


The Planning Inspectorate

Appeal Decision

Site visit made on 20 August 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/H1840/W/24/3342488

Land between The Lodge and Briar Fields, Plough Lane, Tibberton, Worcestershire

- 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 Mr Ian Ford against the decision of Wychavon District Council.
 - The application Ref is W/23/02406/FUL.
 - The development proposed is 1no. residential dwelling and garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the development strategy, the accessibility to services and facilities, and the character of the area.

Reasons

Suitability of location

3. The appeal site is a parcel of land between an equestrian centre with farmhouse, stables and buildings and a detached dwelling with outbuildings. However, although it is in an area with sporadic houses, farms, and businesses, it is located outside the village of Tibberton. The site lies outside any of the identified settlements set out within the South Worcestershire Development Plan, adopted 2016 (the LP).
4. Therefore, although it sits between existing buildings, the site is outside the settlement and, consequently falls within land that, in planning terms, should be considered as countryside. Notwithstanding that the site is not isolated, nor within a Conservation Area, or Area of Outstanding Natural Beauty, it is within the countryside. The proposal, therefore, falls to be considered under part C of Policy SWDP 2 of the LP which seeks to limit development in these areas to those forms of development appropriate in the countryside. Part C lists a number of other policies that support exceptions to the general restriction and includes reference to footnote 3. Policy SWDP 8 is included in the policies listed in footnote 3.

5. The site has an extant planning permission for a live-work unit¹ which, from the appellant's evidence, could be commenced. At the time of my visit hard standing was being laid. The live-work permission is valid as a fallback position and there is a realistic possibility that the development as approved would take place should the appeal before me fail. I have, therefore, given substantial weight to the fallback scheme in considering this appeal.
6. The fallback was permitted under Part G of Policy SWDP 8 of the LP which supports proposals for live-work accommodation. Consequently, a live-work unit on the appeal site was considered to be suitable development specifically permitted by other policies, as an exception to the general constraint against development in the countryside under SWDP 2.
7. The proposal before me, for an open market dwelling, would not represent development in a settlement boundary and would not constitute any of the forms of countryside development envisaged by Policy SWDP 2 of the LP. Moreover, it is not, unlike the fallback position, a form of development specifically permitted under any other policies.
8. For the above reasons, the appeal would not be a suitable location for housing, having regard to the development strategy for the area as it would be contrary to Policy SWDP 2 of the LP which seeks to limit development outside of the identified settlement boundaries.

Accessibility of services

9. Tibberton is identified, in Annex D of the LP, as a Category 3 settlement as it has at least one key service (other than a parish/village hall) and has access within the settlement to at least a daily bus service to a designated town.
10. However, the appeal site lies outside of Tibberton. Although it would be possible to walk from the appeal site to the services and facilities in Tibberton, the journey would be likely to take around 10 minutes. Moreover, it would be along an unlit country road with no footpaths and include a narrow canal bridge where pedestrians would be using the same space as vehicles. In this respect it is unlikely that the occupants of a dwelling would cycle or walk between the site and the nearby settlement for day-to-day facilities or that the residents would be likely to walk to Tibberton to catch a bus to facilities in other settlements. Furthermore, it would be highly unlikely that residents would walk or cycle in inclement weather or after dark.
11. Notwithstanding that the site is between existing dwellings and, albeit that there is permission for a live-work unit, there are limited opportunities for sustainable transport modes or for residents to undertake many activities without the use of the private car. In my judgement, the occupants of the future development would be likely to rely on the private car for the majority of journeys. The scheme would not promote sustainable modes of transport or contribute towards reducing carbon emissions.
12. In that regard the appeal before me is materially different to the previously approved holiday chalets on the same site². Visitors to holiday chalets do not

¹ Council reference W/23/00400/FUL dated 1 August 2023

² Council reference 20/01976/CU dated 20 April 2021

need to commute to work and would not need the same level of local services and facilities as the occupants of a dwelling. Visitors to holiday chalets are likely to spend time travelling around the local area and supporting the local tourism economy. Moreover, I have no substantive evidence that two holiday chalets, which would be likely to have one car each, would result in substantially greater vehicle movements than the proposed four-bedroom dwelling.

