



Appeal Decision

Site visit made on 6 April 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2024

Appeal Ref: APP/H1840/W/23/3333894

Orchard Cottage Malthouse Lane Church Lench Evesham WR11 4UF

- 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 I Osbourne against the decision of Wychavon District Council.
 - The application Ref: W/23/01926/PIP dated 29 September 2023 was refused by notice dated 2 November 2023.
 - The development sought is Permission in Principle for the construction of 1 no. bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is a direct application for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted, in this case the applicant seeks permission-in-principle for a single dwelling; all other matters are considered as part of a subsequent Technical Details Consent (TDC) application.
4. The appeal site has been enclosed on three sides by panel fencing which, at the front, appears to exceed heights permitted by Class A in Part 2 of schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst it is not before me to determine the lawfulness or otherwise of such, I have determined this matter with due regard to the likely longstanding open frontage as the setting for location of the site and its surroundings.

Main Issue

5. The main issue is whether the application site is a suitable location for a single dwellinghouse having regard to the size of the site, the character of the area and the effect upon designated heritage assets.

Reasons

6. The appeal site is a modestly-sized parcel of sloping ground which sits behind a low stone wall fronting Malthouse Lane (ML) serving an irregular layout of varied dwellings within the settlement of Church Lench. The site lies outwith the nearby Church Lench Conservation Area (CLCA) and is diagonally opposite a listed building, 'Toy Cottage', which also fronts ML and, as its name implies, epitomises very modestly-sized rural dwellings of traditional construction, dating from the late seventeenth or early eighteenth century. Opposite Toy Cottage, to the north of the appeal site and therefore between it and the boundary of the CLCA are situated Nos. 1 and 2 Malthouse Lane, a pair of dwellings of more recent construction. Overall, this part of ML which is narrow and irregular in width, retains a distinctly softened rural character.
7. The site appears to have formerly been part of the curtilage of Orchard Cottage, which is adjacent to the south, part of a small group of buildings of some age (in parts) and distinctive in rural character. The site sits above road level and runs back to an embankment at the rear which addresses a significant level difference between the appeal site and other housing¹. Although now enclosed by fencing the site would have had a predominantly open or 'green' character which contributed to the informal layout and rural character of the lane. For a number of reasons including the uncertain size of the proposed dwelling it is not clear to what extent the proposed grant of permission-in-principle would reduce those qualities.
8. Any off-street parking (and it is noted that objections to the proposal report what my observations direct as legitimate concerns as to lack of opportunity to park on-road near the site) would need to address a level difference between the front part of the site and the highway. Access would, necessarily, breach the existing front boundary wall. In addition, the formation of an appropriate parking/turning area within the site perimeter could significantly reduce the amount of site available for built form (which might necessarily include retaining structures) and amenity space, potentially leaving limited opportunities to introduce greenery or other softening features. For those reasons, although it is clear that the appellant proposes a single dwelling and suggests the plot size would be similar to that of No. 2 Malthouse Lane, dimensions or levels absent, it is not possible to conclude that the proposal is an appropriate amount of development (built form) that can reasonably be accommodated within the site without harmfully impacting on the character of the area.
9. The appeal site does not fall within the CLCA but I consider that the appeal site falls within the setting of the listed Toy Cottage due to proximity and how that designated heritage asset would be experienced by users of Malthouse Lane alongside development on the appeal site. Any insertion of built form onto the appeal site would necessarily change the character of its setting and could potentially affect the significance of that asset.
10. The appellant confirms that the proposal would be 'high quality design' but in the absence of detailed design proposals, necessarily so in the case of this appeal which relates to determination of permission-in-principle, it is not possible to consider the actual impact of such on this designated heritage asset. So, whilst it is possible that a sensitive high quality design, perhaps of a self -

¹ The Croft, an estate of mid-century housing.

effacing but imaginative approach, could cause no harm or positively contribute to the street scene and setting of Toy Cottage, it is noted that the description of development refers to a 'bungalow' and as such appears to predicate a building typology which would not necessarily respect the distinctive rural and informal character of Malthouse Lane and likely impact negatively upon the appreciation of the special interest of Toy Cottage.

11. It is not disputed that the proposal lies within a settlement that has good access to local services and is therefore a broadly appropriate location for residential development. I have concluded that although the site may be capable of accommodating a small dwelling, it is not possible to conclude that the amount of development (being an unidentified quantity of built form) might reasonably be accommodated within the limited and ill-defined site area without causing harm to the existing character of the area.
12. Further, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires decision-takers to have special regard to the desirability of preserving a listed building. I have concluded that, lacking evidence to the contrary, the insertion of built form into the otherwise open and informal setting of Toy Cottage, a likelihood of harm exists. Consequently, the arguable benefit of granting permission for a single dwelling at a time when the Council acknowledge they have a deficient housing supply is significantly outweighed by the considerable importance and weight which I am required to attach to the prospect of any harm to a designated heritage asset.
13. A grant of permission-in-principle would therefore conflict with Policies SWDP6 and SWDP21 of the South Worcestershire Development Plan 2016 (SWDP) which seek that development proposals should conserve and enhance heritage assets, respond to distinctive features or qualities that contribute to the visual and heritage interest of the townscape, and complement the character of the area, and therefore with the development plan as a whole. Consequently, for the reasons given and taking all matters raised into account, the appeal cannot succeed.

Andrew Boughton

INSPECTOR