



Appeal Decision

Site visit made on 8 November 2022

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/J1860/W/22/3302027

Land at Old Forge, Eldersfield, Gloucestershire GL19 4PP

- 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 CS Holiday Cottages Ltd against the decision of Malvern Hills District Council.
 - The application Ref 21/01945/FUL, dated 13 September 2021, was refused by notice dated 11 April 2022.
 - The development proposed is the erection of tourist accommodation at garden to the Old Forge, to expand the existing rural business.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposed block plan¹ shows new solar panels and a new porch to the existing Old Forge building. These are omitted from the description of development and have not formed part of the Council's assessment of the proposal. I also note that planning permission for a porch to the Old Forge was approved in 2021². Therefore, they have not formed part of my assessment or subsequent determination of the appeal proposal.

Main Issues

3. The main issues are (i) whether the location of the proposed development is acceptable, having regard to the accessibility of services and facilities and (ii) the effect of the proposal on the character and appearance of the countryside.

Reasons

Location

4. The appeal proposal relates to a parcel of land situated to the rear of the Old Forge in the rural settlement of Eldersfield. The site is situated outside any identified settlement development limits and is classified as open countryside. Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) (adopted 2016) strictly controls development in the open countryside unless it falls under certain exceptions. It is noted that Policy SWDP 35 of the SWDP is listed as one of the other policies which supports development beyond settlement boundaries.

¹ Block Plans – Existing and Proposed, Drawing No. 02, Revision P2

² Application reference 21/01727/FUL Erection of Porch. Approved 30.11.2021

5. Policy SWDP 35 supports new visitor accommodation outside a development boundary where it meets certain criteria. However, the proposal does not fall within any of the acceptable criteria set out by Policy SWDP 35. The lack of a defined settlement boundary associated with Eldersfield does not negate the need for the proposal to comply with the policy, nor does it reduce the weight to be given to the policy.
6. The appeal site is within an area with very limited services and poor transport connections. Future occupants of the proposed tourist accommodation would therefore be largely reliant on the private motor car to access services and facilities. This lack of accessibility to enable future occupants to carry out day to day activities demonstrates that the site would be an unsuitable location for the proposal.
7. In view of the above, the location of the proposal would not be suitable, having regard to the accessibility of services and facilities. It would not constitute acceptable development in the open countryside. The proposal would conflict with Policies SWDP 2 and SWDP 35 of the SWDP which ensures that development is focused on the urban areas and strictly controls development in the open countryside, only supported in certain exceptional circumstances, which the proposal does not fall within. It would also be contrary to Policy SWDP 4 of the SWDP which requires proposals to offer genuinely sustainable travel choices, which the proposal would fail to achieve.

Character and Appearance

8. The appeal site is an enclosed, triangular parcel of land situated to the rear of the Old Forge, an existing holiday let use. It currently serves as extended amenity space to the Old Forge with no boundary treatment between the rear of the Old Forge and the appeal site. Hedgerows, interspersed with hedgerow trees, enclose the appeal site to the east and west. The character of the other dwellings in the immediate area are either more traditional or sensitive conversions of former agricultural buildings, such as the Old Forge itself which has retained the character and appearance of its previous agricultural use. Due to its single storey and modest scale, the Old Forge currently sits relatively discretely in the rural landscape. Whilst there are a few small sheds and storage containers along the eastern boundary, the appeal site is largely open and contributes positively towards the character and appearance of the quiet countryside location.
9. The proposal would involve new build development, which by virtue of its scale and siting, would be harmful to the character and appearance of the countryside. As a large, detached and flat roofed building, the appeal scheme would noticeably jar with the open countryside location within which it would sit. It would represent an incongruous urbanising feature, a stark contrast with the existing built development in the rural area. There would also be a more intensive residential use of the land immediately around the holiday let, including an area identified for parking. This would further add to the incongruity of the proposal.
10. I note the use of the existing access track, which also serves the Old Forge, as well as the use of a single storey building to minimise the visibility of the proposal. It is also noted that the barn conversion opposite is white render and the incorporation of similar building materials on the proposal. However, the

incorporation of these design elements would not outweigh the harm that I have identified above.

11. I also note that the Council had previously allegedly indicated that the single storey nature and materials of the proposal would be acceptable. However, any alleged positive feedback received would not warrant allowing the appeal, given my findings on the main issues.
12. It is acknowledged that paragraph 84 of the National Planning Policy Framework (the Framework) (2021) supports businesses in rural areas but only through the conversion of existing buildings and well-designed new buildings, and where they would respect the character of the countryside. In view of the harm identified above, the proposal would be contrary to paragraph 84.
13. The appeal scheme would therefore cause harm to the character and appearance of the countryside. It would conflict with Policy SWDP 21 of the SWDP which states that all development is expected to be of a high design quality and that it will need to integrate effectively with its surroundings, in terms of form and function, to reinforce local distinctiveness. It also seeks development to respect the character of the area in relation to its siting, scale, height, massing, materials, and design. The proposal would also conflict with the principles within Chapter 12 of the Framework which seek good design sympathetic to the local area, as well as paragraph 84 of the Framework for the reasons set out above.

Other Matters

14. Whilst it was not refused on matters relating to flooding, from the appellants evidence, it appears that whilst some of the site falls within Flood Zone 1, part of the appeal site also falls under Flood Zone 2 and 3. I note the concerns of representors in regard to matters relating to flooding and surface water drainage. Given that I am dismissing the appeal on other grounds, I have not pursued this matter any further.
15. I note the support of the Council's Visitor Economy Officer. However, their support was caveated with the statement that they are 'not aware that it meets the criteria set out in SWDP35'. I have concluded that the proposal would not meet the criteria set out in Policy SWDP 35. Therefore, I can only attach limited weight to their support for the proposal.
16. Finally, I note that the appellant says that there is a demand for self-catering accommodation in the area and that there would be some economic benefits through the future occupiers of the holiday let using local facilities. However, these benefits would be limited by the scale of the appeal scheme so would not outweigh the harm that I have identified above.

Conclusion

17. The development conflicts with the development plan as a whole. There are no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR