identified. The proposal would be contrary to the development plan when taken as a whole, and the Framework, and the appeal is therefore dismissed.

Rachel Hall

INSPECTOR