



Appeal Decision

Site visit made on 7 September 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/H1840/W/21/3289541

The Manor House, Hadzor Lane, Hadzor WR9 7DR

- 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 and Mrs Jonathan Allday against the decision of Wychavon District Council.
 - The application Ref 21/00860/FUL, dated 30 March 2021, was refused by notice dated 20 October 2021.
 - The development proposed is self build dwelling with annex.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a signed Unilateral Undertaking (UU) securing the proposal as a self build unit and providing a contribution towards affordable housing. I have addressed this in my reasoning below.

Main Issues

3. The main issues are:
 - Whether the proposed development would be consistent with local and national policies relating to the location of new housing development;
 - Whether the affordable housing contribution is required to make the proposal acceptable in planning terms; and
 - The effect of the proposal upon the setting of nearby heritage assets namely listed buildings Three Wells, The Wash House and the Old Manor.

Reasons

Location of site

4. Policy SWDP 2 of the South Worcestershire Development Plan (2016) (SWDP) outlines the development strategy for new development in the area. Part C sets out that permission for development in the countryside, outside the development boundary of settlements will be strictly controlled to development specifically permitted by other SWDP policies. The policy does not support the provision of market housing in countryside locations.
5. Hadzor is identified as being located within open countryside with no key services and limited public transport options. New development outside of existing boundaries will be considered to be located in the countryside and this

proposal has not been presented on the basis of any need for a countryside location. The nearest accessible settlement containing services and facilities is Droitwich Spa located a short distance from the site. However, the surrounding roads are devoid of footpaths and street lighting and there are no cycle routes linking the site. Walking and cycling to and from the site to local services would be extremely difficult and would be especially difficult for the young, the elderly and those with mobility issues. This would be particularly so during the hours of darkness and inclement weather.

6. I acknowledge that the proposed development would not be isolated. However, future occupiers would be overwhelmingly reliant on private vehicles to access services and facilities to meet their day-to-day needs. There are no realistic alternative modes of transport or footpaths that would be available for future occupiers. Consequently, the accessibility to services and facilities would be poor. This combination of factors demonstrates that the appeal site is not in a location where a new dwelling would be considered acceptable. Whilst this may well be the situation for existing residents this is not justification to allow unacceptable development.
7. Electric vehicles and bicycles are becoming more popular but there is no certainty that future occupiers would own or have access to them. Therefore, I give limited weight to this aspect of the appellant's argument.
8. Consequently, I conclude that the appeal site is not a suitable location for new residential development due to the lack of access to services and facilities and would conflict with the housing strategy for the area. The proposal would, therefore, be contrary to SWDP Policies 2 and 4 which, amongst other things, seek to control development in open countryside and developments to offer genuinely sustainable travel choices.

Affordable housing contribution

9. In order to support the appropriate provision of affordable housing in the district criterion B. v. of SWDP Policy 15 states that a financial contribution towards local affordable housing should be made on sites of 5 dwellings or fewer. Paragraph 64 of the National Planning Policy Framework (the Framework) permits local planning authorities to seek affordable housing on smaller sites in designated rural areas.
10. The appellant has provided a signed and dated UU as the mechanism by which to deliver a contribution towards affordable housing in the district in accordance with the Policy.
11. I am satisfied that the contribution would satisfy the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010). As such, I find that the submitted UU overcomes the Council's concerns in relation to this matter.
12. In this respect the proposed development would accord with SWDP Policy 15 and paragraph 64 of the Framework which, amongst other things, seek to secure appropriate affordable housing.

Impact on the historic environment

13. The appeal site is an irregularly shaped paddock located next to Manor House located within the Hadzor Conservation Area. The CA is characterised by

scattered development with buildings grouped loosely along Hadzor Lane. The green spaces, including the appeal site, that extend through the settlement and surround the built form contribute to its rural agrarian character. The large areas of open spaces around buildings and the surrounding agrarian landscape provides the verdant setting for a number of designated assets.

