

Appeal Decision

Site visit made on 12 June 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/H1840/W/23/3332817

Land To The Rear Of Old Chequers Inn, Crowle Green, Crowle WR7 4AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr & Mrs Anson against the decision of Wychavon District Council.
 - The application Ref is W/23/01637/PIP.
 - The development proposed is Permission in Principle for the construction of 1no. dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant contends that the description of development should be: *'Permission in Principle for the construction of 1no. dwelling to replace existing stables'* which they consider more accurately reflects the development. However, I have taken the description of development above from the application form which I have been provided with a copy of which adequately describes the proposed development.
3. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) in December 2023. The parties have had the opportunity to comment on the relevance of the revised Framework to the appeal and I have taken these submissions into account in my decision.
4. The proposal is 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 two 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 two stages.
5. 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 addressed as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

6. I have regarded the submitted drawings as illustrative, other than in respect of the matters for consideration at the permission in principle stage.

Main Issue

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

8. The appeal site comprises part of a field which is currently in use for the keeping and grazing of horses. The countryside surrounding the appeal site is classified as 'Wooded Estate lands' and is characterised by open fields, hedgerows and pockets of woodland. Therefore, the area has a distinctly rural character.
9. The appeal site includes an existing stable building, concrete apron, parking area and a portion of the open field adjacent to it. It is accessed via a track which leads from the car park of a public house. The site, including the existing buildings and structures associated with its equestrian use, are rural in character and sit comfortably in the landscape, despite not being in agricultural use.
10. Some dwellings are visible from the appeal site including those on the periphery of Crowle, the settlement to the southeast of Crowle Green, and a dwelling which is under construction to the north. However, despite the presence of these buildings, the area surrounding the appeal site is open in character, and the site is not closely contained by natural or manmade features.
11. Footpaths lead west and south from the appeal site and the existing structures are highly visible in views from these. The stable is particularly prominent in views from the west where the land is at a lower level and therefore the building occupies an elevated position.
12. Whilst matters of design are not covered at the permission in principle stage, the proposed land use would inevitably result in the demolition of the stable, its replacement with a new dwelling and the formation of a domestic curtilage. The domestic use of the site, and the construction of a dwelling in this location would be at odds with the existing rural character of the area.
13. Whilst there is a building on the site presently, it is a stable block which is an entirely appropriate and expected feature in such a rural context. Conversely a new dwelling and associated curtilage would be an incongruous and domestic incursion into the open countryside which would be harmful to the character and appearance of the area. This would be the case even if the building were to be of similar scale and materials to the existing building, and landscaping provided, because the domestic use would inevitably be reflected to some degree in the appearance of the building, and the visible presence of domestic paraphernalia in its curtilage.
14. I acknowledge that a proposal involving the replacement of a stable with a bungalow was permitted by the Council to the north of the site, accessed via the same track. This was under construction at the time of my site visit. The

officer report for the approved scheme¹ explains that the Council considered that the proposal would not be detrimental to landscape character. However, although the distance from the new bungalow to the appeal site is relatively modest, the location of the proposed dwelling would be further beyond the development boundary. Consequently, the proposal would represent a further incursion of residential development into the open countryside. I therefore do not find that the presence of this bungalow, justifies allowing the harm I have identified to occur.

15. The development strategy for the area is set out in Policy SWDP2 of the DP. The strategy is based upon a number of principles including the safeguarding and (wherever possible) enhancement of the open countryside. I have found that the proposal would result in harm to the character and appearance of the area. For these reasons I find that it would fail to safeguard or enhance the open countryside and therefore the proposal conflicts with Policy SWDP2.
16. The appeal site is located beyond any development boundary, in the open countryside. In such circumstances the policy states that development will be strictly controlled and will be limited to certain development types. None of these are applicable to the appeal scheme.
17. I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use and the amount of development. It would therefore conflict with Policies SWDP2, SWDP 21 and SWDP25 of the South Worcestershire Development Plan (Adopted February 2016) (DP). Together these seek to ensure that that development in the open countryside is strictly controlled, integrates effectively with its surroundings and landscape setting, reinforces local distinctiveness and complements the character of the area including its landscape quality. It would also conflict with relevant paragraphs of the Framework which seek to conserve and enhance the natural environment.

Other Matters

Setting of listed building

18. I am aware that the appeal site is near to the Grade II listed building (LB) 'Crowle Cottage'. Mindful of the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 I have had special regard to the desirability of preserving the building or its setting. The appeal site forms part of the rural backdrop of the LB which contributes positively to its significance. Nevertheless, given the location and extent of the proposed development, it would preserve the setting of this listed building and the contribution it makes to its significance. I note the Council had no concerns in this regard either.

Conclusion and Planning Balance

19. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Policies SWDP2, SWDP21 and SWDP25 insofar as it would result in development in the countryside which would harm its character and

¹ Planning application ref: W/22/01085/FUL

appearance, in this regard these policies are consistent with the Framework. Consequently, I attach substantial weight to the conflict with these policies.

20. The Council cannot demonstrate a 5-year supply of deliverable housing sites with supply said to be 2.65 years. As such paragraph 11(d) of the Framework applies. This requires that planning permission should be granted, unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this instance, permission in principle would be the first stage in securing planning permission.
21. Subject to the granting of subsequent technical details consent, the proposal would provide one dwelling which would make a modest, but valuable contribution to the Council's housing land supply. The site has reasonable access to services, facilities and public transport and therefore residents would not be wholly reliant on a private motor vehicle to fulfil all of their daily requirements. There would be economic benefits through employment opportunities during the construction phase, local expenditure of future occupiers and the new homes bonus. Additional residents would support local facilities and the dwelling may be suitable for the elderly or those with limited mobility, dependant upon the eventual design. Therefore, there would be some minor social benefits of the proposal. Overall, I attach moderate weight to the benefits of the proposal given the small scale of the development proposed.
22. Council tax and CIL receipts would largely mitigate the impact of the proposed dwelling on local services and as such this is a neutral factor in the appeal. Whilst the proposal may result in some improvement to biodiversity there is little evidence before me that this would be greater than would ordinarily be required. Consequently, I attach limited weight to these benefits.
23. I acknowledge the DP encourages the re-use of accessible, available and environmentally acceptable brownfield land. However, the harm which would arise as a result of the reuse of this brownfield site limits the weight I can attach to this benefit.
24. Set against the identified benefits, the proposal would conflict with the spatial strategy for the area and would result in significant harm to the character and appearance of the area. I therefore find that, the adverse impacts of granting permission in principle would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the material considerations, including the benefits, do not indicate that the proposal should be determined otherwise than in accordance with the development plan.
25. I conclude that the proposal conflicts with the development plan when read as a whole and the material considerations including the Framework do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR