

Appeal Decision

Site visit made on 18 July 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2024p

Appeal Ref: APP/H1840/W/24/3340306

Winkett's Yard, Land between Northwick Road & King's Road, Evesham, WR11 3AY.

- 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 James Munro against the decision of Wychavon District Council.
 - The application Ref is W/22/02219/FUL.
 - The development proposed is described as erection of 4 bedroom detached house and garage and associated works - self build. Demolition of redundant agricultural workshop and change of use/refurbishment of remaining agricultural workshop to provide ancillary residential building (storage and home office). Change of use from agricultural to residential land.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issue is whether this is a suitable location for residential development having regard to the pattern of surrounding development and the nature of the proposed access.

Reasons

3. The site lies within the built-up part of the Town but is set in a backland location adjacent to other pieces of land in fragmented ownership used for a variety of uses including gardens, garaging, storage and parking. It and the other tracts are served by relatively narrow back lanes, springing from Lime Street, Northwick Road and King's Road respectively. The lane from Lime Street has been partially improved for a short length to serve 3 dwellings, built within the backland area in the recent past. Otherwise, as I saw, the back lanes are unmade, potholed (albeit repaired in places), without footways, unlit and primarily act as vehicular accesses to the various garages or stores in the area, behind the predominantly residential frontages of King's Road, Northwick Road, Lime Street and North Road respectively.
4. Reference has been made to an outline planning permission¹ for 13 dwellings granted in 2016. The site subject of that permission included the appeal site, together with land to the north and south of it, and land on the opposite lane frontage. The Council describe this as a comprehensive scheme, albeit that it

¹ Ref W/14/02751/OU

- did not include all the backland in the quadrant. The scheme, however, did not materialize, and the permission lapsed.
5. Judging from the permissions granted in the past, the Council does not appear to be opposed in principle to the residential development of this area of backland but considers that, to be acceptable, it should not be undertaken on a piecemeal basis and should be 'properly' accessed with provision made for pedestrians and service vehicles. The planning history suggests that other similar applications to that subject of this appeal have been refused in the past, including a recent one which is the subject of another appeal.
 6. The condition of the site, including its dilapidated structures, is such as to appropriately earn the description given to it by one local resident – an eyesore. Although I note the Council's criticism of the proposed dwelling's rather rambling design, I acknowledge that the proposal would improve the local scene if only on the basis that the aura of dilapidation currently in evidence would be removed.
 7. Whilst that is an advantage of the scheme, the dwelling would sit in relative isolation in its backland location adjacent to garages and other rudimentary structures of a utilitarian appearance along the lane's frontage. Whilst the appellant has shown it probable that a fire tender could access the site in an emergency, his proposals for refuse collection are far from convincing, relying largely on the goodwill of others. Pedestrian access along the lane would be fraught, especially at night during the winter months. The absence of lighting would prove inimical to pedestrian safety; at best, pedestrian movements would be discouraged. Other service vehicles, such as delivery vans would be drawn to the lane in increased numbers.
 8. I share the Council's concerns as to the suitability of the site for the proposed development. Indeed, I would regard the development as representing the antithesis of good planning in place-making terms given the disjointed nature of the proposal. In this respect whilst I have considered the proposal on its merits, I have also had regard to the possible ramifications of a precedent being set. The planning history of land in the vicinity raises the prospect of other landowners being encouraged to promote similar, uncoordinated schemes for residential development. A successful appeal could therefore result in similar proposals being promoted which the Council would find increasing difficulty in resisting, thus exacerbating the accessibility and safety problems that would inevitably be experienced in these back lanes.
 9. The prospect of a resumption of an agricultural or commercial use has been raised, which it is alleged would bring more activity to the rear lanes than a residential use. This, in my view, is unlikely given the condition of the buildings and the lack of activity on the site for decades. I give little weight to a fall-back scenario.
 10. The use of brownfield sites is encouraged in national policy and guidance, but the advice is promulgated on the basis that the land should be '*suitable*'. I do not consider this site to be suitable for the reasons already provided.
 11. The Council acknowledges, in view of its housing land supply situation and the position in respect of self-build housing, that the 'tilted balance' is engaged. To my mind, however, the benefits arising from the scheme would be modest. The

adverse impacts would in my view significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework² as a whole.

12. I therefore conclude that the proposal, having regard to the unacceptability of the access and the absence of a more comprehensive approach, would be a harmful and inappropriate development. Accordingly, a material conflict arises with some of the main objectives of policies SWDP21 of the South Worcestershire Development Plan, since the development would fail to integrate effectively with its surroundings and to maximise opportunities for pedestrians and cyclists and to be generally accessible for all users.

Other matters

13. In view of my conclusions on the main issue I have but brief comments to make on the ecological issues raised by the Council. The site had been virtually cleared at the time of my visit, and judging by eye alone, I doubt whether the site contained any ecological features of note. Had the appeal succeeded, biodiversity enhancement could have been achieved by the imposition of an appropriate condition.
14. I have noted the views of the Highway Authority, but it appears to have based its representations on the impact on the local highway network. My objection is more widely based having regard to place-making principles including, as advised in the Framework, that decisions should ensure the creation of places that are safe, inclusive and accessible.
15. I have considered the representations made by local residents and I have already dealt with most planning-related matters. I have taken account of all other matters raised, including the Council's references to the relevant Design Guide³, but no other matter raised is of such strength or significance as to outweigh those considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

² National Planning Policy Framework

³ South Worcestershire Design Guide Supplementary Planning Document (March 2018)