



Appeal Decision

Site Visit made on 21 September 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Appeal Ref: APP/J1860/W/21/3278117

Moores Farm Equestrian Centre, Corse Lawn, Worcestershire, GL19 4LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr P Betteridge against the decision of Malvern Hills District Council.
 - The application Ref 21/00303/PIP, dated 16 February 2021, was refused by notice dated 20 April 2021.
 - The development proposed is Permission in Principle for demolition of an existing equestrian building (previously developed land) with the erection of a single residential dwelling (C3) and associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle (PiP). Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has 2 stages: the first stage (or 'permission in principle stage') establishes whether a site is suitable in-principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent technical details consent application (TDC) if PiP is granted. I have determined the appeal accordingly.
4. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.

Main Issues

5. Whether the site is suitable for residential development, in terms of its location, land use and amount of development, with particular regard to:
 - a) local and national planning policy relating to the location of new housing, and

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

- b) the effect of removing the existing building.

Reasons

Location

6. Corse Lawn is a modest settlement with dispersed built form, arranged in a loose linear fashion alongside the B4211. A linear common runs through the settlement that has forced development back significantly from the road. As a result of the set back position of buildings and their low scale, the undeveloped gaps between plots and the verdant front boundaries, the area has a rural character, and lacks a concentration of buildings or any particular focus that would give it the appearance of a typical village.
7. Policy SWDP 2 of the South Worcestershire Development Plan 2016 (DP) seeks to focus most development on urban areas, where both housing needs and accessibility to lower-cost public services are greatest. The Policy classifies Corse Lawn as a category 3 settlement on the basis that it has a range of local services.
8. However, based on the evidence before me and my observations on site I could see that services and facilities in Corse Lawn are limited to the primary school and a cricket ground. Corse Lawn House is a luxury hotel and restaurant and appears to focus its facilities on hotel guests rather than providing a facility that could be regarded as similar to a village pub. Whilst it may provide some local employment, I am not satisfied that it would provide a service that would meet the day to day needs of local residents. The village does not benefit from a regular bus route and I am mindful of the findings of the 2019 Village Facilities and Rural Transport Study, which suggests it should be downgraded to a lower category village.
9. Policy SWDP 2 establishes that infill development within the defined development boundaries of category 3 villages is acceptable in principle. Corse Lawn is a settlement that is without a defined development boundary. Part C of the same Policy defines open countryside as land beyond any development boundary. At my visit I saw that most buildings associated with the village are on the west or northwest side of the B4211. The appeal site is to the north of the school and on the east side of the main road. It is separated from the school by a field and is away from the more developed area of the settlement, which is to the southwest. I do not consider it to be within the form of the village. Instead at my visit I found the appeal site to present itself as a detached rural enterprise that relates most comfortably to undeveloped areas of surrounding countryside.
10. Given the small number of services and facilities within the village, future occupiers of the proposed dwelling would need to travel to nearby settlements to meet their day to day needs. The appellant suggests that the village of Staunton to the southwest could provide this function, however facilities here are also limited. I accept that the use of a private car for short journeys in rural areas is common practice. However, future occupiers, once making a journey by car, would be likely to choose to travel further to larger settlements to access a greater range of services for reasons of convenience and choice. I must therefore conclude that the site is not well suited to the proposal as it is not accessible or close to a range of services and facilities that would meet the

day to day needs of its future occupiers. Those occupiers would be likely to travel into larger urban areas and would be reliant on a private car to do so.

11. I appreciate that future occupiers may use an electric car, and thus individual journeys made by private car would not have the same impact on the environment. Installing an electric vehicle charging point may encourage this. However, it would be unreasonable to impose a condition to prevent future occupiers of the proposed dwelling from owning or using a car powered by petrol or diesel. I am therefore not satisfied that this matter outweighs the harm I have found regarding the rural location of the site.
12. With reference to paragraph 79 of the Framework, the proposal is for a single dwelling so any contribution that future occupiers make towards the viability of existing services would be limited. Furthermore, there is nothing before me to suggest that the nearby primary school is currently under subscribed or under threat of closure.
13. The appeal site is already developed, and I am satisfied that it can be regarded as previously developed land (PDL). Paragraph 85 of the Framework says the use of PDL should be encouraged, however this is within the context of decisions that meet local business and community needs in rural areas. There is no evidence before me that the proposal would do either. Policy SWDP 2 of the DP establishes that the Council will encourage the use of accessible, available and environmentally acceptable brownfield land. I have however found that the site is not accessible.
14. In summary, the site would not be suitably located for the development proposed. It would be contrary to Policies 2 and 4 of the DP, which together seek to ensure that development proposals are focussed mostly in urban areas and offer genuinely sustainable travel choices.
15. In its first reason for refusal the Council also referred to Policy 21 of the DP. This Policy relates to design issues, which are not relevant to this main issue or the matters before me for this PiP appeal. Accordingly, this Policy has not been determinative.

Removal of existing building

16. The existing building was granted planning permission by the Council in early 2013. It is a low barn that was in use at the time of my visit, with stable bays and ancillary areas. This building is part of the equestrian business that operates from the wider site. This includes a much larger stable building to the southeast with an indoor arena, external arenas, and various paddocks.
17. Policy SWDP 12 of the DP seeks to protect existing employment sites in rural areas, including those used for leisure and recreation purposes. The Policy establishes that proposals to change the use of such sites will need to demonstrate that the site has been actively marketed and that it is no longer viable for an employment generating use. There is no evidence before me to suggest that the site has been marketed.
18. The appellant has however stated that the building is not intrinsic to maintaining employment on site or in the area generally. Indeed, the site area is a small part of a much larger site, with numerous other buildings and areas that are useful to the existing business. Whilst the existing building at the appeal site was in use at the time of my visit the larger barn at the site

appeared to be under-used. The appeal site is set away from the larger barn, and it would appear to be possible for the proposed development to occur without compromising the retention of the business use across the rest of the site.

19. The remainder of the site will still be available for the running of the existing business in the event that the appeal site changed use. Based on the information before me and my observations on site I find that the appellants suggestion that the loss of the building would not result in loss of employment or harm the ongoing viability of the existing business to be a reasonable one. In the event that the appeal site was re-developed the existing business would continue to provide employment and a recreational facility that has social and health benefits.
20. In summary, I am satisfied that the loss of the existing building and the change of use of the site would not harm the ongoing viability of the existing business or the jobs that it creates. It would therefore accord with Policy SWDP 12 of the DP, which seeks to ensure that existing employment sites in rural areas are safeguarded.

Other Matters

21. Information before me suggests that the South Worcestershire Development Plan is under review. However, it would appear to be at an early stage and thus carries little weight.

Conclusion

22. Although I have not found harm in relation to the second main issue, this is a neutral matter that does not outweigh the harm I have found in relation to the first main issue. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons above, I therefore conclude that the appeal should be dismissed.

A Tucker

INSPECTOR