



Appeal Decision

Site visit made on 5 January 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 14 February 2022

Appeal Ref: APP/H1840/W/21/3282302

The Berkeley Arms, Evesham Road, Sneachill, Egdon WR7 4QL

- 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 I Rodenhurst against the decision of Wychavon District Council.
 - The application Ref 21/00143/FUL, dated 8 January 2021, was refused by notice dated 20 August 2021.
 - The development proposed was originally described as Change of use of land and construction of 10no. holiday lets.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of land and construction of 8no. holiday lets at The Berkeley Arms, Evesham Road, Sneachill, Egdon WR7 4QL in accordance with the terms of the application, Ref 21/00143/FUL, dated 8 January 2021, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the planning application form. However, the Council's Decision Notice sets out the description of the proposal as "Change of use of land and construction of 8no. holiday lets". This description more accurately describes the proposal, which was amended during the application process to reduce the number of holiday let units from 10 to 8 following advice from the Council. I have therefore dealt with the appeal on that basis.
3. Planning permission was granted in 2019 for the siting of 24 holiday caravans on land to the south-east of the appeal site. This is currently being implemented.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located to the rear of The Berkeley Arms public house and forms part of its curtilage. The site is positioned between the B4084 and A44 highways. Adjacent to the site is a commercial garage and a small number of residential properties are located to the west and south-west. The surrounding area is rural.

6. Policy SWDP2 of the South Worcestershire Development Plan (SWDP) (adopted 2016) sets out the development strategy and settlement hierarchy. The appeal site is not located within any defined development boundary, and consequently, the site is located within the open countryside. Section C of Policy SWDP2 strictly controls development within open countryside and limits only certain forms of development, such as visitor accommodation specifically permitted by other SWDP policies.
7. The proposed holiday units are of a mix of one and one-and-half storey with traditional pitched roofs. The height of the development and the scale of the pitched roofs would be lower than the existing public house. To the rear of the public house is a function room building. The height of the proposed units located nearest to the function room building would also appear lower than this existing building. In addition, the site itself slopes down towards the A44 and is screened by fencing, which would further reduce the developments elevation and visual impact. The proposal would therefore be subordinate to the public house and function room building and not dominate the site. The scale of the development is therefore proportionate and appropriate to the site and the existing building it would serve.
8. The layout of the proposal consists of 8 holiday let units in a courtyard arrangement with a communal garden in the centre. The communal garden would create a sense of space within the centre of the development. In addition, each unit would have a small private area with patio and lawn. Due to this sense of space within the development, the proposal would not appear as a cramped layout. I note that Policy SWDP35 of the South Worcestershire Development Plan (SWDP) (adopted 2016) does not prescribe minimum or maximum density standards for the provision of visitor accommodation, or the provision of private amenity space. As each unit would have its own small private individual amenity area, as well as a communal courtyard garden, communal car parking facilities and a bin store, it would not represent overdevelopment of the site; rather its design would utilise the space of the site efficiently.
9. In addition, the proposal is positioned on disused land between the rear of the existing public house and the siting of the 24 holiday caravans that received planning permission in 2019 to its south-east. Given the sites surrounding uses, the proposal would not appear prominent or not in keeping with its wider setting. The proposal is therefore appropriate to the setting of the site and its design would harmonise with its surroundings and integrate effectively.
10. Overall, I find the proposal to be appropriate for the site in terms of its scale and layout. In addition, the scale, height and massing of the proposal would be appropriate to the site and its setting and not represent overdevelopment. The proposal would therefore be suitable as new visitor accommodation outside of a defined development boundary.
11. For the reasons given, the proposal accords with Policy SWDP2 of the South Worcestershire Development Plan (SWDP) (adopted 2016), which strictly controls development within the open countryside. The proposal also accords with Policy SWDP35 of the SWDP, which seeks to ensure visitor accommodation outside development boundaries is of an appropriate type and scale for the location or building. In addition, the proposal accords with Policy SWDP21 of

the SWDP, which seeks to ensure the scale, height and massing of development is appropriate to the setting of the site.

Other Matters

12. It is noted with respect to Policy SWDP35 (SWDP), both the appellant and the Council do not consider that the proposal would have an adverse impact on neighbouring amenity in terms of loss of privacy or sunlight and daylight. I concur with this view.
13. I note the objections relating to highway issues. However, in their consideration of the proposal the Worcestershire County Council Development Control Engineer considered that there would not be a severe impact to highway safety. From my assessment of the evidence and what I have observed, I have no reason to disagree.
14. I also note the proposal is referred to by objectors as a mini housing estate with little or no amenity space for the houses. However, the proposal is for holiday let accommodation that is restricted to a non-permanent residential occupation. I consider there to be adequate amenity provision for holiday let accommodation.
15. Objectors also refer to the cumulative impact of the proposal. However, I do not find a cumulative impact arising from the proposal and the existing development approvals at this location.

Conditions

16. I have assessed the conditions suggested by the Council against the tests set out in NPPF para 56, amending the wording where necessary in the interests of concision and accuracy. In particular, I have removed unnecessary detail and over-prescription requirements for conditions 5 and 15. Several pre-commencement conditions are included, which the appellant is aware of and has confirmed agreement to.
17. In addition to standard time (1), a plans condition (2) is necessary for certainty, along with conditions to preserve the amenities of the locality (3), and ensure the proposed unit/visitor accommodation is occupied for holiday purposes only (6 & 7).
18. Conditions are also imposed to encourage sustainable travel and healthy communities (8) and for highway safety purposes (9).
19. Condition (4) to protect the amenities of properties and character and appearance of the area, and condition (5) to ensure that new materials are in keeping with the surroundings and/or represent quality design. These are required as a pre-commencement condition because details have to be agreed and in place before any above ground work commences.
20. Condition (10) to ensure the proposed development does not have an adverse effect on the character and appearance of the area and contributes to the conservation and enhancement of biodiversity within the site and the wider area. Pre-commencement necessary to safeguard the amenities of the area.
21. Condition (11) to ensure the development supports the delivery of low carbon/renewable energy and safeguards natural resources. Required as a pre-

commencement condition because details have to be agreed and in place before development is occupied.

