



Appeal Decision

Site visit made on 4 September 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2024

Appeal Ref: APP/H1840/W/24/3338762

Norchard View, Main Street, Peopleton, Worcestershire WR10 2EG

- 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 and Mrs Corbett against the decision of Wychavon District Council.
 - The application Ref is W/23/00776/FUL.
 - The development proposed is change of use from live/work unit to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A S106 agreement has been submitted with the appeal and I shall address this matter later in the decision.

Main Issues

3. The main issues are:
 - whether the proposal would be in a suitable location for an unrestricted dwelling having regard to the development strategy for the area
 - the effect of the proposal upon the character and appearance of the area and linked to this whether it would safeguard the open countryside; and
 - whether the proposal makes adequate provision for affordable housing.

Reasons

Development Strategy

4. It is not disputed between the parties that the building is outside of the development boundary for Peopleton as identified within the South Worcestershire Development Plan (SWDP) that was adopted in 2016. Policy SWDP2 of the SWDP sets a development strategy and settlement hierarchy for the settlements in south Worcestershire. The policy states that the open countryside is defined as land beyond any development boundary. Peopleton is identified as a Category 3 village with at least one key service and access to at least a daily bus service to a designated town.
5. Given that the building is outside of the development boundary for Peopleton it is within the open countryside for the purposes of Policy SWDP2. Part C of Policy SWDP2 sets out the development that is permitted in the open countryside. This does not include the re-use of rural buildings as dwellings and

the scheme would not accord with the types of development that would be permitted in the open countryside by part C of SWDP2 and it would thus be contrary to the development plan in this regard.

6. An appeal was dismissed on this site for a single dwelling in 2018¹. At the time that decision was made the live/work unit was not built, unlike the scheme before me. The SWDP was the development plan for the area at the time of that decision and remains so for this appeal. This proposal seeks permission for an unrestricted dwelling like the dismissed appeal and in that instance the Inspector came to the same conclusion regarding the conflict with the development strategy for housing. The material considerations in this case differ and are dealt with later in this decision.
7. Therefore, the proposal would not be in a suitable location for an unrestricted dwelling having regard to the development strategy for the area and would conflict with SWDP Policy SWDP2 for the reasons given above.

Character and Appearance

8. Norchard View is a substantially sized building set within spaciouly sized grounds. The building is accessed via a narrow road that passes between two buildings and is located to the rear of them.
9. Externally the building looks like a dwelling, and it is not necessarily obvious that part of the building is used as an office. The land around it also looks typical for a residential building with a generously sized driveway to the front of the house and a large garden to the rear. Given that the site is located near to other houses in Peopleton, the design of the building appears consistent within this context.
10. The proposal does not include external alterations to the building and intends to retain and enhance the landscaping around it. These changes to the hard and soft landscaping around the site would be very limited and overall, the effect of this scheme would have upon the character and appearance of the area would be negligible.
11. The building is already used as a dwelling and thus the continued use of the entire building as a dwelling would be consistent with the residential character of the area. By reusing an existing building, the scheme would not result in new built form in the open countryside and would thus safeguard it.
12. The Inspector in the previous appeal on this site determined that a new dwelling would fail to safeguard the open countryside. However, the scheme before me seeks permission to change the use of an existing building which has led me to come to a different conclusion on this matter.
13. Therefore, the external appearance of the building would not substantively change and because the effect the change in use would have upon the area would be negligible, the proposal would not harm the character or appearance of it. In light of this and because the scheme would reuse an existing building the proposal would safeguard the open countryside in accordance with SWDP Policy SWDP2.

¹ Appeal Reference: APP/H1840/W/18/3203197

Affordable Housing

14. Policy SWDP 15 of the SWDP relates to meeting affordable housing needs. The policy seeks a financial contribution equivalent to 20% for sites involving less than 5 units. The Council have calculated that the relevant amount for the proposal would be £12,797.00 per dwelling. Therefore, a financial contribution towards affordable housing would be necessary.
15. I have reviewed the S106 agreement, and I am satisfied that the obligation meets the 3 tests set out in the National Planning Policy Framework (the Framework) – that it is necessary, directly related to the development, and be fairly and reasonably related in scale and kind to the development. However, the appeal reference in the S106 agreement is incorrect and thus it would affect whether the planning obligations are secure. The S106 agreement would have addressed the Council's concerns had it not been for the error.
16. If I had been minded to allow the appeal I would have gone back to the parties to address this matter, but since I am dismissing on other grounds it was not necessary to do so.
17. Therefore, whilst the obligations meet the 3 tests, appropriate arrangements to secure a financial contribution towards the provision of local affordable housing has not been made. The proposal would not be in accordance with Policy SWDP15 of the SWDP which sets out the thresholds and amount of affordable housing that proposals should include to be policy compliant as well as not accord with the Frameworks social objective of sustainable development.

