



Appeal Decision

Site visit made on 7 January 2025

by **P D Sedgwick BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal Ref: APP/H1840/W/24/3352195

Witts End, 29 Worcester Road, Chadbury, Worcester, WR11 4TD

- 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 M Watkins against the decision of Wychavon District Council.
 - The application W/24/00838/FUL.
 - The development proposed is change of Use of land for the siting of 3no. holiday lets with associated car parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for change of Use of land for the siting of 3no. holiday lets with associated car parking and amenity space at Witts End, 29 Worcester Road, Chadbury, Worcester, WR11 4TD in accordance with the terms of the application, Ref W/24/00838/FUL, and the plans submitted with it, subject to the conditions in the attached Schedule.

Preliminary Matter

2. Subsequent to the refusal of permission for the proposed development the Government published its revised National Planning Policy Framework (the Framework) in December 2024. The wording of the relevant paragraphs of the new Framework are similar to that of the 2023 version. Therefore, it has not been necessary to seek comments from the parties on the revised Framework, which I have referred to in my decision.

Main Issues

3. The main issues are:
 - whether the site is an appropriate location for the development with particular regard to development plan policy; and,
 - the effect of the proposed development upon the character and appearance of the surrounding area.

Reasons

Location of development

4. The appeal site relates to a small parcel of grassland adjacent to a group of 3 bungalows which sit between the A44 to the north and the River Avon to the south.

The land abuts the access road from the A44 to the cottages and slopes down towards the river.

5. The land is in the open countryside beyond any defined development boundary. Policy SWDP 2 of the South Worcestershire Development Plan (2016) (SWDP) strictly controls development in the countryside unless permitted by other SWDP policies, including Policy SWDP 36 which permits chalets for tourist accommodation subject to meeting various criteria. That is consistent with the Framework which seeks to direct significant development towards locations with a choice of transport but supports rural tourism in locations that are not well served by public transport provided, amongst other things, they are sensitively located and do not have an unacceptable impact on roads.
6. The Council contend that, notwithstanding Policy SWDP 36 allows development in rural locations, the proposal would not be sustainable because visitors would be reliant on private cars. The nearest facilities are a farm shop adjacent to a nearby roundabout at the junction of the A44 and the B4624, which then continues to Evesham Town. The nearby multi-user path which runs along the side of the A44 to the roundabout does not extend to the appeal site entrance. Although the appellant suggests that there is safe pedestrian access to it via a gate and access road, this does not appear to be a public right of way and may not be accessible to visitors staying at the proposed development. Nonetheless, the proposal scheme would include cycle parking, and vehicle charging facilities which Policy SWDP 4 of the SWDP encourages in rural areas. Furthermore, according to the highways authority the proposed development would not harm highway safety and cycling would be an option for visitors staying at the site, albeit the level of traffic along the A44 and lack of cycle lanes may deter some of them from cycling.
7. I conclude on this main issue that the small scale development of 3 tourist cabins would not conflict with the strategic aims of the SWDP to focus most development in urban areas. It is an acceptable form of development in a countryside location where alternatives to private cars are limited. Services and shops would be accessible within reasonable cycling distance and there would be no harm to highway safety. The proposed development would therefore be sustainable rural development and there would be no conflict with Policies SWDP 1, SWDP 2 and SWDP 4 of the SWDP and Chapter 9 of the Framework. The Wychavon Intelligently Green Plan (2020-2030) referred to by the Council in its decision has not been adopted as planning guidance and as such I afford it minimal weight.

Character and appearance

8. The appeal site is a small parcel of land within a larger triangular field bounded by the River Avon, the A44 and housing along the private road between the A44 and the river edge. The Council identified the site as being on the boundary of 2 landscape types: Riverside Meadows and Village Farmlands with Orchards.
9. The Riverside Meadows landscape is described as a secluded pastoral landscape characterised by meandering treelined rivers and is characterised, amongst other things, by having few roads and being undeveloped. According to the Council, those areas along the river corridor that are free from development are particularly sensitive to change. However, that is not the case for the appeal site which is adjacent to existing housing.

10. The field also contains some of the characteristics that define the Village Farmlands with Orchards landscape type. Trees and hedgerows line the river and road edge and there are orchards to the south of the appeal site and at the western end of the field. The Council describe the proposal as extending Chadbury. The village comprises dispersed groups of residential properties over more than a kilometre of the A44, rather than any obvious village centre with housing around it and as such differs from the nucleated settlements described as typical of the Farmlands with Orchards landscape.
11. The proposed cabins would be a minor extension to the line of cottages along an existing access road and would not therefore harm open views of the river corridor, nor would it affect the pattern of nucleated settlements. It would have no impact on existing orchards which lie outside the site and would thus be retained. Tree planting proposed as part of the scheme would be consistent with landscape guidelines and, overall, I consider there would be no harm to the landscape character of the area.
12. Criterion 2) of Policy SWDP 36 of the SWDP requires sites for cabins and caravans to be visually unobtrusive and well screened. The proposed development is on sloping land below the level of the A44. Trees and hedgerows lining the road edge obstruct views of the site, although a lack of foliage at the time of my visit in the winter enabled glimpses of it when approaching from the west. I note that trees have been planted along the access to the site close to the junction with the A44 which will provide additional screening. From other public viewpoints such as the railway line, beyond the River Avon south of the site and from nearby public footpaths the site would be screened by trees and hedgerows along the railway line, river edge and along field boundaries. Even when visible, the proposed cabins would be seen in the context of the existing cottages and gardens, with which their curtilages would align, and seen as a modest extension to the line of housing rather than isolated development in the countryside. In any case the proposed landscaping will ensure that the visual impact of the scheme would be minimal.
13. I conclude on this main issue that the proposed development would not harm the character or appearance of the area and there would be no conflict with criterion ii) of Policy SWDP 36, Policy SWDP 25 and Chapter 15 of the Framework which require development to protect and integrate with the landscape.

Conditions

14. I have had regard to the conditions suggested by the Council. In addition to the standard time limit condition, a condition specifying the approved plans is necessary to provide certainty. Conditions controlling the use for caravans and for holiday letting purposes are necessary to ensure that the cabins are not used as permanent residential accommodation. Conditions regarding the implementation of surface water management and cycle and vehicle parking are necessary to prevent surface water flooding and ensure adequate parking and sustainable transport options. A condition regarding landscaping is necessary to ensure the development integrates with its surroundings.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL500A; PL501B; PL503; PL504A; PL505A; PL509C.
- 3) Prior to the first occupation of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and remain thereafter.
- 4) The occupation/use of the development hereby approved shall be restricted to short-term holiday purposes only. No cabins positioned on the site shall be occupied at any time as permanent residential accommodation.
- 5) The owners/operators of the holiday cabins hereby approved shall maintain an up-to-date register of the names of all occupiers of the units. This register shall be made available within one calendar month of a written request by the Local Planning Authority.
- 6) Any holiday cabin positioned on the site shall meet the definition of a caravan as set out in Section 29 of the Caravan Sites and Control of Development Act 1960 and Section 13 of the Caravan sites Act 1968.
- 7) The Development hereby approved shall not be brought into use until the parking and turning facilities have been provided as shown on drawing no. PL504A.
- 8) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
- 9) All planting and seeding/turfing comprised in the submitted landscape scheme, hereby approved, shall be carried out in the first planting season following the first use of the development.

All planting shall be watered as necessary and competitive weed growth controlled to ensure successful establishment.

Any trees or plants that die or are removed; or become seriously damaged or diseased within a period of five years from the completion of the planting, shall be replaced in the next planting season with others of similar size and species.

*****End of Conditions*****