22. Condition (12) to ensure that an appropriate sustainable drainage system is provided to serve the development. Pre-commencement necessary to ensure the proposed development is satisfactorily drained.
23. Condition (13) to ensure development would not result in unacceptable risk of pollution or harm to the environment and to ensure the proposed development does not exacerbate flood risk and deals with surface water run-off from the site in a sustainable manner. Pre-commencement necessary to ensure that the proposed development has a satisfactory means of disposing of foul water.
24. Condition (14) to ensure the provision of adequate on-site facilities and to prevent indiscriminate parking. Pre-commencement necessary in the interests of highway safety.
25. Condition (15) to ensure the proposed development does not have an adverse effect on the character and appearance of the area. Pre-commencement necessary to ensure the retention and maintenance of trees and vegetation.
26. Condition (16) to prevent existing trees/hedges from being damaged during construction work and to preserve the amenities of the locality. Note that I have maintained this condition put forward by the Council in the interests of protecting the existing trees/hedges on the site boundaries. Pre-commencement necessary to ensure the retention and maintenance of trees and vegetation.
27. Condition (17) is imposed as the proposed development is only permissible outside of a development boundary where it would serve an existing public house.

Conclusion

28. For the reasons given above, having considered the development plan as a whole, the approach in the NPPF, and taken account of all other material considerations, I conclude that the appeal should be allowed.

Helen Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/drawings:
 - a. Site Location Plan – 20-477-6 (dated August 2020)
 - b. Context Site Plan – 20-477-7 (dated August 2021)
 - c. Proposed Site Plan – 20-477-1 P5 (dated July 2020)
 - d. Holiday Unit Type A Floor Plans and Section – 20-477-2 P2 (Type A Plans) (dated July 2020)
 - e. Holiday Units Type B & C Floor Plans and Section – 20-477-3 (Type B & C Plans) (dated July 2020)
 - f. Holiday Unit Type D Floor Plans and Section – 20-477-4 P1 (Type D Plans) (dated August 2020)
 - g. Proposed Elevations – 20-477-5 P1 (dated August 2020)
- 3) Demolition, clearance or construction work and deliveries to and from the site in connection with the development hereby approved shall only take place between the hours of 0800 – 1800 Monday to Friday, and 0800 – 1300 on a Saturday. There shall be no demolition, clearance or construction work or deliveries to and from the site on Sundays or Bank Holidays.
- 4) Before the first use/occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed in accordance with a timetable agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to any above ground works details of the materials to be used in the construction of the external surfaces of the holiday lets hereby permitted have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include details of the external finishes for the roof and walls of the development. The development shall be carried out using the materials as approved.
- 6) The holiday let unit/visitor accommodation hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person or persons' sole, or main place of residence.
- 7) The owners/operators of the holiday let unit/visitor accommodation hereby approved shall maintain an up-to-date register of the names of all owners/occupiers of the unit/accommodation. This register shall be made available within 1 calendar month of a written request by the local planning authority.
- 8) The development hereby approved shall not be brought into use until 2 electric vehicle charging spaces have been provided in accordance with a specification which shall be submitted to and approved by the local planning authority and

thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

- 9) The development hereby approved shall not be occupied until the access, turning area and parking facilities shown on drawing 20-477-1 P5 has been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.
- 10) Before the development hereby permitted is first occupied/used, details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the local planning authority. The details shall include times when the external lighting will not be switched on. Development shall be carried out in accordance with the approved details. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modifications) there shall be no other external lighting provided on the application site.
- 11) Prior to the first use of the development hereby permitted details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the local planning authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:
 - a. The overall predicted energy requirements of the approved development;
 - b. The predicted energy generation from the proposed renewable/low carbon energy measures; and
 - c. An implementation timetable for the proposed measures.The development shall be carried out in accordance with the approved details.
- 12) Prior to the first use/occupation of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and remain thereafter.
- 13) The development hereby permitted shall not be occupied until a foul water drainage scheme for the site has been completed in accordance with the details shown on the approved plans/documents. The drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan submitted with the application.
- 14) No part of the development hereby approved shall begin until a Construction Environment Management Plan has been submitted to and approved in writing by the local planning authority. The plan to include details of:
 - a. Parking for site operatives and visitors
 - b. Area for site operatives' facilities including offices, etc.
 - c. Parking and turning for delivery vehicles.
 - d. Areas for the storage of plant and materials.
 - e. Wheel washing equipment.
 - f. Boundary hoarding including that located behind the visibility splays to maintain visibility at site entrance

The approved plan shall be adhered to throughout the construction period for the development.

15) Before the first use/occupation of the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:

- a. A plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
- b. A schedule of proposed planting – indicating species, sizes at time of planting and numbers/densities of plants.
- c. A written specification outlining cultivation and other operations associated with plant and grass establishment.
- d. A schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

16) Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before development of any type commence, including site clearance, demolition, materials delivery, vehicular movement and erection of site huts.

Any alternative fencing type or position not strictly in accordance with BS 5837 (2012) must be agreed in writing by the local planning authority prior to the commencement of development.

This protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the local planning authority. Nothing should be stored or placed (including soil), nor shall any ground levels altered, within the fenced area without the previous written consent of the local planning authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

17) The visitor accommodation hereby permitted shall not be sold, let or otherwise rented out separately other than by the owners of The Berkeley Arms public house.

*****End of Conditions*****