



Appeal Decision

Site visit made on 17 October 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2023

Appeal Ref: APP/H1840/W/23/3321374

**Annexe at 7 The Hollies, Wood Lane, New End, Astwood Bank,
Worcestershire B96 6NN**

- 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 D Spencer against the decision of Wychavon District Council.
 - The application Ref W/22/02429/FUL, dated 8 November 2022, was refused by notice dated 27 January 2023.
 - The development proposed is "Change of Use of existing Annexe to independent dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 5 September 2023 and replaces the previous version published in July 2021. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party. I have had regard to the latest version in reaching my decision.
3. The appeal site is in the Green Belt. Paragraph 149 of the Framework regards the construction of new buildings as inappropriate development in the Green Belt, subject to various exceptions set out in paragraph 149. However, the building already exists, having initially been granted planning permission as a garage. The building has subsequently been granted further planning permission¹ in 2013 to be used as ancillary accommodation for a family member in association with the property known as "The Hollies", and the proposal would change the use to an independent dwelling.
4. There is no dispute between the parties to considering the proposal as a Green Belt exception under Framework paragraph 149g) which relates to "...the partial or complete redevelopment of previously developed land...which would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt...". Nor is there any dispute that the proposal is not inappropriate development. I have no reason to take a different view. As the proposal would not amount to inappropriate development there is no need for me to consider the impact on the openness of the Green Belt or whether very special circumstances exist.

¹ LPA ref: 13/01672/PP granted 11 September 2013

Main Issues

5. In its delegated report the Council finds the proposal would conflict with criteria (ii), (v) and (ix) of Policy SWDP21 of the South Worcestershire Development Plan (the Plan). However, the thrust of the Council's refusal reason described in the decision notice focuses on criteria (ii) and (v) namely, the effect of the proposal on the relationship to other development, and settlement character. Nonetheless, the refusal reason includes reference to criterion (ix), which relates to 'Links, Connectivity and Access'.
6. In its appeal statement, the Council relies on its delegated report and comments on some aspects of the appellant's case but does not expand on matters relating to criterion (ix). However, the appellant has addressed all three criteria in their appeal statement. I shall do the same.
7. Therefore, in light of the above, the main issues in the appeal are:-
 - The effect of the proposal on the character and appearance of the area, and
 - The effect of the development on highway safety and reliance on the car to access services and facilities.

Reasons

Character and appearance

8. I saw that the small settlement of New End was broadly clustered around two roads - The Ridgeway (the A441) and Wood Lane. Although there was a mix of house types and designs, I saw that dwellings fronted the road, were set back from it and had good sized long rectangular gardens. This creates a unified and prevailing linear pattern of development. I saw there was a nursery development along The Ridgeway with a collection of buildings that extended back towards the countryside, but this was not typical.
9. The appeal site and building are located to the rear of properties on Wood Lane and The Ridgeway. The access alongside The Hollies would be closed up, but access would be maintained via the existing access and driveway off The Ridgeway. This driveway is considerably longer than other driveways. Hence the appeal site and building are set a significant distance back from either road, occupying a backland location behind other properties. Furthermore, the submitted plans indicate that about a third of the horse arena and a corner of a paddock would be given over as private amenity space to the proposed dwelling. Whilst this addresses previous Council concerns about lack of amenity space, the shape, size and orientation would not observe the prevailing pattern of long rectangular plots. Consequently, the location of the building as a separate dwelling on a backland site would be at odds with the prevailing pattern of linear development and hence would harm the character and appearance of the area.
10. The paddock fronting The Ridgeway creates a gap in the street scene across which the appeal site and building can be seen from the road. Due to it being largely timber clad and set amongst a variety of equestrian-type structures and development, the building appears as an equestrian-related building. The domestic paraphernalia that would be associated with the proposed dwelling would advertise the residential use of the building, in amongst the horse-

related development, further exacerbating the uncharacteristic nature of residential development. Whilst landscaping may provide some increased screening from the road in due course, it would not mitigate against the uncharacteristic pattern and form of development.

11. The proposal would therefore harm the character and appearance of the area. It would be contrary to Plan Policy SWDP21, in particular criteria (ii) and (v) that seek, amongst other things, to ensure that development complements the character of the area and responds to surrounding buildings and features that contribute to the visual landscape of the local area, and that the distinct identity and character of settlements is safeguarded.
12. My attention is drawn to two residential planning developments. One is for the erection of 4 dwellings on the site of the Ridgeway Nurseries, which I saw were under construction. It presented four dwellings in a linear alignment, fronting the road that respected the prevailing pattern of roadside development, even if their rear gardens are smaller than some neighbouring gardens. The other scheme is for 5 dwellings proposed to the rear of 40 Wood Lane. I understand this is a live application pending a decision.
13. I have not been provided with the full details or circumstances of each application. Whilst consistency in decision making is important, all decisions turn on their own particular circumstances based on the facts before each decision-maker at the time. Both applications are of a different scale and in different locations and contexts to the appeal proposal. As such they are not directly comparable to the appeal scheme before me, which in any event I must determine on its own merits.

Highway safety and accessibility

14. Criterion (ix) of Plan Policy SWDP21 expects vehicular traffic from new development to access the highway safely, and for new development to maximise opportunities for pedestrians and cycle linkages to local services and be generally accessible to all users.
15. The existing access from Wood Lane would be blocked up so that all traffic to the appeal site would be via the existing driveway off The Ridgeway. I am informed the stables are private for the appellant's own horses and would remain as such while they occupy the building. I have no evidence to suggest the stables and infrastructure are used in connection with an equestrian business. On the evidence before me there seems nothing to indicate there would be a material intensification of use of the access off The Ridgeway. The gates are set well back from the highway edge such that vehicles turning in or out would be able to pull off the carriageway and wait. Furthermore, the driveway is straight with good intervisibility between the stable yard and the road such that vehicles could see each other and wait. The Highways Authority has raised no objection on highway safety grounds. From what I observed and from the evidence before me I have no reason to believe that the existing access would not operate safely.
16. There is no dispute between the parties that immediate access to services and facilities is very limited. I saw there were bus stops by The Nevill Arms public house, but no other services or facilities. Although unlit, there is a pavement in either direction along The Ridgeway, including towards the bus stop about 400m away. There is also no dispute between the parties that there is a low

level of public transport provision, and I saw this to be the case from the bus timetable at the bus shelter.

17. Further away at Astwood Bank there is a primary and secondary school, post office and doctor's surgery. However, this would be too far to walk and be beyond cycling for some. The town of Redditch has a wider range of services and facilities, including a hospital and railway station, but according to the highway sign I saw just beyond the Nevil Arms PH, Redditch is some 5 miles away. Occupiers would be unlikely to walk or cycle the distances involved, particularly in inclement weather.
18. Whilst I find the proposal would not cause harm to highway safety, the proposed dwelling would be in a location with a dearth of services and facilities and limited public transport. Whilst the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, occupiers would not have a genuine choice of transport modes and hence would be unduly reliant on the car, even if journeys are short. Accordingly, the proposal would be contrary to criterion (ix) of Plan Policy SWDP21.

Other Matters

19. I acknowledge that the building is currently occupied as ancillary accommodation, but the nature of ancillary accommodation is that it is dependent on the host property and there is some inter-dependence between the occupiers of the two properties. A separate unit for a dwelling would remove that association and dependency. Imposing a condition restricting occupation of the dwelling to users of the stables and their dependants would not change the harm I have identified to the character and appearance of the area or reduce reliance on the car.
20. I acknowledge the appellant's concerns with the Council's handling of the application, but in reaching my decision I have been concerned only with the planning merits of the case.

Planning Balance and Conclusion

21. The Council cannot currently demonstrate a 5-year supply of deliverable housing sites. In the absence of such, paragraph 11d) of the Framework is triggered. This means that permission is 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.
22. The proposal would create an additional dwelling that would help reduce the Council's housing deficit but given it would be a single dwelling this would have only moderate weight. The development would represent re-use of an existing building and use of previously developed land, which is supported by the Framework, and new hedgerow planting and garden creation would offer some biodiversity gain. Occupiers would also make a small contribution to the local economy.
23. However, I have found there would be harm to the character and appearance of the area, which would be contrary to the Framework's aims of achieving good design that is sympathetic to its surroundings. The location of the proposed dwelling would mean occupiers would be reliant on the car to access

day-to-day facilities and services, which would be contrary to the Framework's efforts to promote patterns of growth that limit the need to travel and offer genuine choice of transport modes. These would be the adverse impacts of granting planning permission that would, in my view, significantly and demonstrably outweigh the benefits I outline above when assessed against the policies in the Framework taken as a whole. Being not inappropriate development in the Green Belt and the absence of harm to highway safety carry neutral weight in the balance.

24. The proposal would conflict with local design and accessibility policies, and hence would conflict with the development plan as a whole. For the reasons above I conclude that the appeal proposal would not accord with the development plan, and the material considerations I outline above are not sufficient to outweigh this conflict.

25. Accordingly, the appeal should be dismissed.

K. Stephens
INSPECTOR