



Appeal Decision

Site visit made on 5 September 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/H1840/W/23/3319304

Lea Haven, Mill Lane, Drakes Broughton, Worcestershire, WR10 2AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Kristian Shelley against the decision of Wychavon District Council.
 - The application Ref W/23/00254/PIP, dated 3 February 2023, was refused by notice dated 7 March 2023.
 - The development proposed is described as "permission in principle for proposed 1 no. self-building dwelling at Lea Haven, Mill Lane, Drakes Broughton WR10 2AF."
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Decision

1. The appeal is allowed permission in principle is granted for 1 no. self-building dwelling at Lea Haven, Mill Lane, Drakes Broughton, WR10 2AF in accordance with the terms of the application, Ref W/23/00254/PIP, dated 3 February 2023.

Preliminary Matters

2. Planning Practice Guidance (PPG) advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the location of the proposed development would be acceptable, having regard to the character and appearance of the area.

Reasons

Location

5. SWDP Policy SWDP2 sets out the development strategy and settlement hierarchy for the South Worcestershire area. The appeal site does not fall within a development boundary, as such in accordance with SWDP2 would be defined as open countryside. In the open countryside SWDP2 states that development will be strictly controlled and limited to, amongst other

- circumstances, dwellings for rural workers, rural exception sites and replacement dwellings.
6. SWDP Policy SWDP18 stated that the replacement of an existing dwelling in the open countryside with another single dwelling will be permitted subject to a number of criteria. One criterion is that the existing dwelling is not a caravan, mobile home or subject to a temporary permission. As the existing structure is a caravan it would be contrary to SWDP Policy SWDP18 and would fall to be considered as a new dwelling.
 7. Drakes Broughton is the closest settlement, located some 300 metres from the appeal site. It is defined as a Category 2 village within the SWDP. These villages provide a range of local services and facilities. Drakes Broughton has a number of employment opportunities, school, village hall and shop. There are bus stops that provide access to Worcester and Pershore. Access to these on foot would require individuals to travel along an unlit lane with no pavement. Although the desirability of the route would be less favourable outside of daylight hours, it would offer the potential for future occupants to make some use of public transport. Nevertheless, occupiers of the proposal would likely use a private car. As the proposal would replace an existing residential use, there is unlikely to be an increase in movements.
 8. Due to its location outside the settlement boundary and constraints to accessibility, it would be contrary to the strategy of the development plan. It would conflict with SWDP Policies SWDP2, SWDP18 and Policy DBWP3 of the Drakes Broughton and Wadborough with Pirton Neighbourhood Plan (2017) (NP) which seek, amongst other things, to focus development on urban areas where housing needs and accessibility to public services are greatest.

Character and appearance

9. The appeal site comprises an area of land that has a caravan and outbuilding sited on it. The caravan and site benefit from a certificate of lawfulness¹ for residential use. The appeal site is located at the end of a small cluster of dwellings along Mill Lane. Drakes Broughton is the nearest settlement, but the appeal site lies approximately 300 metres outside its development boundary and as such is located within the open countryside.
10. When travelling along the access road to the site the area has a rural character, with woodland, agricultural land and hedgerows adding to its character. There are small clusters of dwellings along the road, one includes the appeal site and another further along the road. The appeal site is located within the Warborough Wooded Estate lands and within a relic deer park according to the South Worcestershire's Landscape Character Assessment.
11. The Council's concerns primarily relate to the encroachment of built development into the open countryside and the effect this would have on the character of the area.
12. Whilst the appeal site is located close to other residential dwellings, these are predominantly single, or two-storey buildings set back from the highway finished in red brick and render. The existing development on the site, a caravan and outbuilding, are finished in timber cladding. The contrasting materials used in the existing structures combined with their close proximity to

¹ W/08/02847/LUE approved 21 January 2009

the highway detracts from the wider character and appearance of the area. In views from the surrounding area, they appear as unusual additions to the landscape at odds with the small cluster of buildings within which they lie.

13. The introduction of a sensitively designed single dwelling in a location which has existing harmful development would benefit the overall character and appearance of the area. Whilst there may be some further encroachment into an area that is currently devoid of development, an appropriately designed dwelling could be accommodated that would be in keeping with the character and appearance of nearby buildings.
14. As such, the proposal would comply with Policy SWDP25 of the South Worcestershire Development Plan (2016) (SWDP) which seeks, amongst other things, to ensure that developments are appropriate to, and integrate with, the character of the landscape setting. The proposal would also comply with paragraph 130 of the National Planning Policy Framework which seeks good design sympathetic to local character.

Planning Balance

15. Framework paragraph 11 d) ii. states that where relevant policies 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. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development through the delivery of the mutually dependent economic, social and environmental objectives.
16. There would be a small socio-economic benefit from the proposal related to the construction and occupation of this development. I afford this modest weight.
17. In the context of the development plan, I have found that the location of the proposed development would be contrary to the development strategy. It would also have limited access to services and facilities. It is therefore contrary to SWDP Policy SWDP2. For this appeal, I have found policies SWDP2 to be generally consistent with the relevant aims of the Framework.
18. Whilst the conflict with this policy amounts to harm an existing caravan in residential use is located on the site. As such the vehicular movements and need for individuals to access services and facilities already exists at the site. In addition the proposal would remove a development that harms the character and appearance of the area. The proposed development would improve the impact the site has on its immediate and wider surroundings. It therefore complies with SWDP Policy SWDP25. I afford this modest weight.
19. Therefore, the adverse impacts of the proposed development in respect of the location of the site and its accessibility would not significantly and demonstrably outweigh the combination of its benefits, when assessed against the policies in the Framework as a whole. Despite the conflict with the development plan, material considerations indicate permission should be granted for the proposed development.

Conclusion

20. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore be allowed.

Tamsin Law

INSPECTOR