



Appeal Decision

Site visit made on 18 April 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5th May 2023

Appeal Ref: APP/J1860/W/22/3310222

Land at Castle Lane, Holt Heath

- 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 P Watson against the decision of Malvern Hills District Council.
 - The application Ref M/22/00907/FUL, dated 9 June 2022, was refused by notice dated 26 August 2022.
 - The development proposed is change of use of land for siting of 3no. holiday cabins.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr P Watson against Malvern Hills District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. As part of the appeal process, the appellant submitted an amended plan. The changes are substantive and include the relocation of Cabin 1 to be closer to Holt Castle Drive, and so to have a potentially greater visual impact and be closer to one of the dwellings that fronts that road.
4. The Council declined to accept the amended plan during the planning application. For me to consider it now would deprive those who would have been consulted on the change of the opportunity to comment. Having regard to the Planning Inspectorate's 'Procedural Guide: Planning Appeals – England', I have therefore determined the appeal based on the drawings considered by the Council when it made its decision.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the area; the living conditions of nearby properties with regard to noise and disturbance; and on protected species, specifically badgers.

Reasons

Character and Appearance

6. The site consists of undeveloped greenfield land. It lies opposite a row of dwellings at Holt Castle Drive, with other dwellings nearby including the converted barns of Holt Castle Farm Buildings. However, the site is otherwise

surrounded by open fields and so lies in the countryside. In principle, Policy SWDP36 of the South Worcestershire Development Plan (DP), adopted February 2016, supports new chalet and log cabin sites, including in countryside locations.

7. The proposed cabins would have a modern chalet appearance, with areas of glazing. They would also include decking, car parking and paraphernalia often associated with holiday uses such as outdoor seating. Although holiday accommodation may differ in its design and in its extent of paraphernalia, such features are inherent to chalet and log cabins sites and so are implicitly accepted by Policy SWDP36 in the countryside. As such, I do not consider these elements or the design of the cabins to be unacceptable in principle.
8. Nevertheless, DP Policy SDWP36 only permits new sites where they are well-related to their setting. In this case, the cabins are proposed to be arranged in a circular layout, around a central landscaped feature. This formal, arranged layout would have little relationship to the site boundaries. The appellant has referred to the layout and hardstanding of Holt Castle Farm Buildings and elsewhere. However, these examples are not circular and appear to have developed more organically, reflecting historic farmyard or other uses. As such, they do not justify the proposed layout.
9. The three large cabins and their associated areas of hardstanding and decking would be spread out over a fairly wide area within the site. The available space means that the proposal would not be cramped and would have a low density. However, it would encroach unnecessarily into undeveloped countryside. As a result, because of the proposed planned and expansive layout, it would not reflect the surrounding pattern of development.
10. Despite existing vegetation, public views of the site are obtainable from Holt Castle Drive and its Bridleway. Some of the proposed decking has been positioned behind the cabins to limit its visual effects, and extensive additional landscaping is proposed on the site boundaries. Even so, such screening cannot be relied upon, particularly in winter months when foliage is reduced, and nor can its survival in the long term be guaranteed. Landscaping sufficiently tall enough to screen the proposal may well itself appear out of place. For these reasons, the proposal would not be visually unobtrusive, as required by DP Policy SWDP36.
11. For the reasons given above, the proposal would have a harmful effect on the character and appearance of the area and would be contrary to DP Policy SWDP36. For similar reasons, it would also conflict with DP Policy SWDP21, which requires development to create a positive sense of place and to respect its surroundings, and DP Policy SWDP25, whereby proposals should integrate with the character of the landscape setting. The proposal would also conflict with the National Planning Policy Framework (the Framework), that development should recognise the intrinsic character and beauty of the countryside.

Living Conditions

12. The site is currently undeveloped and so is likely to generate little noise or disturbance to the occupiers of the dwellings opposite or close to the site. Some level of noise is no doubt already generated by the occupiers of existing properties, including from commuting to work and school, and users of the

Bridleway. However, I have no technical evidence on background noise levels and, although only a snapshot in time, when I visited the area it was generally quiet in nature.

13. The proposed cabins would be positioned well away from the site boundaries. However, notwithstanding the proposed landscaping, the outdoor space available to users of the proposal would be close to the existing dwellings and their gardens. There would be little to discourage use of this outdoor space, for example for informal sport, socialising and eating. As the occupiers would be on holiday, such uses may well occur more intensively or for later into the night than would otherwise be the case.
14. Occupiers of the proposal may choose to walk to the facilities locally, but they are equally likely to use their own vehicles, for instance to enjoy the wider area. Moreover, whether on vehicle or on foot, those going to and from the site would have to travel past the front of the existing properties and their gardens. Furthermore, the pattern of movement of holiday occupiers is likely to be at different times to those of nearby residents. The proposal would therefore be likely to result in an increase in traffic, car doors slamming and general disturbance, particularly at night, than is currently the case.
15. Many using the proposal would seek only a quiet rural break and occupiers would be provided with a 'Welcome Pack', emphasising the need for noise to be restricted. The cabins would have only two bedrooms each, and the appellant may choose to restrict occupation to groups or those of certain ages, though few specific measures are proposed. However, even with such restrictions, use of the site as proposed would be likely to result in the additional noise and disturbance I refer to.
16. Use of the cabins may be seasonal, but as a commercial enterprise their occupation is likely to be maximised. The cleaning or maintenance of the cabins would be unlikely to generate significant levels of noise. However, it would be undertaken regularly and so would generate additional travel to and from the site than currently, adding to the impact of the proposal.
17. For the reasons given, the proposal would have a harmful effect on the living conditions of nearby properties with regard to noise and disturbance. Consequently, it would be contrary to DP Policy SWDP31, which requires that proposals must avoid any significant adverse impacts on human health and wellbeing, including from noise pollution. For similar reasons, the proposal would also conflict with the requirements of the Framework for a high standard of amenity for existing occupiers and the avoidance of significant adverse impacts on quality of life from noise.

Protected Species

18. The appellant's Updated Preliminary Ecological Appraisal (PEA) found an active badger sett on site. To protect the sett, the PEA and the Council's Biodiversity Officer recommended that no groundwork or heavy machinery should be undertaken within a 20-30 metre radius buffer zone from the sett entrance.
19. However, Cabin 2 would be within this distance. As such, the groundwork and machinery associated with its installation could well adversely affect the sett and the badgers using it. The appellant has submitted an amended plan that

relocates Cabin 2 away from this buffer but, for the reasons I have already given, I have been unable to take this amended plan into account.

20. For these reasons, the proposal would have a harmful effect on protected species, specifically badgers. As such, it would be contrary to DP Policy SWDP22 which states that development which would compromise a nationally protected species, or its habitat, will not be permitted. Similarly, the proposal would conflict with the Framework, which seeks to avoid significant harm to biodiversity.

Other Matters

21. Future occupants of the proposal as holiday accommodation would make a positive economic contribution to the area, and I have taken into account the support from the Parish Council in this respect. Construction of the proposal and its ongoing use would result in further economic benefits, including some employment. However, due to the proposal being for only three units of accommodation, I give these benefits only limited weight. Whilst the proposal may be acceptable with regard to other matters, such as flood risk, this is a requirement of the Development Plan and so is a neutral factor in the planning balance.
22. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving listed buildings or their settings, or any features of special architectural or historic interest. I have considered the effect of the proposal on the Grade I listed St Martin's church and the Grade II listed Holt Castle Farm, as well as Holt Castle Farm Buildings. The Council has not identified any harm to these buildings or their settings. Given the nature of the appeal site and the proposal, I have no reason to disagree in respect of this matter, but this does not change my overall conclusions.

Conclusion

23. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR