



Appeal Decision

Site visit made on 25 October 2024

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/H1840/W/24/3339797

**New Buildings Farm, Priory Lane, Broad Marston, Pebworth,
Worcestershire CV37 8XZ**

- 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 Messrs. Mervyn & Tim Longford against the decision of Wychavon District Council.
 - The application Ref is W/22/01911/FUL.
 - The development proposed is the demolition of agricultural buildings with Class Q consent and the erection of 5 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site in the banner heading above has been taken directly from the original application form and the Council's decision notice. A third party has suggested that the site is not located on Priory Lane. However, from the evidence before me including the Council's documents and past planning history for the site, there is no robust reason for me to consider otherwise.
3. A planning obligation pursuant to s106 of the Town and Country Planning Act 1990, in the form of a legal agreement between the Council and the appellants, was submitted during the appeal. The legal agreement would secure an appropriate contribution towards the provision of affordable housing should the development be allowed. The Council has confirmed that this would overcome its second reason for refusal. I have determined the appeal on this basis.

Main Issue

4. In light of the above, the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site lies consists of an area of land containing a yard and several agricultural buildings, located off a country road. The appeal site is predominantly situated behind a residential dwelling that has a frontage onto the main road. A further small number of residential dwellings lie either side of the appeal site also fronting the road. This small collection of existing residential dwellings are also situated along similar building lines.

6. The site is set a considerable distance outside the nearest village and the small collection of buildings on this section of Priory Lane are surrounded by agricultural fields resulting in the site and its surroundings having a highly rural character and appearance.
7. The existing barns on the site are of a functional design that are typical of modern agricultural buildings that could be expected within a rural countryside location. Indeed, I observed that there are other similar structures within the wider vicinity of the appeal site when undertaking my site visit.
8. Meanwhile, from my observations, dwellings in the nearby surrounding area (outside of villages) tended to be detached or semi-detached properties set back slightly from, but with a frontage onto, the main highways, or instead rather isolated farmsteads. Dwellings in the surrounding rural countryside also tend to be either sited individually or in very small groups of one or two properties.
9. The proposal would introduce five detached dwellings set back from the main highway behind existing residential built form. The dwellings would be arranged so that they mainly face inwards onto the site's access road and towards one another, which would bear no resemblance to the established pattern of residential built form in this countryside setting. Indeed, although the access road serving the proposed development would continue through and beyond the site, its route and the associated layout of residential development would read almost akin to a suburban residential cul-de-sac.
10. Furthermore, the siting and arrangement of associated domestic paraphernalia, including boundary treatments to individual plots and the positioning of car ports, would further result in a highly formalised layout with a suburban character.
11. Compared to the existing buildings on the appeal site, the proposed dwellings would have a much-reduced footprint and volume. As such, the proposed development may lead to a greater sense of openness at the site. Still the existing agricultural buildings proposed to be replaced are inherently rural in character and therefore have an appropriate sense of place, which the appeal scheme would not. As such, I do not consider that the appeal scheme would result in a visual enhancement to the site compared to the existing arrangements.
12. Despite its location set behind existing built form, the development would also still be apparent from public vantage points. The materiality and precise appearance of the individual proposed dwellings broadly reflect properties found nearby, whilst I note the appellant is willing to also incorporate landscaping. Nevertheless, I find the layout of the proposed development would result in an urbanising impact that would be at odds with the surrounding area.
13. Accordingly, the proposal would cause harm to the character and appearance of the surrounding area. It would therefore be contrary to Policy SWDP21 of the South Worcestershire Development Plan (adopted 2016). This policy, amongst other matters, requires proposals to be of a high design quality that integrates effectively with its surroundings and reinforces local distinctiveness.

14. In reaching the above views, I note that the final design of the proposed development followed inputs from the Council's Urban Designer. Nevertheless, I still consider that the layout and form of the proposed development would erode the rural character of the site and surrounding area.

Other Matters

15. The appellants have secured consents¹ for the conversion of existing agricultural buildings at the site to residential dwellings under Schedule 2, Part 3, Class Q of the Town and Country Planning (Permitted Development) Order 2015, as amended (the GPDO). I do not have the full details of the prior approval consents, however, from the information before me they remain extant and there is a realistic prospect of the consents being implemented. As such, I consider them to provide a legitimate fallback position.
16. The proposed development would result in the same number of dwellings as that capable of being delivered under the appellants' fallback option. The fallback position would involve conversion of buildings with a significantly greater volume and floorspace than the current appeal scheme. In comparison, the appeal proposal would therefore lead to a greater level of openness at the site. Nevertheless, under the requirements of Class Q of the GPDO, the previously consented schemes would have had to involve conversion of the existing agricultural buildings. The previously consented developments are therefore likely to remain highly rural in character and appearance and less harmful to the surrounding area than the appeal proposal.
17. The appellant highlights that energy efficiency measures can be integrated into the appeal scheme from the outset, improving the environmental performance of the proposed development compared with the fallback option. Despite the findings of the appellant's submitted energy statement, I have no detailed information about the extent of betterment in energy performance between the schemes. Given the relatively modest scale of the proposed development, it is however likely that such benefits would be limited in nature. Nor has it been demonstrated that the proposal would result in significantly improved living conditions for future residents of the proposed development compared to the fallback schemes. The proposal would also involve the delivery of an affordable housing unit, which the fallback position would not be liable for. Still, I do not consider that this off-sets the appeal scheme's harm to the character and appearance of the area. Bringing the above together, I find that the fallback position does not provide suitable justification to allow the appeal proposal.
18. The appellants have indicated that the Council (and a neighbouring local planning authority) have previously granted planning permissions for other residential developments, where an applicant has a fallback option under Class Q of the GPDO. I have very limited details of those applications referred to, but they are for different sites, while the precise development proposals would also vary. In any case, the appeal scheme has been determined on its own merits.
19. A lack of objections to the proposal from statutory consultees is not a reason to allow unacceptable development.

¹ Local Planning Authority References: W/22/01149/GPDQ and W/22/01150/GPDQ

Planning Balance and Conclusion

20. The proposed development would harm the character and appearance of the area. It would therefore not accord with the development plan.
21. From the evidence before me, notably the appellants' statements and the Council's original officer report, the Council is unable to demonstrate a five-year housing land supply and the shortfall is likely to be significant.
22. As indicated, the appeal scheme would provide socio-economic benefits through the delivery of five dwellings, including one affordable dwelling. This would not greatly increase the total supply of housing in the area, but any additional provision is likely to be beneficial given the highlighted circumstances of Wychavon's housing land supply. Furthermore, paragraph 70 of the Framework indicates that the development of small and medium sites can make an important contribution to meeting the housing requirement of an area.
23. The support for proposals in the Framework is countered by the importance it attaches to design as a key aspect of sustainable development. This establishes that development that is not well designed should be refused.
24. Additionally, given the existing fallback options, similar socio-economic benefits would be capable of being delivered through a scheme that would more suitably reflect the site's rural context. The appellants have indicated that if planning permission is not granted for the proposed development, the fallback position would be taken forward. The importance of the positive aspects of the development are therefore somewhat reduced.
25. Consequently, the adverse impacts of the proposal 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

26. For the reasons given above the appeal is dismissed.

Lewis Condé

INSPECTOR