



Appeal Decision

Site visit made on 29 June 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th October 2023

Appeal Ref: APP/R1845/W/23/3314052

Westfield, Ribbesford Road, Stourport On Severn DY13 0TF

- 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 R Cox against the decision of Wyre Forest District Council.
 - The application Ref 22/0795/FUL, dated 29 September 2022, was refused by notice dated 1 December 2022.
 - The development proposed is change of use of agricultural land to increase domestic curtilage. Erection of new outbuildings and swimming pool.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and its surroundings;
 - whether or not the proposal would be tantamount to the creation of an independent dwelling; and
 - whether the proposal would be acceptable with regard to its effect on biodiversity.

Reasons

Character and Appearance

3. The appeal site is located in an area with a rural feel, where houses are generally widely spaced and appear modest in scale, nestled within the landscape. The existing detached house is in keeping with that pattern of development, comprising a relatively modest two storey house with a detached garage positioned to the rear and an adjoining stable building. The outbuilding of the neighbouring house is also similarly located to the rear of that house, alongside that of the appeal site. Like the neighbouring house, the main area of garden for the appeal site is positioned to the side of the house, adjacent to the road. A number of fields in the vicinity are divided by paddock style fencing which creates a pleasant sense of openness to the rear of the site.
4. The proposal would be single storey and therefore would not compete with the existing house in terms of its height. The proposal would match the materials and simplicity of design of the existing garage. However, the proposed L-shaped layout would amount to a considerable increase in built form. This

- would extend both along the boundary with the neighbouring house, as well as projecting into the site, resulting in a length and width of development that would appear to exceed that of the existing house by a considerable margin.
5. Views of the appeal scheme from publicly accessible land outside of the appeal site would be limited. Nonetheless the existing driveway brings vehicles entering the site firstly to the rear of the existing house, from where the proposal would be highly visible. Given the expansive nature of the proposed building footprint it would thus appear as a focal point within the site. This would be emphasised by the inclusion of the proposed swimming pool in front of the proposed building. Consequently, the proposal would appear overly dominant relative to the main house, rather than subservient to it.
 6. Houses are a visible part of the surrounding countryside, albeit the predominant land use appears to be agricultural. The site does not fall within any landscape designation. Moreover, it does not result in the loss of straight thorn hedges said to be characteristic of this landscape character type. Also, sufficient space would be retained around the proposal such that it would not appear too dense. However, the proposed layout of the garden boundary turning 90 degrees around the appeal scheme would have an overly domesticated appearance in comparison to the open character of the fields behind the existing house.
 7. As such, even with the use of native hedge planting, the proposal would appear as an encroachment into open countryside rather than forming a natural part of it. The appellant submits that the boundary of the house previously followed a curved line further into the adjacent field. However, that boundary was not visible on site. Furthermore, there is no substantive evidence to indicate that that is the lawful boundary of the appeal site.
 8. Therefore, and whether or not the resulting domestic curtilage would be comparable to other houses in the vicinity, I conclude that the proposal would harm the character and appearance of the appeal site and its surroundings. Accordingly, it would conflict with Policies SP.20, DM.22, DM.24 and DM.26 of the Wyre Forest District Council Local Plan 2016-2036 (April 2022) (Local Plan), which generally seek to ensure proposals achieve high quality design, including integrating with their surroundings. It would also conflict with Policy SP.22 of the Local Plan which requires that proposals are appropriate to their surrounding landscape character.
 9. The appellant submits that the proposal should be considered under Policy DM.25 of the Local Plan. Part 2 of this policy includes criteria for residential extensions. I find some aspects of compliance with that policy, including in relation to part 1 on the effects on neighbour amenity. Also with part 2 in respect of the 45 degree code (criterion a.) and avoiding encroachment on neighbouring land outside the control of the applicant (criterion e.).
 10. However, the proposal would conflict with criterion b., being of a form that is overly large relative to the main house. It would similarly conflict with criterion c, requiring that proposals are subservient to the original building. This applies whether the original building is taken to mean the main house or the existing garage. I also find conflict with criterion d. in that it would appear to encroach on countryside that currently has a pleasantly open characteristic. Therefore, the proposal would conflict with this policy as a whole.

11. Similarly, the proposal would conflict with paragraph 130 of the National Planning Policy Framework (Framework), which amongst other matters requires that proposals are sympathetic to local character, including the surrounding built environment and landscape setting.
12. The Council considers Policy DM.29 of the Local Plan is relevant due to the main dwelling comprising a previously converted rural building. In such circumstances, Part 6 of Policy DM.29 seeks to avoid further extensions within the curtilage of a converted rural building. However, no robust evidence is before me, including from my observations on site, to indicate that the main dwelling was converted from a rural building. As such, I find that this Policy is not relevant in this instance.

Whether Tantamount to an Independent Dwelling

13. Whether or not the proposed accommodation amounts to a separate planning unit from the main dwelling or would be incidental to it is a matter of fact and degree. Whilst the proposal is not submitted as a separate dwelling and does not include a bedroom, it would provide a kitchen and bathroom facilities. Also, the proposed layout is such that it would be possible for it to accommodate a bed as well as living space. Nevertheless, I note that the proposal would make use of the same driveway as the main house. Also, it would not be provided with a separate private garden or be separated from the main house by any great distance or intervening boundary features.
14. As such, the proposal would be conducive to providing ancillary rather than independent accommodation. Therefore, in the event that the appeal were to be allowed, I consider that a condition to restrict use of the proposal to one that is ancillary to the main house would be enforceable in these circumstances. Although the use could be restricted as such, this does not alter my findings in respect of the prominence of its appearance relative to the main house.

Biodiversity

15. The existing site comprises a mix of hardstanding and mown grass which are typically of limited ecological value. Moreover, no trees, hedges or other habitats are proposed to be removed. I note also that the proposal incorporates new native boundary hedgerows which could help improve connectivity between habitats. In addition, bat boxes, bird nesting boxes and bat access ridge tiles are proposed to be incorporated within the appeal scheme. Therefore, in the circumstances of this case, I am satisfied that the proposal would be acceptable with respect to its effect on biodiversity.
16. Accordingly, the proposal would comply with Policy SP.23 of the Local Plan. This requires that proposals achieve net gains for biodiversity of a level proportionate to the nature of the development and protect legally protected species. It would also satisfy paragraph 174 and 180 of the Framework, in respect of providing net gains and avoiding significant harm to biodiversity, respectively.

Conclusion

17. Therefore, I conclude that the proposal would conflict with the development plan when taken as a whole. Accordingly, and having regard to all other relevant material considerations, the appeal should be dismissed.

Rachel Hall

INSPECTOR