14. Whilst properties are within enclosed plots there is intervisibility between dwellings which is a key characteristic of Hadzor. Further to the listed buildings are a number of attractive dwellings along the road that collectively as a group make a positive contribution to the area.
15. Three Wells and its associated Wash House are two listed buildings opposite the site. The significance of Three Wells relates to its origins in the late sixteenth century, being brick and timber framed with ornate detailing. The significance of the Wash House derives from its blue brick dressing and group value linked with Three Wells.
16. The Old Manor is Grade II listed and derives its significance from its origins in the late sixteenth century, being brick and timber framed. This is enhanced by its large well-maintained grounds.
17. The Council accept that the appearance of the dwelling is suitable for a rural location and there is nothing before me to disagree. Whilst there would be intervisibility between the proposal and nearby listed buildings, I do not find that this factor on its own would be unacceptable given this forms a key aspect of the character of Hadzor.
18. However, in my view, the introduction of built form and the domestication of the site would unacceptably diminish the site's verdant agrarian appearance which would not preserve the character or the appearance of the area. Overall, I find that the proposed development on account of its scale and site coverage would diminish openness and the site's contribution to the collective setting and significance of nearby listed buildings. This harm would not be overcome by new landscaping.
19. The Council has referred to the impact of the proposed development upon the setting of non-designated heritage asset Manor Farm which derives its significance from its agricultural appearance. Taking into account the distance between the two and the presence of intervening buildings the appeal site does not make an appreciable contribution to its setting and so the significance of Manor Farm would not be harmed by the scheme.
20. I conclude that the proposed development would fail to preserve the setting of Three Wells, Wash House and The Old Manor causing less than substantial harm to the significance of each.
21. In accordance with Paragraph 202 of the Framework, it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. This harm should be weighed against the public benefits of the proposal including, where, appropriate, securing its optimum viable use, which I now turn to.
22. The proposal would provide a self build dwelling and a contribution towards affordable housing, secured by the UU, meeting an identified local need and contributing towards affordable housing in the district. These are factors in the schemes favour.

23. Heritage assets are an irreplaceable resource and taking into consideration the points above I am not satisfied that the public benefits are sufficient to outweigh the less than substantial harm that would occur to the setting of Three Wells, its associated Wash House and The Old Manor.
24. As such, it would fail to preserve or enhance the character and appearance and the significance of designated heritage assets contrary to Policies SWDP 6 and SWDP 24 which, amongst other things, require developments to conserve and enhance the significance of heritage assets, including their setting.

Other Matters

25. The appellant contends that the site is a paddock for the grazing of horses. This has not been contested by the Council. As such, based on the evidence before me, as the site is currently in equine use, it falls within the definition of previously developed land. Whilst the Framework encourages the redevelopment of brownfield land it also recognises that developments should be sensitive to its surroundings.
26. The Council consider that the proposal would make it difficult for them to resist similar proposals in the area. However, every appeal is considered on its own merits and there is no substantive evidence to indicate that the proposal would result in a precedent.
27. I note that representations were made by local occupants raising additional concerns. However, given my findings, it is not necessary to consider these matters in detail.

Planning Balance

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
29. The Council accept that they cannot demonstrate a five-year supply of deliverable housing land. In addition, there are no relevant development plan policies relating to self-build and custom building housing. In such instances Paragraph 11 d) sets out that the most important development policies for determining the application are out-of-date unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
30. Footnote 7 states that designated heritage assets are assets of particular importance and as set out above there is a clear reason for refusing the development in respect of the impact upon the setting of nearby heritage assets. Therefore paragraph 11 d) and the presumption in favour of sustainable development is not engaged.
31. I acknowledge that the proposed development would reflect traditional rural design. The construction of a self-build dwelling would make a small contribution towards the district's housing supply and it would also make a financial contribution towards affordable housing in the area. These are all factors in the schemes favour.

32. I also note that Highways, the Natural Heritage Officer, Drainage Engineer and County Ecologist raised no objection to the application. However, this is a neutral factor in the balance.
33. On the other hand, I have found that the site is not a suitable location for new housing with regard to the development strategy and access to day-to-day services and facilities. In addition, the proposed development would give rise to harm to the significance and the setting of designated heritage assets. The adverse impact of which would significantly and demonstrably outweigh the benefits.
34. I note the appellant's personal circumstances and given it careful consideration. However, I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I find that this factor is not sufficient to outweigh the harm that I have identified.
35. Planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The conflict with the development plan is not outweighed by other considerations.

Conclusion

36. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR