



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: 16 May 2023

Appeal Ref: APP/J1860/W/22/3304214

Woodston Farm, Lindridge, Tenbury Wells WR15 8JG

- 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 A Stote against the decision of Malvern Hills District Council.
 - The application Ref 21/01460/FUL, dated 2 August 2021, was refused by notice dated 2 February 2022.
 - The development proposed is the change of use of a traditional agricultural building to residential accommodation and associated development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The appellant has produced a signed and dated planning obligation by Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 that secures a contribution towards affordable housing in the district. Consequently, the Council advise they no longer wish to defend the third reason for refusal. I therefore have not addressed this matter in the reasoning below.

Main Issues

4. The main issues are:
 - Whether the proposed development would be consistent with local and national policies relating to the location of new housing; and
 - The effect of the proposed development upon the character and appearance of the area.

Reasons

Location of site

5. The appeal site comprises a modern stable with associated land. The stables are linked to a block of garages associated with a residential development of former Oast Houses. Further sporadic dwellings are located to the north of the site.
6. The appeal site is located in open countryside as defined by Policy SWDP 2 of the South Worcestershire Development Plan (2016) (SWDP) which outlines the development strategy for new development in the area. Part C of the policy states that permission for development in the countryside, beyond any development boundary will only be granted in certain circumstances. The policy does not support the provision of market housing in countryside locations. The appellant also accepts that there is a breach of the policy due to the location of the site beyond a defined settlement boundary.
7. The reasoned justification to Policy SWDP 2 states that the high quality of the open countryside is an important attribute of the area. In addition, sites beyond development boundaries generally are less sustainable as access to local services tends to be poorer and it is, therefore, appropriate that development in the open countryside is restricted.
8. The Council contend that the proposed development would be isolated. However, Court of Appeal case *Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd* [2018] EWCA Civ 610 considered the word “isolated”, albeit in the context of paragraph 55 of the previous version of the National Planning Policy Framework (the Framework). The judgement concluded that the term isolated should be understood in its plain meaning ie physically separated or remote, and that adding a second limb to the policy relating to accessibility to services and facilities only serves to make the policy more onerous than intended. Furthermore, no such restriction is implied in its text. In other words, the term isolated should be taken to mean physically remote or separate only, in the sense of being isolated from other dwellings or settlements.
9. Taking the above into account and the evidence before me, in my judgement, the site is therefore not isolated in the context of paragraph 80 of the Framework.
10. The site is some distance from local services in nearby settlements. 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. Whilst there are Public Rights of Way nearby these are recreational routes rather than the means to access shops and services.
11. In these circumstances the use of a private motor vehicle is the only practical means for residents to access the services they require. This combination of factors demonstrates that the appeal site is not in a location where a new dwelling would be considered acceptable.
12. Whilst the proposed development would not be isolated it would nonetheless be located within open countryside with poor access to services and facilities. It would, therefore, not be an appropriate location for new housing contrary to SWDP Policy 2. It would also be contrary to SWDP Policy 4 which, amongst other things, requires proposals to offer genuinely sustainable travel choices.

Character and appearance

13. The appeal barn is constructed from brick with a tiled roof accessed via a track extending off the A443 skirting past the Oast House development leading to the dwellings to the north. Public Rights of Way extend across the surrounding rural landscape including along two sides of the site.
14. The character of the appeal site, Oast Houses and sporadic nature of existing housing contribute to the verdant and rural character of the surrounding area.
15. I acknowledge that the proposed development would be set against a backdrop of existing built form. However, I find that the domestication of the site would unacceptably diminish the site's rural appearance undermining its contribution to the area.
16. The cumulative impact of the retaining wall, driveway and parking area and domestic paraphernalia would result in a domestication of the site that would significantly erode its rural appearance adversely affecting the character and appearance of the area.
17. The proposal in the manner shown would be very apparent and intrusive particularly from the Public Rights of Way rather than integrating into the landscape. The proposed planting would not, in my view, adequately screen or soften the development but rather would draw the eye highlighting the domestic nature of the site.
18. I acknowledge that the Framework promotes the redevelopment of previously developed land. However, it also recognises that developments should be sensitive to its surroundings.
19. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to SWDP Policies 21 and 25 which, amongst other things, seek high quality design that integrates effectively with its surroundings and landscape setting. It would also be contrary to paragraph 174 of the Framework which, amongst other things, requires developments to contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

Planning Balance

20. 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.
21. The Council contend that they can demonstrate a 5.06 year deliverable supply of housing land. From the evidence before me, particularly the South Worcestershire Councils Five Year Housing Land Supply Report December 2022, and without any substantive evidence to refute the Council's position there is an indication that a deliverable five-year supply of housing land exists in the area. In such instances paragraph 11(d) of the Framework and the 'tilted balance' is not engaged.
22. In terms of housing supply, I acknowledge that the development would result in the redevelopment of previously developed land contributing to the district's housing need. The affordable housing payment secured through the submitted

planning obligation would contribute towards social housing in turn reducing the affordability gap in the area. The proposal would provide a limited amount of short-term employment during construction of the house. These are benefits of the scheme.

23. The proposal would result in tax and Community Infrastructure Levy payments going in part towards supporting or improving local facilities and infrastructure. However, these payments would essentially mitigate the impact of the proposed development in planning terms. I acknowledge the proposal would maximise energy efficiency and that no objections were received to the application in terms of highway safety, vehicular access and ecology. However, these matters are of neutral consequence in the overall balance.
24. On the other hand, I have found that the proposal would not be located within an appropriate location with regard to the housing strategy and accessibility to services and facilities. Furthermore, the proposed development would adversely affect the character and appearance of the area. I give very significant weight to the proposal's conflict with the most important policies in the development plan.
25. Therefore, even if the Council was unable to demonstrate a deliverable five-year supply of housing land the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore does not apply in this case.
26. I conclude that the proposal conflicts with the development plan, when read as a whole. There are no other considerations that outweigh that harm. The appeal is therefore dismissed.

Conclusion

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

B Thandi

INSPECTOR