



Appeal Decision

Site Visit made on 25 May 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2021

Appeal Ref: APP/H1840/W/21/3268272

The Chapel, Boreley Lane, Lineholt, Ombersley WR9 0LF

- 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 M Blagojevic against the decision of Wychavon District Council.
 - The application Ref 20/02255/CU, dated 16 October 2020, was refused by notice dated 11 January 2021.
 - The development proposed is change of use of existing detached holiday let to independent dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has produced a signed and dated planning obligation under Section 106 of the Town and Country Planning Act 1990. The planning obligation would ensure a financial contribution towards affordable housing.

Main Issue

3. The main issues are:
 - Whether the appeal site is an appropriate location for new housing having regard to access to services and facilities; and
 - Whether the proposed development would make adequate provision for affordable housing.

Reasons

Location for new housing

4. The appeal site comprises a detached single storey building used for holiday accommodation. The building sits within its own grounds with a garage, driveway and garden. The site is located near to a cluster of dwellings but otherwise is within a rural setting.
5. Policy SWDP 2 of the South Worcester Development Plan (2016) (SWDP) outlines the development strategy for new development in the area. Part C sets out that development in rural areas will be strictly controlled and limited to a number of developments which does not include new open market housing.
6. I acknowledge that the National Planning Policy Framework sets out that transport solutions will vary between urban and rural areas. However, the site is some distance from local services in nearby settlements. The surrounding

roads are devoid of footpaths and street lighting and there are no cycle routes linking the site. Walking and cycling to and from the site to local services would be extremely difficult and would be especially difficult for the young, the elderly and those with mobility issues. This would be particularly so during the hours of darkness and inclement weather. In these circumstances the use of a private motor vehicle is the only practical means for residents to access the services they require. Whilst nearby residents may well have weekly food deliveries, there is no certainty that future occupiers would do the same. This combination of factors demonstrates that the appeal site is not in a location where a new dwelling would be considered acceptable.

7. The appellant has referred to the sustainable development principles outlined in the SWDP. The proposal would add to the general availability of local housing including for the elderly, the less mobile and those wanting a smaller home. However, I have not been made aware of any pressing housing need that would justify a permanent dwelling in this location.
8. Whilst future occupiers would support the rural community and existing services in nearby settlements, given the modest scale of the development the benefits would be modest.
9. Finally, from an environmental perspective including pollution and energy as the building exists the effects between the existing and proposed use would be similar and is a neutral factor in the overall balance.
10. The appellant contends that the holiday accommodation is unviable, and I have been provided with some marketing information to support this. However, there is no evidence outlining the occupancy/void periods or to demonstrate that the rental figure sought, or guide price is realistic. I also note that the appellant has spent a considerable sum on refurbishing the property, but these factors would not outweigh the harm resulting from permanent occupants living in the dwelling in a location remote from day to day services. In addition, the potential deterioration and dereliction of the building is not justification for a scheme that I have found to be harmful.
11. I note the appellant's personal circumstances and whilst I have given this matter careful consideration, I am mindful of the advice contained in the Planning Practice Guidance that in general, planning is concerned with land use in the public interest. It is probable that the proposal would remain long after the current personal circumstances cease to be material. For these reasons, I find that this factor is not sufficient to outweigh the harm that I have identified.
12. Consequently, I conclude that the appeal site is not a suitable location for a permanent dwelling due to the lack of access to services and facilities. The proposal would, therefore, be contrary to SWDP Policies SWDP 2 and SWDP 4 which, amongst other things, seek to control development in open countryside and development to offer genuinely sustainable travel choices.

Provision for affordable housing

13. The appellant has submitted a signed and dated planning obligation by which to provide a financial contribution towards affordable housing in the area.
14. I am satisfied that the contribution would satisfy the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy

Regulations (2010). As such, I find that the submitted planning obligation would overcome the Council's second reason for refusal.

15. In this respect the proposed development would accord with SWDP Policy 15 which, amongst other things, seeks the provision of affordable housing.

Other Matters

16. The appellant contends that the appeal building should be considered a non-designated heritage asset. However, taking the limited evidence before me into account I cannot categorically come to the same conclusion. As such, I give this matter negligible weight in coming to my decision.
17. The change in the Highways Authority's comments is not a matter for me in this appeal. The support of neighbours and the parish council counts neither nor against the proposal.
18. I acknowledge that there may be limited alternative uses for the building and that the proposal would not involve any external alterations and would provide suitable living conditions for future occupiers in terms of safety, privacy and amenity space. However, these matters do not overcome the harm that I have identified.
19. The proposed development would not unduly affect highway safety and is unlikely to result in an increase in vehicle movements. However, these matters would not outweigh my judgement that a permanent dwelling in this location would be unacceptable in terms of its accessibility to nearby services and facilities.
20. The appellant has referred to emerging policies in respect of rural buildings. However, there is no information before me with regard to their status and may well be subject to consultation and modification. As such, I attach negligible weight to the emerging policies with regard to the scheme before me.
21. The appellant has made reference to an appeal which they consider relevant. However, it is incumbent upon me to consider the merits of the scheme before me and every appeal must be considered on its own merits, as I have done in this case. The appeal decision referred to does not lead me to reach a different conclusion on the matter.

Conclusion

22. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR