



Appeal Decision

Site visit made on 21 February 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2023

Appeal Ref: APP/H1840/W/22/3298688

Ashley Barn, Cow Lane, Sytchampton, Worcestershire DY13 9SY

- 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 B Costin against the decision of Wychavon District Council.
 - The application Ref W/22/00356/FUL, dated 14 February 2022, was refused by notice dated 19 April 2022.
 - The development proposed is change of use of existing barn from B8 light industrial storage building to a single residential dwelling house and demolition of store building.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs B Costin against Wychavon District Council. This application is the subject of a separate decision.

Procedural Matter

3. The Council highlight a significant change in circumstances since the Council's decision. The Council advise that they are no longer able to demonstrate a deliverable five-year housing land supply, which I will consider as part of my decision.

Main Issues

4. The main issues are:
 - Whether the appeal site is an appropriate location for new housing having regard to development plan and relevant national planning policies;
 - The accessibility to services and facilities; and
 - Whether the affordable housing contribution is required to make the proposal acceptable in planning terms.

Reasons

Appropriate location

5. Policy SWDP2 of the South Worcestershire Development Plan (2016) (SWDP) sets out the development strategy for new development in the district. Part C states that land beyond any development boundary will be considered to be located within open countryside. Development in the countryside 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.

6. The appeal site comprises a building with a typical rural appearance constructed of breezeblock and metal cladding. The building is located along Cow Lane, opposite the village hall, a short distance from the A449. Whilst the site is located within a cluster of dwellings and community uses it is nonetheless located outside of a settlement boundary and within open countryside. As the development would be located outside of a settlement boundary it would not be an appropriate location for new housing. As such, it would be contrary to SWDP Policy 2C.

Accessibility to services and facilities

7. The site is located just over a mile north of the village of Ombersley. It contains a range of services and facilities to meet the day to day needs of future occupants. However, walking to the village involves walking along the A449 a busy and fast moving dual carriageway. Whilst there are footpaths either side of the road, they are uneven and narrow in places with no formal crossing places proximate to the site or village.
8. I acknowledge the presence of cycle lanes along the A449. However, they do not extend along the full route between the site and Ombersley. Future occupiers would be required to switch between the cycle lanes and the main carriageway sharing the road with fast moving traffic. Taking into account the absence of dedicated cycle lanes for the entire route and the volume and speed of traffic along the A449 it is unlikely to be an attractive option.
9. As such, walking and cycling to and from the site to Ombersley would be difficult especially for the young, the elderly and those with mobility issues. This would be particularly so during the hours of darkness and inclement weather. In these circumstances the use of a private motor vehicle is the only practical means for residents to access the services in the village. In combination with the overall distance and lack of lighting it makes the route undesirable and impractical.
10. The appellant has drawn my attention to a petrol station, convenience store and public house a short distance to the north of the site connected by a footpath. It is conceivable that future occupiers would walk to the convenience store and public house given its closeness to the site. The village hall and school would also be easily walkable from the site.
11. I note that there is a bus service within acceptable walking distance linking the site to higher order settlements including Worcester with more services and facilities, such as supermarkets, employment opportunities and health facilities. Whilst the site lies just off the A449 it is not an inevitable consequence that future occupiers would use a vehicle when alternative transport options are available, and services exist locally to meet basic daily needs.
12. Although the site is located within open countryside, it is in a location that is within a reasonable distance of a range of day-to-day services and facilities. Future occupants would be able to reach these on foot and by public transport, providing them with transport choice and not an over-reliance on a car. Furthermore, I give weight to the provision of electric vehicle charging points

which would encourage a shift towards ultra low and zero emission vehicles reducing carbon footprint.

13. Consequently, I conclude that the proposal accords with Policy SWDP 4 which, amongst other things, requires developments to offer genuinely sustainable travel choices.

Affordable housing contribution

14. SWDP Policy 15 sets out that on sites of less than 5 dwellings a financial contribution equivalent in value to 20% of the units will be sought towards providing affordable housing. The policy predates the publication of the revised National Planning Policy Framework (the Framework).
15. Paragraph 64 of the Framework states that provision of affordable housing should not be sought on residential developments that are not major developments, other than in designated rural areas. This reflects the guidance within the Government's Written Ministerial Statement. The site falls within such a designated rural area and as set out in the Framework the Council may set a lower threshold.
16. Whilst the appellant was not given the opportunity to discuss this matter at planning application stage, I am satisfied that the contributions would meet the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010).
17. As the necessary planning obligation has not been provided there is no mechanism by which to secure the necessary contribution. The contribution cannot be secured by condition.
18. Consequently, the proposal fails to meet the requirements of SWDP Policy 15B, which, amongst other things, requires a contribution towards affordable housing. It would also be contrary to the Framework.

Planning Balance

19. The Council accepts that they cannot demonstrate a deliverable five year supply of housing land as required by paragraph 74 of the Framework. Furthermore, based on the evidence before me the SWDP is silent on matters relating to the conversion of small-scale industrial buildings to residential use. In such instances Paragraph 11 d) sets out that the most important development policies for determining the application are out-of-date unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. Despite the proposed development being located within open countryside the site is in a location that is within a reasonable distance of day-to-day services. Future occupants would be able to reach these on foot or public transport, providing them with a transport choice and not an over-reliance on a car. In terms of housing supply, the development would contribute to the district's housing need, albeit a modest one. Future occupiers would support the rural community and existing services in nearby settlements. These are all factors that weigh in the schemes favour.

21. On the other hand, the absence of a planning obligation and the adverse impact of failing to provide adequate provision of affordable housing in the area would significantly and demonstrably outweigh the moderate social and economic benefits set out above. The presumption in favour of sustainable development therefore does not apply in this case.
22. I conclude that the proposal conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that harm.

Conclusion

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

B Thandi

INSPECTOR