



Appeal Decision

Site Visit made on 27 July 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2021

Appeal Ref: APP/H1840/W/21/3271005

Orchard House, Westwood Park, Droitwich Spa WR9 0AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr D Snell against the decision of Wychavon District Council.
 - The application Ref: 20/02873/CU, dated 18 December 2020, was refused by notice dated 15 February 2021.
 - The development proposed is described as change of use to domestic garden, and replacement outbuilding to provide annexe accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a listed building, I have had special regard to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The substance of Framework policy, insofar as is relevant to the main issues in this case, remains broadly the same. I shall determine the appeal on this basis.

Main Issues

4. The main issues in this case are:
 - Whether the proposal's location in the open countryside would be suitable; and
 - Whether the proposed works would preserve a) the significance of the Westwood Park Grade II registered park and garden (the Park) and b) the setting of the Westwood House Grade I listed building.

Reasons

Whether a suitable location

5. The appeal site is an area of land to the south-west of Orchard House, which is a one and a half storey detached twentieth century house of brick construction. Under Policy SWDP 2 of the South Worcestershire Development Plan (DP), the site is open countryside.

6. The proposed building would be visually connected to Orchard House, and physically connected to it by a modest garden path. Also, the scale and mass of the proposed building would appear subservient to the main dwelling.
7. The proposal would entail sharing Orchard House's access driveway, parking space and kitchen. Furthermore, the proposal is intended for the appellant's daughter and grandson to use as ancillary accommodation in a therapeutic verdant setting. As set out later in this decision, the site has a hybrid character which combines an evolved garden feel with agricultural influences. Also, the site is not fenced off from the garden of Orchard House. Given the above, it is feasible that the future residents of the proposed building could use its grounds in combination with Orchard House's garden space as shared outdoor amenity space, as proposed.
8. The above combination of factors indicates that the proposed outbuilding would be ancillary to the dwelling at Orchard House, rather than an independent residential unit.
9. The fact that the proposal would not meet part of the guidance¹ which states that ancillary accommodation should be 'physically linked' to the 'main property', if taken to mean joined to the main house, does not alter the above.
10. However, Policy SWDP 2 of the DP requires, among other things, that open countryside is safeguarded and wherever possible enhanced, and development within it will be strictly controlled. While the proposal would be ancillary to Orchard House, given its separation gap from the latter it would not be an extension. Within this context, Policy SWDP 2 of the DP limits the possibility of development in the open countryside to several exceptional scenarios, none of which apply in this case.
11. Thus, the proposal would not be suitably located in the open countryside and would undermine the control of development in South Worcestershire's countryside. As such, it would conflict with Policy SWDP 2 of the DP. It would also conflict with Policy SWDP 1 which requires proposals to accord with DP policies.

Heritage assets

12. The Park comprises an area of historic parkland in countryside to the west of the town of Droitwich Spa. It mainly comprises rolling farmland with several farmsteads, woodlands and water bodies. Several historic buildings are located towards the centre of the Park, including the Grade I listed Westwood House. The relative lack of residential development and associated domestic occupation and character contributes to the predominantly pastoral character of the Park. The special historic interest of the Park, insofar as it relates to this appeal, lies in its pastoral character which reflects its historic evolution from hunting park to mainly agricultural countryside. Herein lies its significance.
13. Westwood House is an imposing Jacobean-style hunting lodge dating from around the seventeenth century, of red brick and sandstone construction, with tiled roofs and angled wings. The building's ornate exterior and hilltop position towards the centre of the LPG contribute to its architecturally authoritative presence. As such, the listed building has evidential, historical and aesthetic value. Its special architectural and historical interest, insofar as it relates to

¹ In paragraph 8.3.26 of the South Worcestershire Design Guide Supplementary Planning Document.

this appeal, lies in the legibility of its evolved historic hunting lodge architecture with its ornate exterior, and its identity as the historic hub of the Park's pastoral parkland.

14. Orchard House is a relatively recent dwelling within an area of the Park that has a cluster of residential properties on the other side of the access Lane from Westwood House. The appellant indicates that Orchard House previously served as a laundry building for Westwood House.
15. The appeal site comprises mown grass, trees, shrubs, a chicken coop and an ageing timber walled building which is apparently a cricket pavilion that was brought to the site in the 1960s. The appeal site's context also includes arable farmland to the south and east, land with livestock on to the west and land with former market gardening frames to the north.
16. The appeal site is beyond the immediate garden environs of Westwood House. It is separated from the listed building by an access lane and intervening garden land and vegetation. Also, the extent of lawn rather than arable crops on the appeal site visually reduces the obviousness of its agricultural designation. That said, together with the strongly agricultural visual influence of land in the vicinity, and the presence of a chicken coop and old cricket pavilion, this results in the appeal site having an eclectic, hybrid character which combines an evolved garden feel with agricultural influences.
17. Given the above, the appeal site's combination of verdancy, spaciousness and freedom from modern residential accommodation contributes to the historic pastoral character of the Park and the setting of Westwood House.
18. The proposal would include removal of the somewhat incongruent twentieth century cricket pavilion. Also, through sharing the existing driveway to Orchard House, expansive new driveway surfacing would be avoided.
19. Nonetheless, the proposal would entail the introduction of a single storey, two bedroom, residential annexe building. It would have a pitched metal panel roof, timber clad walls and a noticeable totality of domestic fenestration on three of its four elevations. The above together would result in a modern residential architectural presence that would draw attention to the proposal on the site within the historic Park. The proposed new building and change of use to domestic garden would bring residential accommodation with associated domestic occupation and activity to this appeal site in the countryside. In addition to the modern residential character and appearance of the proposed building, compared to the pavilion building, the proposal is likely to result in an intensification of lighting, noise and garden landscaping and paraphernalia. Together the above would result in the proposal having an urbanising impact on the appeal site and the Park.
20. The above combination of impacts would be noticeable from various viewpoints at the appeal site, the Orchard House residence, on farmland in the vicinity and the public footpath to the south-east of the site.
21. Drawing the strands together, the charisma of the architecture and immediate garden environs of Westwood House would endure. Also, the appeal proposal would affect a relatively small proportion of the Park. However, the proposal would represent a significant change from the current character of the site that is free from residential accommodation. Consequently, the proposal would have

- a modern urbanising impact that would erode and distract from appreciation of the pastoral character of the Park's historic parkland. Furthermore, this would, to a limited extent, detract from the identity of Westwood House as the historic hub of the pastoral parkland.
22. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Given the scale of the proposed development, I find that it would result in less than substantial harm to the significance of the designated heritage assets, which would nevertheless be of considerable importance and weight.
23. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of designated heritage assets.
24. The proposal would add to the supply of residential accommodation in the district in the form of two bedroom, ancillary accommodation with associated socioeconomic benefit during and after construction. This would also provide private benefit in the form of supportive accommodation for the appellant's family members in the verdant parkland setting, with associated therapeutic value. The proposal would entail the removal of the somewhat incongruent and dilapidated pavilion and insertion of a more energy efficient building, albeit this would be tempered by replacement with a residential building of modern character. However, the Park as a whole has a pastoral function and the listed building has a residential use that would endure in the absence of the appeal proposal. The lack of detail about biodiversity enhancements limits the weight that this suggested benefit carries.
25. Given the above, the scale of public benefit would be limited and not sufficient to outweigh the totality of identified harm to heritage assets.
26. I appreciate the appellant's intention to provide discreet accommodation. However, this and examples of development on other sites in the Park, the full case details of which are not before me, do not alter the above specifics in this case and my consequent findings.
27. In conclusion, the proposal would fail to preserve the significance of the Park and the setting of the Grade I listed building. As such, the proposal would conflict with Policies SWDP 6 and SWDP 24 of the DP which together seek to conserve and enhance the historic environment.

Planning Balance and Conclusion

28. As set out above, I have determined that the public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of the heritage assets. Accordingly, I confirm that overall the benefits of the proposals are insufficient to outweigh the totality of harm that I have identified in relation to the main issues in this case.
29. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. It would also fail to satisfy the Framework and the Act. Accordingly, for the reasons given, the appeal fails.

William Cooper INSPECTOR