



Appeal Decision

Site visit made on 18 June 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2024

Appeal Ref: APP/R1845/W/23/3331459

Keens Farm, Callow Hill, Rock, Kidderminster, Worcestershire DY14 9XH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Heather Bray against the decision of Wyre Forest District Council.
 - The application Ref is 22/0950/FUL.
 - The development proposed is the demolition of industrial buildings erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs Heather Bray against Wyre Forest District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether the appeal site is a suitable location for a new self-build dwelling.

Reasons

4. The Council, through Policies SP.1 and SP.2 of the Local Plan 2016-2036 (April 2022, the LP) sets out their spatial strategy and settlement hierarchy. This primarily directs development towards larger settlements but also supports very limited levels of residential development in 'Other Villages and Rural Settlements', such as Callow Hill, where this is to meet local needs through allocated or rural exception sites, or it is infill development within a settlement boundary. LP Policy SP.2 goes on to outline that outside of settlement boundaries, new dwellings will be limited to those for rural workers, replacement dwellings and rural exception sites. This is further supported by LP Policy SP.11 which goes into greater detail with regard to these exceptions and requirements.
5. The appeal site comprises a small portion of a wider plot within the appellant's ownership it contains two buildings which, I understand, were formerly industrial and a large area of hardstanding and vehicular access. The wider plot contains an existing dwelling, other buildings and paddocks. The site sits at the junction between the A456 and Lye Head Road, with the access serving the proposed dwelling linking to the latter. The wider area is characterised

predominantly by fields and woodland, although there is a noticeably level of sporadic development.

6. Towards the west of the site, along the A456, is signage identifying the village of Callow Hill. At this point the speed limit also changes and residential development becomes more regular. I consider this sign to form the edge of Callow Hill. The appeal site is some distance away from this signage and is separated from it by open fields. When travelling from the village to the site there is a degree of visual separation created by the mature vegetation and open fields. I therefore consider the site is, both physically and visually, within the countryside and, for the purposes of LP Policy SP.2, outside of Callow Hill's settlement boundary.
7. The proposal would not provide a rural workers' dwelling, nor would it comprise an allocated or exception site, nor a replacement dwelling. Therefore, the proposal does not comply with the requirements set out above for new development outside of a settlement boundary.
8. I have not been provided with substantive details to demonstrate that the services and facilities within Callow Hill would be sufficient to meet all the typical daily needs of future occupiers. Notably, it is not clear that there are any shops and there would be very few places of employment within the village. As such, occupiers would regularly need to travel further afield to reach services and facilities. It would not be realistic for future occupiers to walk or cycle to more distant settlements for the purposes of the weekly shop or commuting.
9. While the proposal may only result in a small increase in travel to and from the site, it would nonetheless be an increase. While this may be accepted in some rural development, the Council's development plan sets out the exceptions which permit these and, as outlined above, the development does not meet those exceptions. Moreover, although the National Planning Policy Framework (the Framework) understands that the opportunity for sustainable transport will vary between urban and rural areas, I find that this matter has been taken into account in the local policy and I have been mindful of this in my consideration of the appeal.
10. The proposal would result in one dwelling and as such any benefit it may have towards supporting the economic viability of the rural community would be limited. I consider that the limited benefit would not outweigh the locational harm and additional trips required to support future occupiers in this location outside of the settlement boundary, contrary to the development plan and the Framework.
11. I recognise from the submissions before me that the proposal would be a self-build dwelling. LP Policy SP.12 provides support for such development, but this is only where it is in keeping with the other policies contained within the plan. As set out above, the proposal does not comply with the locational strategy for new dwellings. Whilst the National Planning Policy Framework (the Framework) also supports opportunities for self-build and custom dwellings under Paragraph 70(b), it does not specify that they must be supported. Therefore, and mindful of the Acts, even if the Council cannot meet their self-build and custom housing requirements, this does not necessitate such development being permitted where they are not in a suitable location.

12. I recognise that the appellant has lived at the site for some time and desires to continue doing so given the presence of friends and family nearby. I am also mindful of their mobility needs and that the proposed dwelling has been designed to accommodate this. However, it is clear from the Council's submissions that there are potential alternatives, namely the provision of an annex or the purchasing of a new dwelling in the local area.
13. The appellant has stated that they would not be able to fund the alteration of the existing dwelling to accommodate the appellant's needs but no details have been provided and it has not been explained how the appellant could instead fund the construction of a new dwelling. No details have been provided as to why it would not be possible to buy a house in the local area. Given that there are potential alternatives, these matters have not been determinative in my considerations of the appeal.
14. It is clear, by way of the location of the appeal site in relationship to both Callow Hill and other developments nearby, that the site is not isolated development. Nevertheless, for the reasons set out above it is still contrary to the aims of the development plan. Moreover, it would not comply with the aims of the Framework, as set out under Paragraphs 82 and 83 with regard to a plan-led approach to the provision of housing that is directed to where it will meet local needs, support the vitality of rural communities or form an exception site.
15. Given the appeal site's location outside of a settlement boundary, and that the proposal would not meet any of the requirements and exceptions within the development plan, I conclude that it is not a suitable location for a new self-build dwelling. The proposal would not, therefore, comply with the spatial strategy set out in LP Policies SP.1, SP.2, SP.11, SP.12 and SP.13. It would also conflict with the Framework, including Paragraphs 82 and 83 as set out above.

Other Matters

16. My attention has been drawn to several appeal decisions¹. However, I have not been provided with the full details and facts of these applications and decisions. Whilst other planning and appeal decisions are capable of being material considerations, all decisions turn on their own particular circumstances based on the facts and evidence before those decision-makers at the time. Therefore, I cannot make any meaningful comparisons to the appeal scheme before me, which I must consider on its own merits.
17. The appeal site is within the Impact Risk Zone for the Wyre Forest Site of Special Scientific Interest (the SSSI). Decision-makers are required to consider whether or not proposals could adversely affect the integrity of such sites. However, I have found harm to result from the proposed development. As such the appeal must fail and any potential harm to the SSSI would not occur. I therefore do not need to consider this matter further.

Conclusion

18. The Government's objective is to significantly boost the supply of housing and the proposal would provide one new self-build dwelling. It would also lead to a very small and time-limited economic benefit during the construction phase.

¹ Appeal References: APP/W0530/W/19/3230103, APP/W1850/W/19/3237354, and APP/L2630/W/17/3180722

Given the small scale of the proposal these matters would at most attract moderate weight.

19. Conversely, the proposal would result in harm by way of conflicting with the Council's spatial strategy in conflict with the development plan taken as a whole. This attracts significant weight and outweighs the benefits associated with the proposed development.
20. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR