



Appeal Decision

Site visit made on 22 August 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal Ref: APP/H1840/W/23/3317251

Newtown Nurseries, Three Cocks Lane, Offenham, Worcestershire WR11 8RY

- 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 Messrs N & V Mauro against the decision of Wychavon District Council.
 - The application Ref W/22/01680/FUL, dated 26 July 2022, was refused by notice dated 24 January 2023.
 - The development proposed is described as "full application for the demolition and redevelopment of a Class Q consented building and its replacement with two new dwellings at Newtown Nurseries, Offenham."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council issued their decision, they have confirmed with the appellant and within their Statemen of Case, that the location of the proposed development is not adjoining the gardens of residential dwellings and as such would not have a harmful impact on the living conditions of nearby residents. As such they have not sought to defend this part of the reason for refusal. From my review of the submitted plans and what I saw during my site visit I have no reason to disagree with this. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are;
 - Whether the site is a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. Policy SWDP2 of the South Worcestershire Development Plan (2016) (SWDP) states that in the open countryside development will be strictly controlled and will be limited to dwellings for rural workers, employment development, rural exception sites, buildings for agriculture and forestry, replacement dwellings,

house extensions, replacement buildings, renewable energy projects and development permitted by other SWDP policies.

5. The principle of converting the existing building on the appeal site was established under a prior approval¹ that remains extant. This has created a fallback position that is a material consideration to this appeal. As such, the principal of residential use on this site has already been established. However, the proposal seeks permission for the demolition of the building and replacement with new dwellings. The appeal site falls outside any settlement boundary and is in an area of open countryside. The proposal would therefore not meet the requirements of SWDP Policy SWDP21.
6. The appeal site is located off a single-track lane to the south of Three Cocks Lane. The site is located in between Offenham and South Littleton, which contains a range of services to meet day to day needs. However, the site is more closely aligned with its surrounding rural characteristics than the more built-up area of these nearby settlements.
7. The single-track lane which leads to the appeal site also provides access to a holiday cabin development, along with a further residential dwelling and nursery buildings and land. The road is narrow, and there is no separate footpath, so pedestrians would have to share the carriageway with vehicles. Three Cocks Lane, which the lane forks from, whilst having a pavement, is largely unlit. These factors, together with the absence of lighting, would be likely to deter occupants from using sustainable travel options to obtain the services and facilities within Offenham and South Littleton, especially during inclement weather and winter months when daylight hours are limited.
8. The unsuitability of the routes for sustainable access to services and facilities means that occupants would be likely to resort to private vehicles to make their journeys. No public transport services the appeal site. Occupants of the proposed dwellings would therefore be largely dependent on private transport to access services and facilities. As such it would not therefore be sustainable development.
9. However, there is a realistic fallback position which would result in the same amount of housing being delivered in the same location, and in these circumstances, I afford the conflict with the development plan moderate weight. The appeal proposal would not however deliver significant benefits to the appearance of the site compared to that fallback position, which would retain the rural characteristics of the existing building, nor would it improve the sustainability of the location. Overall, taking account of the Framework and the above considerations, I find that the proposed development compared to the identified fallback position is not a material consideration which outweighs the conflict with the development plan.
10. The proposal would not provide a suitable location for housing having regard to the Council's spatial strategy and accessibility to services and facilities. Therefore, it would not accord SWDP Policy SWDP2 which, amongst other things, seeks to limit housing development in the open countryside. It would also not meet the aims of paragraphs 8 and 130 of the National Planning Policy Framework (the Framework) in terms of ensuring accessible services and facilities.

¹ W/22/00976/GPDQ approved on 15 June 2022

Character and Appearance

11. The site is accessed by a single-track lane and lies some way from the nearest public road. The existing building is located to the rear of a residential dwelling and in close proximity to a holiday cabin development, which are otherwise surrounded by open fields and greenhouses/polytunnels. The site's rural appearance has a strong connection with the surrounding countryside. The area is characterised by dispersed development of a residential and agricultural nature surrounded by agricultural fields.
12. Whilst the existing building does not contribute positively to the area it is linked to the historic use of the site. Additionally, the existing building is not particularly prominent being set back from the highway behind other development. Based on the evidence before me and what I viewed during my site visit the existing building has a neutral impact on the character and appearance of the area.
13. There is extant permission for the conversion of the existing building to two residential units. The appellant asserts that the proposed development would be an improvement to the immediate surrounds, including landscape and environmental enhancement as well providing opportunity for increased energy improvements and efficiencies. However, the construction of two two-storey dwellings in a formal arrangement would appear at odds with the surrounding dispersed rural character of the immediate area. Along with the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having a suburbanising effect upon it. The proposal would therefore appear as an incongruous addition to the area, adversely affecting the rural character and appearance of the site and its surroundings.
14. The extant permission would re-use the existing structure and largely retain its rural character and modest appearance. In contrast, the appeal proposal would appear as a uniform pair of modern dwellings with formal parking and garden areas, and would not re-use the existing structure, which forms part of the rural landscape. The proposal would therefore fail to reflect the form of the existing structures and would introduce a suburban form of development into the rural landscape.
15. The prior approval represents the fall-back option for the appellant. There is no evidence to demonstrate that the consent could not be implemented, nor be economically viable, and therefore there is a real prospect of it being implemented. Having regard to the above, I consider that the proposed development would have a greater harmful impact on the character and appearance of the area than the fallback position. Therefore, the fallback position only carries limited weight in this instance and does not outweigh the harm that would result from the proposed development.
16. Having regard to these considerations, I conclude that the proposed development would have a harmful effect on the rural character and appearance of the area and would therefore be contrary to SWDP Policy SWDP21 which seeks, amongst other things, to ensure that development is a high-quality design that integrates effectively with its surroundings and reinforces local distinctiveness. The proposed development would also be contrary to paragraph 130 of the Framework that seeks to ensure developments are visually attractive and sympathetic to local character.

Planning Balance

17. The Framework indicates that planning decisions should apply a presumption of sustainable development. For decision taking, where Development Plan policies which are the most important for determining the application are out of date, permission should be granted 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.
18. It is common ground that the Council cannot demonstrate a deliverable five-year supply of housing and I have no reason to disagree with that view. In this case, I have found that the proposal would not be in an appropriate location for housing and would harm the character and appearance of the area. To my mind, this weighs very heavily against allowing the proposed development.
19. The proposal would deliver two dwellings, however, an extant prior approval consent for two dwellings exists on the site. As such, the proposal would have a neutral impact on housing land supply. The development would bring socio-economic benefits from the construction process together with the ongoing occupation of the dwellings. However, in my view, these benefits are limited in the overall balance.
20. Taking all of the above factors into account, I consider that the harm I have identified relating to the location of the proposal and to the character and appearance of the area significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework when taken as a whole. The proposal cannot therefore be considered to be sustainable development.

Conclusion

21. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR