



Appeal Decision

Site visit made on 19 November 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/H1840/W/24/3344084

**Bouts Corner Farm, Bouts Lane, Holberrow Green, Inkberrow,
Worcestershire, B96 6JX**

- 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 P Norris against the decision of Wychavon District Council.
 - The application Ref is W/23/01671/FUL.
 - The development proposed is erection of new dwelling and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of new dwelling and associated works at Bouts Corner Farm, Bouts Lane, Holberrow Green, Inkberrow, Worcestershire, B96 6JX in accordance with the terms of the application, Ref W/23/01671/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development on both the application and appeal forms references 'part retrospective' and 'in lieu of that granted under 21/01543/GPDQ'. These are not forms of development and I have removed words not in relation to acts of development.
3. The application form states that the development was begun in February 2023. I saw during my visit that the development was not completed but had begun. I have therefore considered the appeal on the basis that the development has yet to be completed, as did the Council.
4. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal.

Background and Main Issue

5. The appellant has provided a Unilateral Undertaking, dated 9 May 2024 (the UU) which would provide an off-site payment of £12,797.00 towards affordable housing contributions. The Council has had the chance to consider the UU and has confirmed that they do not wish to defend the first reason for refusal regarding the lack of a legal agreement. Consequently, I am satisfied that this matter has been resolved through the submission of the UU. Therefore, the main issue is whether the appeal site would be a suitable location for the development having regard to local and national policy.

Reasons

6. The development is located to the rear of Bouts Corner Farm and is in the open countryside. There is an agricultural building to the south of the site in addition to other residential and agricultural buildings near the site. The proposal would create one single storey dwelling with a dual pitched roof.
7. The location of the appeal site is in an isolated location in the countryside and there are limited amenities within walking distance of the site. There is a limited bus service and given the rural nature of the roads any future occupants of the proposed dwelling would likely be reliant upon a private vehicle to access amenities in other larger settlements such as Inkberrow.
8. A previous appeal decision has been cited in which the Inspector gave a lapsed Class Q permission weight in their decision¹. I do not have the full details of that appeal before me. Accordingly, I cannot be certain that it is wholly comparable. Nevertheless, in the appeal before me, the appeal site has been subject to previous prior approval Class Q permissions which were granted in 2019, 2020 and 2021². However, these permissions have lapsed and given the previous barn has been demolished are unimplementable. Consequently, they attract no weight in favour of the appeal site.
9. The parties agree that the location of the appeal site is within the 'Open Countryside' for the purposes of planning policy. Policy SWDP2(c) of the South Worcestershire Development Plan 2016 (SWDP) controls development in the open countryside and establishes support for proposals if they meet one of the outlined exceptions. Both parties agree, as do I, that the appeal scheme does not meet any of the exceptions outlined within the Policy. In particular, given that the previous barn had been demolished prior to the original application for planning permission the development cannot be regarded as the re-use of a rural building for residential use.
10. Additionally, SWDP2(g) encourages the redevelopment of brownfield sites. However, considering the site used to be occupied by an agricultural building within an agricultural use, the appeal scheme is not classified as a brownfield site according to the Framework glossary and therefore is not supported in SWDP2(g). Given the conflict I have identified above with policy as a consequence of the isolated nature of the appeal site, it is not a suitable location for a dwelling.
11. It is the personal preference of the appellant and their family to build a new dwelling to provide living accommodation for the appellant's mother. Whilst the appellant has referred to the provision of care for their mother, they have not demonstrated the need or level of care provision required. Consequently, these personal circumstances do not outweigh the harm I have identified above and the appellant has not demonstrated an absolute need for the development in this location.
12. In conclusion, the appeal site would be an unsuitable location for the development and would conflict with Policy SWDP2 which seeks, amongst other things, to control development in the open countryside as well as Policy SWDP4 insofar as it seeks, to promote genuinely sustainable travel choices.

¹ Planning Appeal Decision Reference: APP/D3830/W/20/3246048

² Planning Application Reference: 19/02407/GPDQ, 20/02612/GPDQ and 21/01543/GPDQ

Other Matters

13. The Council has stated that they are only able to demonstrate a housing land supply of 1.1 years according to a revised calculation undertaken as a consequence of the revised Framework. This is considerably below the housing land supply they are expected to deliver in line with the Framework. Whilst the proposal would only deliver one unit this would nonetheless be valuable in boosting the housing stock in circumstances where there is significant shortfall.
14. The Council has not indicated that the appeal site is located within the green belt and nor is there any substantial evidence before me to suggest that this is the case.
15. Cadent Gas have not objected to the appeal scheme however they have highlighted the presence of a High Pressure Major Accident Hazard Pipeline. If built out, the proposal would need to comply with the relevant policy and guidance with regard to gas apparatus. Consequently, this would be a matter between Cadent Gas and the appellant.

Planning Balance

16. As set out above, the appeal scheme would result in an isolated dwelling in an unsuitable, inaccessible location and would therefore conflict with the development plan as a whole. However, because of the Council's housing land supply position, paragraph 11 d) of the Framework is engaged.
17. The proposal would deliver an additional housing unit in a District that is falling significantly below the level of housing required by national policy. One unit would make a modest but important contribution as indicated in paragraph 73 of the Framework.
18. Another benefit associated with the proposal, is the significant payment contribution contained within the UU towards the provision of affordable housing within the District.
19. When assessed against the Framework taken as a whole, the unsuitable location of the proposed dwelling does not significantly and demonstrably outweigh the benefits of an additional home. Consequently, the presumption in favour of development applies and this indicates that permission should be granted.

Conditions

20. The Council has provided a list of suggested conditions which I have considered against the Framework, and advice contained in the Planning Practice Guidance. I have amended the wording of suggested conditions for clarity and to ensure accordance with the tests set out in paragraph 57 of the Framework.
21. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2). Conditions regarding the external materials of the development, details regarding boundary treatments and restricting permitted development rights are necessary to prevent any erosion of the area's character (3, 4 and 9). I have given a three month deadline for the submission of external materials from the date of this

permission because the appeal development has already been partially constructed.

22. I have imposed a condition requiring the submission of details regarding renewable or low carbon energy generating facilities, given the brief energy statement, to ensure the development would reduce carbon emissions (5). Additionally, a condition regarding the provision of refuse storage facilities is necessary to ensure the high-quality design of the development (6).
23. Additionally, I have imposed a condition requiring the submission of details regarding sheltered and secure bicycle storage to ensure the development offers sustainable travel choices (7). Given the nature of the proposal and the brief water management statement, I consider the submission of details to the Council to be necessary regarding a sustainable urban drainage system in order to ensure adequate mitigation against flooding (8).
24. The Council has suggested a condition regarding electric vehicle charging points. However, the amended Building Regulations Part S June 2022 requires the installation of electric vehicle charging points. Consequently, given that planning decisions should not duplicate other regulatory controls, it would not be necessary and accordingly would not meet the tests set out in paragraph 57 of the Framework.
25. Finally, it is necessary for the majority of the conditions to be pre-occupation in nature given the appeal scheme is partially constructed.

Conclusion

26. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no 3785_001 Rev D.
- 3) Within three months of the date of this permission, details of all external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Pre-occupation

- 4) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the building is occupied.
- 5) Prior to the occupation 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 development shall be carried out in accordance with the approved details.
- 6) Prior to the occupation of the development, details of refuse storage facilities to serve the building hereby permitted shall be submitted to and approved in writing by the local planning authority. The approved refuse storage facilities shall be implemented prior to the first occupation of the associated dwelling and retained thereafter.
- 7) Prior to the occupation of the development hereby permitted details of sheltered and secure bicycle parking to comply with the Council's adopted highway design guide shall be submitted to and approved in writing by the local planning authority. The approved bicycle parking shall be kept available for the storage of bicycles and retained thereafter.
- 8) Prior to the first occupation of the development hereby permitted full details of all surface water drainage systems to serve the development shall be submitted to and approved in writing by the local planning authority. The approved sustainable drainage systems for the site shall be completed in accordance with the approved details and shall be retained thereafter.

Post-occupation

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, C, D, E of Part 1 and/or Classes A and C of Part 2 of Schedule 2 to the Order shall be undertaken without express planning permission first being obtained in writing from the local planning authority.

=====END OF SCHEDULE=====