Other Matters

18. The site is located close to The White House which is a Grade II listed building with important external architectural features that positively contribute to the significance of the listed building. The building is also near to but outside of the Peopleton Conservation Area (CA). The CA includes traditional properties within the village and highlights its historic core.
19. The duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to have special regard to the desirability of preserving the setting of a listed building. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Although the setting of a Conservation Area is not protected by statute, the same considerations will apply in terms of assessing the effect on significance.
20. It was not disputed between the parties that the scheme would preserve the setting of the CA and given that the proposal does not involve external alterations to the building and intends to retain the trees and hedges around it I see no reason to conclude differently. For similar reasons and because of the intervening buildings between The White House and the appeal site I conclude that the scheme would not affect the heritage assets setting which would consequently be preserved.

Other Considerations and Planning Balance

21. The Council acknowledge that it can only demonstrate a 2.65 year housing land supply. As such, paragraph 11d) of the Framework is engaged. This states that where there are no relevant development plan policies, or the policies which

- are most important for determining the application are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The main parties agree that a dwelling in this location would not be significantly less sustainable than the approved live/work unit. The building is located within a modest walking distance of services and facilities within Peopleton and there are bus services nearby which provide an alternative mode of transport to travel to the surrounding settlements. As such, I see no reason to come to a different conclusion.
23. In light of the Council's 5-year housing land supply position, the delivery of a single dwelling would make a positive contribution towards addressing this shortfall. Given that the scheme is for a single dwelling, it would make a limited contribution towards meeting said shortfall. However, the Framework does identify that small and medium sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. Consequently, given that the scheme would contribute towards addressing this shortfall within the short term, I attribute moderate weight in favour of the reuse of this building as a single dwelling in this location.
24. The proposal would deliver economic benefits during works to convert the work element of the building. The occupiers would patronise local services and facilities and thus contribute towards the local economy and also contribute towards the social fabric of the village. Additionally, the occupiers would be able to access these services and facilities via alternative transport solutions. The proposal would reuse an existing building, that incorporates renewable energy and is highly energy efficient, for residential use. This is supported by the Framework and Policy SWDP2 and would thus be an environmental benefit of the scheme, alongside the additional landscaping. Overall, given the limited scale of the scheme, I attribute limited weight to these benefits in favour of it.
25. Even if the affordable housing contribution was secured via the S106 agreement the benefits of this financial contribution would have amounted to a limited benefit in favour of the proposal.
26. Whilst the scheme would not harm the character or appearance of the area as well as safeguard the open countryside, this would be expected of any development and weighs neither for nor against the scheme.
27. Similarly, whilst the proposal would preserve the setting of The White House and the CA, this would be expected of any development in such circumstances and weighs neither for nor against it.
28. The appellant states that they would continue to operate their business from the appeal building and that the work element of it would be retained. However, people using a room within their house as an office is considered to be ancillary to the domestic use of the dwelling. The existing permission requires the building to remain in mixed live/work use and thus the building provides an employment site in a rural area.
29. In comparison the unrestricted dwelling would not require this work use to be retained and whilst the appellant intends to continue to operate their business from the site, this scheme would allow for the loss of this employment use in a

rural area. Consequently, the development would conflict with the Framework's aim to support a prosperous rural economy.

30. The scheme would not be in a suitable location for an unrestricted dwelling having regard to the development strategy and thus it conflicts with it.
31. The proposal would undermine the Framework's aim of promoting sustainable development including in rural areas and result in the loss of an employment generating use and I attribute significant weight to this against the scheme. These adverse impacts of granting planning permission would, in my view, significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework taken as a whole.
32. The appeal proposal would be contrary to the development plan and SWDP Policy SWDP2. To allow the proposal against the development plan would undermine the delivery of the Council's housing and employment strategy and of achieving sustainable patterns of development.
33. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it.

Conclusion

34. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR