



Appeal Decision

Site Visit made on 6 July 2021

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/H1840/W/21/3272083

The Garage, Radford Road, Rous Lench WR11 4UL

- 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 D Sanders of VW Direct Ltd against the decision of Wychavon District Council.
 - The application Ref 20/00425/FUL, dated 25 February 2020, was refused by notice dated 2 October 2020.
 - The development proposed is change of use of existing garage premises to two residential units, including alterations and extensions, and building with extant approval 18/00554, dated April 2018.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Council's second reason for refusal related to the payment of a contribution towards affordable housing provision. The appellant has now provided a unilateral undertaking which seeks to ensure this. The Council have considered this, agree it addresses their concerns in this regard and thus no longer wish to pursue this reason for refusal. Consequently, the remaining main issue is whether this proposal would be suitably located having regard to the quality of the land and sustainable access to local services.

Reasons

3. It is not disputed between the parties that the site is outside the defined settlement boundary of Rous Lench and hence in the designated open countryside. Part C of Policy SWDP 2 of the South Worcestershire Development Plan states that in the open countryside, development will be strictly controlled to a given number of forms of development. The appellant does not suggest the re-use of the existing building comprises any of these forms of development. The proposal therefore would be contrary to this part of the policy. The policy also encourages the use of brownfield land, such as this site. However this does not negate the need for the development to meet the locational criteria outlined above.
4. In visual terms also the site appears detached from Rous Lench. The parties agree the site is not isolated, but the row of houses it is part of is separated from the settlement by an open field and some farm buildings. Notwithstanding this, aside from a church and the bus services that stop on Radford Road, which from the information provided and as confirmed by the Council are infrequent, there are no other services or facilities in Rous Lench. As such

future occupiers of the houses would most likely be reliant on their own cars for their day to day needs.

5. As the site is not isolated from other buildings, paragraph 79 of the National Planning Policy Framework (the 'Framework') is strictly not relevant. Nonetheless the re-use of this redundant building would be a material benefit. I note the criticism of the appearance of the existing building from a neighbour, however in my view, the building is not unattractive, appears to be in generally good condition and the site appears tidy. Indeed, if anything, it is its functional shape which is its least appealing aspect and the proposal would retain this. As the proposal would not materially enhance the building, this limits the benefit of its re-use.
6. The Framework also identifies that a development in one village may support services in another. As stated above, there are few facilities in Rous Lench that would be supported by the proposal. Whilst there are a number of small villages nearby that may receive some support from the development, none are particularly close and the support from just two extra houses would most likely be very minimal.
7. Given the developed nature of the site, the proposal would not represent a protrusion of built form into the undeveloped countryside, and the limited scale of the alterations to the building means the increase in built form on site would also not have an adverse effect on the quality of the countryside. Nonetheless, this lack of visual harm does not represent an environmental benefit. Also though there may be a reduction in traffic generated by the site compared to its previous use, I would anticipate traffic generation previously would have been limited given the small scale of the business premises.
8. There would be a limited social benefit in adding two houses to the Council's supply, and the contribution towards affordable housing provision is a distinct benefit. Any economic benefit from the conversion works or its future occupation would be limited.
9. The appellant argues the proposal is compliant with SWDP12 which relates to employment development in rural areas. Although I have no reason to doubt this, and indeed the Council do not dispute this, this is just one consideration and the proposal must be assessed against the development plan as a whole.
10. In summary, the development would be located outside the settlement boundary of Rous Lench and so would fail to accord with SWDP policy SWDP 2 as set out above. Also the development would fail to have suitable access to services by sustainable means and so would conflict with policy SWDP 4 which specifically requires proposals to offer genuinely sustainable travel choices. Although there would be no visual harm to the quality of the countryside, and there would be some limited benefits as set out above, these are outweighed by the conflicts with policies SWDP 2 and SWDP 4. Consequently, the development would not represent sustainable development and it would hence also fail to accord with policy SWDP 1 which supports sustainable development.

Conclusion

11. The development conflicts with the development plan taken as a whole and there are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons

given, and having had regard to all other matters raised, the appeal is dismissed.

A Owen

INSPECTOR