



Appeal Decision

Site visit made on 2 July 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/H1840/W/24/3340561

Oak Inn, Woodmancote, Defford, Worcestershire WR8 9BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Palombo against the decision of Wychavon District Council.
 - The application Ref is W/23/02044/OUT.
 - The development proposed is an outline application with some matters reserved for the erection of 4 self or custom build dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application with some matters reserved for the erection of 4 self or custom build dwellings at Oak Inn, Woodmancote, Defford, Worcestershire WR8 9BW in accordance with the terms of the application, Ref W/23/02044/OUT subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal before me has been made in outline with only the matter of access being considered at this stage. All other matters, namely appearance, landscaping, layout and scale, have been reserved for a subsequent application. I understand from the appellant's case that the submitted drawings, in these respects, are for illustrative purposes only, I have considered them as such.

Main Issues

3. The main issues are:
 - Whether the appeal site is in a suitable location for new dwellings; and,
 - The effect of the proposal on highway safety.

Reasons

Whether location is suitable

4. The appeal site is a long and relatively narrow plot extending away from the A4104, it contains a public house with parking to the front and rear and a large garden space to the rear. Within the immediate surroundings of the site are a small number of dwellings and other buildings and, to a much more significant degree, open fields and agricultural land. Accessible along the A4104 is Defford which is identified by the Council as a Category 3 village.

5. The proposal would introduce four new dwellings across the garden and a portion of the rear parking area. I understand that these would be open-market self or custom build dwellings. The appeal site is covered by an extant permission¹ for the provision of holiday accommodation providing 7 rooms to the rear of the site. The appellant consider this permission to be a fallback position, which I shall cover below.
6. As the appeal is at the outline stage and the matter of scale is reserved for later consideration, I cannot be certain that the proposed dwellings would provide the two bedrooms shown on the indicative plans. However, I consider it likely that the resultant dwellings would be suitable for couples and small families. With this in mind, I find it likely that vehicular movements would primarily stem from employment, education, socialising and shopping.
7. Given the close proximity of Defford, and that it is reachable via a footpath, future occupiers would be able to reach, by foot or bike, those services and facilities provided by the village. Although the whole route is not served by street lighting, I consider this would only affect a small number of journeys made between the site and Defford during the hours of darkness. Nevertheless, those services and facilities referenced by the parties as being provided within or around Defford are somewhat limited. In particular, I note the reference to a farm shop being available for future occupiers to carry out their weekly shop. Such a shop, given their size and typical price range, is unlikely to be a viable option for weekly shops.
8. Therefore, future occupiers are likely to need to travel to more distant settlements, which would not be possible to cycle or walk to, in order to meet the needs outline above. Although I understand there is a bus route near the site, I have been provided with very little detail of the route or its regularity and so I cannot be certain that it would be a viable option. As such, future occupiers would be under pressure to rely upon private motor vehicles to reach employment, education and shopping.
9. In light of the above, the proposal would result in an increase in private motor vehicle journeys and associated carbon emissions. However, I am mindful of the fallback position raised by the appellant with regard to the extant permission. The creation of tourist accommodation providing 7 rooms would also generate an increase in vehicular movements over and above the existing number associated with the site.
10. The movements associated with holiday accommodation would be different in nature to those of a dwelling, in particular it would primarily relate to guests arriving and leaving, and their traveling to and from attractions, shops and other hospitality venues. I consider that these movements would be significant given the number of guests that could be accommodated. Given my findings above, I similarly find that these movements would be carried out through private motor vehicles. Therefore, although the journeys would be different in purpose, I find that ultimately, both proposals would be similarly reliant upon private motor vehicles to reach their typical needs.
11. I recognise that the Council states tourist accommodation is assessed under different policies which allow for that type of development where full-time permanent accommodation would not be acceptable. However, for the reasons

¹ Permission Reference: 21/01557/FUL

above and the matters upon which this appeal turn, I find this fallback to be directly relevant in my considerations.

12. Therefore, although future occupiers would be largely reliant upon private motor vehicles to reach their needs, this would be no more harmful than the existing reliance permitted under the extant holiday accommodation.
13. In conclusion, the proposal would not result in an increase in vehicular movements or a greater reliance upon private motor vehicles and the appeal site is therefore in a suitable location for new dwellings. The proposal therefore complies with Policies SWDP1 and SWPD4 of the South Worcestershire Development Plan (the DP) which, collectively and amongst other matters, support sustainable development which minimises the demand for travel and offer sustainable travel options.

Highway Safety

14. The appeal site is accessed from the A4104 via the front car park with an existing driveway down the side of the public house providing access to the rear car park and garden. The proposal would make use of this access and driveway for the proposed dwellings. As noted above, the proposal would likely increase the number of vehicular movements associated with the appeal site over the existing. However, as I have also considered above, the extant permission for holiday accommodation would likely increase the number of vehicular movements to a comparable degree.
15. During my site visit I was able to observe the access and the existing visibility available to vehicles leaving the site. I am content that, in views towards the left the distance of visibility would at least meet that required by the speed of the road, that being 60mph. I note the appellant's visibility splay drawing which similarly shows a significant distance of visibility in this direction.
16. However, views are more restricted in views towards the right as a result of the bend in the road and the hedgerow and trees at the back of the pavement. The appellant's visibility splay drawing similarly shows a more restricted distance in this direction. I therefore consider that this access is substandard. Nevertheless, it is an existing access and the intensification of its use has already been agreed through the permission noted above.
17. Therefore, whilst the proposal would increase the use of this access over the existing, it would not unacceptably increase the risk to highway safety given the extant permission that would similarly increase vehicular movements.
18. The proposal would not unacceptably affect highway safety as a result of intensifying the use of the existing access and would therefore comply with DP Policies SWDP4 and SWDP21 which, amongst other matters, require that proposals provide safe access to the highway and address any road safety concerns. It would also comply with the National Planning Policy Framework (the Framework), including Paragraph 114 which similarly requires safe and suitable access to a site.

Other Matters

19. I note the concerns raised that trees and hedgerows have not been identified on the submitted plans, as well as that a number of conifers are outside of the appellant's ownership. However, these concerns relate to matters of

landscaping and layout which are reserved for consideration at a later stage. They have not, therefore, been determinative in my considerations.

Conditions

20. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
21. For certainty, I have set out the reserved matters as well as the timescale for their submission and the commencement of works. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
22. In the interest of conserving and enhancing the biodiversity of the site and surrounding area a condition is necessary requiring bat and bird roosting feature be provided in accordance with agreed plans. A condition is also necessary to meet the challenges of climate change and in order to meet the local policy requirements for renewable and low carbon energy generation. A further condition is necessary seeking details of foul water drainage so as to minimise the risk of surface water flooding, pollution and broader harms to the local environment.
23. It would not be necessary to impose conditions seeking details related to the soft and hard landscaping of the appeal site as these are details related to a reserved matter. The reserved matters application stage innately requires these details and it is in the Council's power to consider them then.
24. An additional condition requiring a water management scheme to be followed would duplicate the requirements set out under the water drainage condition and so would be unnecessary. A condition requiring details of a suitable visibility splay would also be unnecessary, for highway safety, as I have found no harm in this regard would occur as a result of the development.

Conclusion

25. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, "the reserved matters", shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the drawing titled General Layouts insofar as it relates to the site location plan and not in relation to any of the reserved matters.
- 5) The application for reserved matters shall include details of a bat roosting feature and a bird nesting box to be incorporated into the new dwelling. The approved features shall be provided in accordance with the approved details prior to the first occupation/use of the development hereby approved.
- 6) Prior to the occupation of any part of the development hereby permitted details of renewable or low carbon energy generating facilities to be incorporated as part of the development shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to any part of the development hereby permitted being first occupied or in accordance with a timetable submitted to and approved by the local planning authority as part of the details required by this condition.
- 7) The dwellings hereby permitted shall not be occupied until details of the design, implementation maintenance and management of foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out, and the drainage maintained/managed, in accordance with the approved details.