13. Moreover, the appeal before me is materially different to the fallback position of the live-work unit which was supported on the basis that the occupants of the residential element of the scheme would work from the appeal site and, therefore, reduce vehicle movements from removing the need to commute to work. The live-work unit was also two-bedroomed and, consequently, would likely have less vehicle movements.
14. Even though the proposal would not result in significant development it should still be located where it would enhance or maintain the vitality of rural communities, as required by paragraph 83 of the National Planning Policy Framework (the Framework), and should be focused on offering a genuine choice of transport modes, to comply with paragraph 109 of the Framework. Taking into account the rural area and the limited opportunities for sustainable transport modes, the proposal would rely heavily on the private car, or home deliveries. The scheme, therefore, would not promote sustainable modes of transport or contribute towards reducing carbon emissions. Moreover, the proposal would not focus most development where accessibility to public services is the greatest, as required by Policy SWDP 2 of the LP.
15. For the above reasons, the proposal would not provide a suitable location for housing, having regard to the accessibility to services and facilities. The proposal is therefore contrary to Policy SWDP 2 of the LP which seeks to restrict development in the rural areas.

Character of area

16. The appeal proposal will result in development in the countryside. However, as I have found that the fallback scheme could be built, and work on site appeared to have been commenced, the construction of a part two-storey and part single storey building on the site has been accepted.
17. The fallback scheme would have an effect on the character and appearance of the countryside. Moreover, the fallback scheme would not safeguard or enhance the open countryside. The approval of the fallback scheme has accepted those adverse effects as appropriate for this site. The appeal before me would not have a significantly greater visual effect on the character and appearance of the countryside than the fallback scheme.
18. For these reasons, I find that the appeal proposal would not harm the character and appearance of the area and, consequently, find no conflict with Part A(iii) of Policy SWDP 2 of the LP. Notwithstanding the lack of greater harm to the character and appearance of the open countryside, this would not mitigate the harm I have found regarding the location of the development and the conflict with the development strategy.

Other Matters

19. The development would provide one additional house with fabric first energy efficiencies, natural ventilation and light, rainwater harvesting and potential for solar PV on the roof. The development would also have associated social and economic benefits both during and post construction. However, given the small scale of the development these benefits are limited.
20. The scale of the building would be comparable to the fallback position and the appearance and layout are acceptable. As such the effect on character and appearance has neutral weight. That there are no refusal reasons relating to living conditions of existing or proposed occupiers, or highway, biodiversity, or drainage matters are also neutral factors.

Planning Balance

21. Policy SWDP 2 of the LP is the most relevant in considering the proposal. The policy takes a more restrictive approach to development in the countryside than the Framework. Nevertheless, it is broadly consistent with the Framework as a whole and specifically paragraph 83 in seeking to ensure that development in rural areas is sustainable. I have, therefore, given the conflict with Policy SWDP 2 significant weight in this appeal. The proposed development would conflict with the development plan as a whole.
22. The main parties agree that the Council is not able to demonstrate a five-year supply of deliverable housing sites. Paragraph 11d) of the Framework therefore applies. In this case, from the evidence before me, there are no specific policies in the Framework relevant to footnote 7 which indicate that development should be restricted.
23. The proposal would accord with the Framework which seeks to significantly boost the supply of housing and support the rural economy. However, being for one property these benefits attract limited weight. There would be adverse environmental and social impacts contrary to the elements of the Framework, in terms of lack of access to services and facilities and the reliance on private vehicles. These are afforded significant weight.
24. In my judgement, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

25. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework and the fallback scheme, which outweigh this. Therefore, I conclude that the appeal should be dismissed.

K Townend

INSPECTOR