



Appeal Decision

Site visit made on 18 January 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 3 February 2022

Appeal Ref: APP/J1860/W/21/3284286

The Lovells, Garrett Bank, Welland WR13 6NF

- 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 Ross Kane against the decision of Malvern Hills District Council.
 - The application Ref 21/00547/FUL, dated 18 March 2021, was refused by notice dated 10 August 2021.
 - The development proposed is for the erection of 2No. Dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The Council's third reason for refusal was with respect to the lack of Green Infrastructure (GI) being included with the scheme. The appellant has provided an amended layout plan, ref Drawing No 2069 1200 A, with his appeal submissions, identifying an area for the GI. The Council confirm they no longer object to the proposal regarding the provision of the GI, subject to a condition. Based on the evidence before me, I find no reason to conclude otherwise.
3. Therefore, in light of the above, the main issues in this appeal are:
 - Whether the proposed development would provide a suitable location for housing, with regard to the Council's housing strategy and
 - The effect of the development on the character and appearance of the area, including the setting of the Malvern Hills Area of Outstanding Natural Beauty (AONB).

Reasons

Suitable location for housing

4. The appeal site forms land to the west of 'The Lovells'. The site is adjacent to, but outside of the defined village settlement of Welland.
5. Policy SWDP 2 of the South Worcestershire Development Plan 2016 (DP) sets out in part (C) that the land beyond any development boundary is defined as 'open countryside'. Development in the 'open countryside' will be limited to dwellings for rural workers, employment development in rural areas, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings, renewable energy projects and

- development specifically permitted by other SWDP policies. These policies accord with the general approach set out in Section 5 of the Framework.
6. There is no evidence with the appeal that the site is allocated, or it is one of the exceptions set out within part (C) of Policy SWDP 2, or that it complies with any other policy within the DP. As such, the proposed development for two market dwellings, outside of the settlement boundary of Welland, would not comply with the Council's development strategy and settlement hierarchy aims and objectives. Thus, the proposed development would represent an unjustified form of residential development outside of the defined village settlement.
 7. I acknowledge the appellant's contention that the site would have a similar level of accessibility to services and facilities as the adjacent housing. However, contrary to the adjacent site, the proposed development site is not allocated for housing and is located outside the village settlement. The DP remains to be the adopted plan and contains a settlement hierarchy that was soundly based on an assessment of the size and function of settlements as well as the facilities they contain. Accordingly, whilst accessibility would be material in the determination, it does not outweigh the harm the proposed development would do to undermine the Council's DP strategy for housing, which directs residential development to settlements that have sufficient physical form and capacity for growth.
 8. I, therefore, conclude that the proposed site is not a suitable location for housing, with regard to the Council's development strategy, conflicting with Policies SWDP 2, SWDP 4 and SWDP 21 of the South Worcestershire Development Plan 2016. These policies, in general, seek to encourage new development to occur within the existing settlement boundaries of towns and villages, to achieve a sustainable pattern of development, and to protect the character and appearance of the countryside, limiting development outside of settlement boundaries to justified exceptions. The proposed development would also be contrary to the objectives of Section 5 contained within the National Planning Policy Framework (the Framework).

Character and appearance

9. The Lovells is a detached property accessed via a long private access track off Gloucester Road. The site relates to an area of land to the west of the property that adjoins the Road. The site of the proposed development lies outside of but in the setting of the Malvern Hills AONB.
10. The land has the appearance of an undeveloped greenfield, with overgrown grass centrally and tall trees to three boundary edges. It is located between dwellings on St. James Close to the south and 'The Nursery' to the north, albeit the space between these properties is sizeable. The built form, in general, is sparse on this side of the Road with only a handful of properties fronting the Road, with significant gaps maintained between the built form. The set back of 'The Lovells' from the Road, in combination with the trees and landscaping provides visual relief from the built form, which contributes positively to the rural character and appearance of the area, including the setting of the AONB.
11. The dwellings proposed are L shaped with a pitched roof, located behind the existing group of trees near to the front boundary. The dwellings would be orientated to face the access road to 'The Lovells' and finished in a mixture of red and multi tonal brick to the elevations with a slate roof finish.

12. Although there are dwellings of varying scales, heights and materials within the village of Welland, those located on this side of the Road are two storey dwellings with a simple form, fronting the road and finished in red brick with a pitched roof. Although the principle of contemporary design is not objectionable, the large scale and height together with the unconventional form of the proposed dwellings would be at odds with the modest scale, height and simple form of the nearest dwellings. Whilst I accept the dwellings would be set back from the Road and the trees would be retained, the proposed dwellings would still be appreciable from the approach to the north and south, exacerbating the adverse visual impact of the proposed development on the site and area. Consequently, the scale, form, height and prominence of the dwellings is such that they would have a harmful effect on the character and appearance of the site and its surroundings.
13. The appellant contends that this is an 'infill' development and would not appear as a visual intrusion into the countryside. However, infill developments would generally apply to proposals that would infill a gap of an otherwise continuous frontage. Although the proposed development would be positioned in a gap between St. James Close and The Nursery, this space is generous and could not be described as having a continuous frontage. Accordingly, it does not follow that the proposed development would appear as a natural 'infill'. On the contrary, the proposed development would appear more as an arbitrary extension of the settlement, which consolidates the built form of the adjacent allocated housing. This approach would be at odds with the sporadic pattern of residential development on this side of Gloucester Road, eroding the space and visual relief from the built form, which contributes positively to the rural character and appearance of the area, including the setting of the AONB.
14. I, therefore, conclude that the proposed development would adversely impact upon on the character and appearance of the area, including the setting of the Malvern Hills Area of Outstanding Natural Beauty (AONB). Accordingly, the proposed development would be contrary to the objectives of Policies SWDP 21, 23 and 25 of the South Worcestershire DP 2016. These policies seek to ensure that proposed development all development will be of a high design quality and should respond to and reflect the local character and quality of an area, including landscape character and beauty of the area. The scheme would also be contrary to the policies contained with the Framework.

Planning Balance

15. There is a dispute between the two parties with regard to whether the 5-year housing land supply is being met by the Council, and consequently whether Paragraph 11d is engaged or not.
16. Notwithstanding the positions set out in the evidence before me, in the case where there is a clear lack of housing land supply, the benefits would be limited to the contribution of two dwellings to the housing stock and the resultant social and economic benefits from the construction of the dwellings. In this instance, the harm identified to the development strategy and settlement hierarchy policies of the DP, as well as the impact upon the character and appearance of the area, would significantly and demonstrably outweigh these benefits, when assessed against the policies in the Framework.

Conclusion

17. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

M. P. Howell

INSPECTOR