



Appeal Decision

Site visit made on 8 June 2022

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2022

Appeal Ref: APP/R1845/W/21/3286995

Land to the east of The Wain House, Lye Head, Bewdley, Worcestershire, DY12 2UP

- 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 John Rawlings against the decision of Wyre Forest District Council.
 - The application Ref 21/0592/FUL, dated 28 June 2021, was refused by notice dated 15 September 2021.
 - The development proposed is erection of 2no detached holiday lets (11 months per year) including parking, landscaping and alterations to existing vehicle access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Wyre Forest District Council adopted the Wyre Forest District Local Plan (2016-2036) (Local Plan) on the 26 April 2022, following the determination of the appeal. I therefore wrote to the parties seeking views in relation to this plan and its relevance to the appeal. Where received I have taken the parties' responses into account in determining the appeal.

Main Issues

3. The main issues for the appeal are:
 - The effects of the proposal on the character and visual appearance of the local landscape;
 - The effect of the proposal on the living conditions of adjoining residential occupiers;
 - Whether the removal of the Nissan Hut, which is considered to be a non-designated heritage asset, would lead to unacceptable harm.

Reasons

Landscape Character and Visual Appearance

4. The site comprises a parcel of open land associated with The Wain House, a detached dwelling located within open countryside. The site lies a short distance from the main dwelling and its associated out-buildings and adjoins an access track to Lye Head Road. The site includes a large metal shed with a curved roof, described as a Nissan Hut.

5. The proposal comprises the erection of 2 holiday lodges, located along the edges of the site, with access via the existing access track. The lodges would be single storey, and constructed in timber boarding with slate roofs. Each lodge would be accessed via steps with large areas of elevated timber decking. As such, they would be elevated above ground level and would occupy a significant proportion of the site. Furthermore, notwithstanding their simple design they would be clearly distinguishable from the adjoining dwellings and outbuildings as holiday accommodation. I note that the site would be partially screened by boundary hedging. However, due to the size and position of the structures and their appearance as residential units have an urbanising effect on the immediate environs of the site.
6. The Local Plan sets out in policies DM21 and DM30 that new mobile home and chalet developments will be resisted due to the collective impact which existing sites of this nature have on the landscape. The supporting text sets out that there are already around 3000 caravans in the district. In this regard the policy and the supporting text seek to address the cumulative impact of holiday developments in addition to the impact that individual developments may have on their own. It recognises the incremental change that can occur to a landscape as a result of successive individual developments, the combined effect of which may not be apparent from a consideration of the impacts of a scheme in isolation.
7. In this case the site would appear to be well screened from wider views. It would nonetheless still be a visible presence and would be seen from those using the public highway and footpath close to the site. In this regard due to presence of other similar developments in the wider locality it would be perceived as additional intrusive development, which would be erosive of the predominantly rural character of the area. This is a view shared by some local residents. Taken together and considering the individual and cumulative effect of the proposal, I consider that the proposal would harm the character and visual appearance of the area.
8. The appellant advises that he could construct agricultural buildings on the site under permitted development rights. The site has been described as amenity land so it is not clear whether such rights could be implemented on the site. Notwithstanding this, if required for agricultural purposes such structures would be likely to have the appearance of agricultural buildings and would not as a consequence have the urbanising effect that would arise as a result of the development before me.
9. The landscape around the site is also considered to be a non-designated heritage asset¹. The Framework directs that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I have not been provided with specific evidence as to where the significance of the landscape as an historic asset lies. I have therefore been unable to determine whether the proposal would conflict with policy SP21 or DM23.
10. Nevertheless, it would therefore conflict with Policy SP22 of the Local Plan which together seek new development which protects and where possible enhances the unique character of the landscape. It would also conflict with

¹HER entry WSM59121

policies DM21 and DM30 which together seek to resist the development of new holiday parks due to the collective impact such sites can have on the landscape. Furthermore, it would also fail to protect the intrinsic character of the countryside and so would also conflict with the National Planning Policy Framework (the Framework).

Living Conditions

11. The proposed development would be located a short distance from the boundary with Withyfold, the nearest adjoining dwelling. The dwelling is set back some distance from the road behind part of the garden to the property. The boundary is also screened with established hedgerow. Taking account of the distance from the site to the adjoining dwelling, and the intervening screening, I do not consider that significant overlooking would arise.
12. However, it is likely that the occupiers of Withyfold would hear comings and goings from the holiday units, and potentially hear holidaymakers enjoying the decking areas. Given the elevated position of these areas and the underlying lack of noise in the area, it is likely that noise from the units would be clearly heard whilst in the garden of Withyfold. I have considered whether the level of noise from 2 units would be likely to be so intrusive as to be harmful to the living conditions currently enjoyed by residents. There is clearly the potential for inconsiderate holiday makers to cause disturbance, although I have no reason to consider that this would be likely to happen on a regular basis, or that the matter could not be adequately addressed through a suitable management regime.
13. Therefore, whilst increased noise and activity would be likely to arise, and would have a perceptible urbanising effect on the character of the site, this would not amount to harm to amenity. On the second matter I therefore conclude that the proposal would not give rise to harm to living conditions and would not conflict with policy SP20 of the Local Plan.

The Nissan Hut

14. The site currently houses a large Nissan Hut which the Council consider to be a non-designated heritage asset. I am advised that a considerable amount of war-related activity took place in and around the site during World War II, including a factory which was requisitioned, a searchlight battery at Long Bank and a searchlight site east of Bliss Gate Road. The Council therefore consider it likely that the Nissan Hut is related to that activity and consider it to be a non-designated heritage asset. The Framework directs that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. As part of the appeal the appellant has submitted an affidavit from an individual who has worked at the Wain House as a gardener since the late 1950's. He recalls helping to construct the building as a boy, along with his father and the owner of the property and advises that it was constructed as a workshop to the specifications of the owner. Without any substantive evidence to support the case for the hut being a war-time installation, and therefore potentially historically important by association, I see no reason to dispute his recollection.

16. I therefore find no conflict with policy DM23 of the local plan, which seeks to resist proposals which would cause harm unnecessary to heritage assets or with the Framework, which has similar aims.

Other Matters

17. The site is well placed to access local tourist facilities on foot or by bike, being located close to a public footpaths and national cycle paths. It would also provide benefits to the local economy, both during construction and operation, directly and through increased use of local services. However, these benefits would be relatively limited due to the size of the development.
18. My attention has been drawn to an appeal near the site² which took place in 2016. This appeal predates the adoption of the Local Plan and the policies within it. Therefore, whilst I note the benefits of the proposal and the accessibility of the site, this matter does not alter my conclusions in relation to adopted Local Plan policy.

Conclusion

19. Although the development would not be prejudicial to residential amenity, it would lead to harm to the character and visual appearance of the local landscape. Consequently, it would conflict with local plan policies SP22, DM21 and DM30. Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
20. The benefits of the scheme, although identifiable, would be relatively limited and would not outweigh the harm that would occur to the character and appearance of the local landscape outlined above, or the conflict with the development plan.
21. I take into account the views of local residents, and the comments of Mr Mark Garnier MP regarding the application, including concerns relating to drainage and highways safety. However, these matters do not add to my concerns set out above.
22. Accordingly, for the reasons given above, the appeal is dismissed.

Anne Jordan

INSPECTOR

² Appeal Ref: APP/R1845/W/16/3145883