



Appeal Decision

Site visit made on 18 January 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 15 February 2022

Appeal Ref: APP/J1860/W/21/3283821

Brookend Boarding Kennels, Stocks Lane, Leigh Sinton WR13 5DY

- 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 & Mrs L Childs against the decision of Malvern Hills District Council.
 - The application Ref 21/00784/FUL, dated 23 April 2021, was refused by notice dated 6 August 2021.
 - The development proposed is Conversion and change of use of Boarding Kennels to form 2No. Dwellings, with Associated Landscaping and Drainage Works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are 1) whether the site is a suitable location for the proposed housing, 2) the proposals effect on the character and appearance of the rural surroundings.

Reasons

3. The appeal site is located on the south-east edge of Leigh Sinton village. The site consists of a small complex of buildings that were previously used as a commercial dog boarding kennels and cattery. The site is adjacent to Brookend House and the surrounding area is rural.
4. 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 development specifically permitted by other SWDP policies.
5. The proposal is for open market housing on a previously developed site that would involve the conversion of redundant boarding kennels into two dwellings. Although the site has existing residential development to the north, it is located outside the development boundary and within an area surrounded by open countryside. The proposal does not comply with the SWDP's limited forms of development in open countryside. The proposal is therefore contrary to Policy SWDP2 Part C as it is tantamount to two new dwellings in the countryside.
6. The site's location in open countryside and its segregation from the built form of the village by open fields would mean it is not easily accessible to everyday

services. Future occupiers of the proposed two dwellings would be reliant on their own cars as there is no public footpath on Stocks Lane at the site's location. The proposal therefore fails to accord with Policy SWDP4 which supports sustainable development. I note the appellant has referred to amenity land being present between the site and the village, but this does not represent built form and covers only a small area.

7. Part G of the SWDP2 gives encouragement to the redevelopment of brownfield sites, such as the appeal site. This does not however negate the need for the development to meet the locational criteria outlined in Policy SWDP2 Part C.
8. The proposal would re-use the existing boarding kennel structure and would infill the open kennels with horizontal timber boarding and glazing. However, the proposal maintains the buildings simple utilitarian design and cumbersome shape, which is of low architectural interest. Therefore, it would not materially enhance the appearance of the building, which limits the benefit of its re-use in terms of paragraph 80 of the Framework and does not justify a departure from the development plan. The proposal cannot be considered as high-quality design and therefore fails to accord with Policy SWDP21. In addition, the proposal would also fail to accord with the Framework (para 130), which emphasises the importance of securing good design. The proposals poor-quality design would therefore not effectively re-use the brownfield site. It would cause encroachment into the open countryside and have a visually detrimental impact on the character and appearance of the surrounding rural area.
9. The proposed development would create domestic garden areas. In my judgement, this would give rise to an urbanising effect on the site. The garden paraphernalia that a garden would create (such as a patio area, outdoor seating, children's play equipment, manicured and ornamental planting, etc) would introduce a domestic appearance that severely diminishes the rural qualities of the site and its surroundings. Although this would be contained within the site boundaries, its visual effect would not compliment the rural landscape. I consider this would be harmful to the character and appearance of the surrounding rural area. Therefore, the proposal would not integrate effectively with its rural surroundings and would conflict with Policy SWDP25, which requires developments to be appropriate to and integrate with the character of their landscape setting.
10. I agree that the removal of some of the existing structures on site, such as the isolation kennels building, hardstanding surfaces, parking area, and close board fencing would improve the appearance of the site. However, that would not overcome the harm that would result from this development in the countryside.
11. There is a concern that this proposal could lead to the development of the domestic curtilage with outbuildings, although there is nothing before me to suggest that would be the case. In any event, the appellant has suggested implementing a condition to remove permitted development, which were planning permission to be granted, would restrict such development at this site. However, this would not address the domestic garden paraphernalia that a garden would create.
12. I note the proposal includes a heritage orchard in the south-west corner of the site and native hedgerow and additional tree planting. These proposed landscape changes would create some environmental benefits to the site, but they would also add a further degree of domestication to the site. These

environmental benefits would not be sufficient to overcome the identified harm regarding the overall acceptability of the proposal.

13. The appellant has referred to the Omega appeal reference APP/J1860/W/3262274. I do not know the planning circumstances that led to this decision or its specific relationship with the open countryside. In any event, I have determined the appeal on its own merits. For the reasons set out above, although the site is a brownfield site and the removal of some of the existing structures on site may improve the site's appearance, this does not overcome the harm that would result from the proposed development to the surrounding rural area.

Other Matters

14. There is a dispute between the parties as to whether or not a 5YHLS exists. Even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, the harm I have found arising from this proposal is so significant that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies and the Framework taken as a whole. In addition, policies SWDP2 and SWDP21 are broadly consistent with the sustainability and design principles set out in the Framework, in particular paragraphs 126, 130 and 134 are not out-of-date for the purposes of NPPF paragraph 11d. I therefore give the conflict with these policies significant weight in this appeal.
15. While I note the representation in favour from a neighbour, and the fact that the Parish Council did not raise objection, nevertheless, these considerations would not outweigh the harm to the character and appearance of the area identified above.
16. There were no objections from the statutory consultees relating to flooding and highway issues and from my assessment I agree that the proposal would not increase flood risk or harm highway safety. However, these considerations would not outweigh the harm identified to the character and appearance of the countryside.
17. I also note the comments that the proposal would make an economic gain and a small windfall contribution to the delivery of two bungalows for the area on a brownfield site. However, the contribution of 2 dwellings to local housing provision and the economic activity associated with them in terms of their construction and activity of the occupiers would be small and therefore of limited weight.

Planning Balance

18. In summary, the proposal would be harmful to the character and appearance of the area and would conflict with Policy SWDP2, which strictly controls development within the open countryside. It also fails to accord with Policy SWDP4 which supports sustainable development. Although the site is a brownfield site, the proposal fails to accord with Policy SWDP21, which seeks to ensure high quality design. In addition, the proposal fails to accord with Policy SWDP25, which requires development is appropriate to, and integrates with, the character of the landscape setting. Consequently, the proposal would not represent high quality design that would integrate effectively with its rural surroundings.

19. The proposal fails to accord with paragraph 126 of the Framework, which places emphasise on the creation of high-quality, beautiful and sustainable developments. It would also fail to accord with paragraph 80 of the Framework, which requires the re-use of redundant or disused buildings to enhance its immediate setting.
20. Although there would be some benefits to the proposal, as set out above, these benefits would attract only limited weight and would not outweigh the harm identified.

Conclusion

21. For the reasons given above, taking the development plan as a whole, there are no considerations that would warrant taking a decision otherwise than in accordance with the development plan. I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR