



Appeal Decision

Site visit made on 4 February 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/J1860/W/24/3349466

Land at (OS 8072 4527), Guarlford Road, Guarlford WR13 6NS

- 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 & Mrs Andrew and Linda Medcalf, trading as DW Medcalf & Son against the decision of Malvern Hills District Council.
 - The application Ref is M/22/01823/FUL.
 - The development proposed is change of use of land to accommodate three self-build Passivhaus Class 3 dwelling places.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the National Planning Policy Framework (the Framework) was revised. The main parties were given an opportunity to comment on this matter. The comments made by both main parties have been taken into account. The further amendment on 7 February 2025 does not constitute a change to policy as set out in the Framework, and therefore I have not found it necessary to seek further comments on this amendment.
3. The site address described in the planning application form refers to Lower Elm Farm and New House Farm. However, the address provided in the Council's decision letter better describes the appeal site and the appellants have used the same address in their appeal form. I have, therefore, used the same address.
4. Both main parties have referred to the South Worcestershire Development Plan Review (the SWDP Review). The Council has advised that the plan was submitted to the Planning Inspectorate for examination in September 2023 and therefore the SWDP Review, and the policies therein, is a material consideration in the determination of planning applications. However, I cannot be certain if any policies are to be modified or when it is likely to be adopted. I, therefore, only give limited weight to the emerging policies.

Main Issues

5. The main issues are:
 - whether the site is an appropriate location for the proposed housing, having regard to the development strategy for the area and the accessibility of services and facilities; and
 - the effect of the development on the character and appearance of the area,

including on the setting of 170 Guarlford Road, a designated heritage asset.

Reasons

Location, development strategy and accessibility

6. The appeal site is part of a field between Barnards Green in Malvern and Guarlford. At the time of my visit the field was used for horses and there was an open-sided stable building and an unused, dilapidated, brick barn. Access is currently from both Guarlford Road and the field gate off the un-named road to the side of the site.
7. The site lies outside of the settlement boundary for Malvern as identified in the South Worcestershire Development Plan, adopted 2016, (the SWDP) and is, for planning purposes, considered to be within open countryside. Policy SWDP 2 of the SWDP seeks to safeguard the open countryside and part C of the policy seeks to strictly control new development. Paragraph 4 of the reasoned justification to Policy SWDP 2 advises that the high quality of the open countryside is an important attribute of the area.
8. Although planning permission has previously been granted for the change of use of the barn to a workshop and office, and permission has been granted for use of an access off the un-named road, I have no compelling evidence that work has lawfully commenced on the previous permissions. Moreover, even if a track was laid to the barn this has since blended into the landscape as there was no evidence of a hard surfaced track on the site.
9. Consequently, I find that the appeal site is a field within the countryside. It is not previously developed land as defined by the Framework and the previous consents would not weigh in favour of redeveloping the site as proposed. The proposal would, therefore, not fall within any of the limited forms of development set out as exceptions to Policy SWDP 2.
10. I have not been made aware of any policies within the SWDP Review that would support the proposed development and, based on the evidence before me, the site would continue to be outside the settlement boundary. Consequently, it would also fail to comply with the SWDP Review.
11. Malvern is defined in Annex D of the SWDP as a 'Main Service Centre' and has a range of services and facilities available for residents. However, the appeal site lies outside of Malvern.
12. There is a public house and restaurant between the appeal site and Malvern and the distance between the site and the nearest school and shop would be less than a mile. Although this distance would be walkable, the journey would be likely to take more than 10 minutes. Moreover, albeit that the walk would be on a footpath along Guarlford Road; this footpath is narrow and, in places, close to the edge of the carriageway. In this respect, although I saw people walking near the appeal site and towards Malvern and, even if the footpath were to be maintained or widened, it is likely that the footpath would be mostly used for recreational purposes.
13. It is unlikely that residents of the development would walk between the site and the nearby settlement for day-to-day facilities or for commuting to work or school. For the same reasons, it is unlikely that the residents would walk to Malvern to catch a

bus to other facilities. Cycling would be a reasonable option for travel between the site and the larger settlement and cycle parking is proposed within the development. Nevertheless, residents are unlikely to cycle for shopping trips.

14. The appeal before me is, therefore, materially different to the two allocated housing sites identified by the appellants which are directly on the edge of Malvern, connected to the settlement by residential streets, not separated from the settlement by other fields and are closer to the services and facilities, or closer to bus stops, than the appeal site.
15. The Framework advises that where there are groups of smaller settlements, developments in one may support services in a nearby settlement. I acknowledge that, due to its proximity to Malvern and Guarlford, the development would not result in long round-trip distances to the services and facilities in the two nearest settlements. However, the appeal proposal is not in a smaller settlement and I, therefore, have not given significant weight to this part of the Framework.
16. Notwithstanding the distance to the settlements and the presence of other residential properties in the area, there are limited opportunities for sustainable transport modes or for residents to undertake many activities without the use of a private car, as the appellants assert. In my judgement, the future occupants of the 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, even with the provision of electric vehicle charging points within the development.
17. Consequently, I find that the site is not an appropriate location for the proposed housing, having regard to the development strategy for the area and the accessibility of services and facilities and would be contrary to Policies SWDP 2 and SWDP 4 of the SWDP which, taken together, seek to safeguard and, wherever possible, enhance the open countryside, focus most development on the urban areas, strictly control development in the open countryside, minimise the demand for travel and offer genuinely sustainable travel choices.

Character, appearance, and heritage

18. The appeal site comprises a field and is one of a number of fields along Guarlford Road forming the verdant rural approach and gateway into Malvern. The landscape is characterised by frequent wayside dwellings. However, although they are of varying sizes, designs, finishes, plot sizes and differing distances from the road, the houses in the area are, in the most, single buildings, not small clusters. The terrace of three houses on the opposite side of Guarlford Road is built as a single building and appears as such to the passer-by, albeit providing three dwellings. Where there are small groups of houses these are mostly on one side of the road. I also saw other single brick barns set in fields in the wider area such as the one on Rectory Lane and the converted barn on Guarlford Road. The character of the area is of open countryside and agricultural fields with occasional housing and brick barns.
19. The current building sitting within a larger field is, therefore, characteristic of the area. The appeal site, even with the barn in its dilapidated state, currently contributes positively to the rural character of the area and the undeveloped rural setting around Malvern.

20. The appeal site is outside of the Malvern Hills National Landscape but within its setting. Section 245 of the Levelling Up and Regeneration Act 2023 amended the duty in the Countryside and Rights of Way Act 2000 in relation to National Landscapes to require relevant authorities, in exercising or performing any functions in relation to, or so as to affect, land in a National Landscape to seek to further the purpose of conserving and enhancing the natural beauty of the National Landscape.
21. However, given the scale of the development and specifically that it is single storey and to be landscaped, I find that the development would not adversely affect the setting of the National Landscape or adversely affect the purpose of conserving and enhancing the natural beauty of it.
22. The site also lies within the Landscape Type: Principle Timbered Farmlands (PTF), as defined in the Worcestershire County Landscape Character Assessment (LCA). The LCA defines landscape types for the whole of the County. The Landscape Type Advice Sheet describes the PTF as small scale wooded, agricultural landscape of irregular shaped woodlands, winding lanes, and frequent wayside dwellings. It also notes a lack of strong settlement nuclei, though the PTF excludes the urban area of Malvern.
23. The key characteristics include hedgerow boundaries, ancient wooded character, rolling lowland, mixed farming, and dispersed settlements. The principal concern noted in the advice sheet relates to the decline and fragmentation of tree cover, hedgerow trees and the loss of the small field patterns into larger, arable, fields.
24. The proposal for three detached dwellings, set in individual plots with large areas of hard standing, square plots and accessed off a shared driveway would be out of keeping with the layout and form of the more informal housing and the variety in plot and dwelling sizes along Guarlford Road. Even though the proposal would provide policy compliant levels of garden area and parking and be set back a similar distance from the road as existing housing, the development would be discordant with the built context of the area.
25. Notwithstanding that the site is not isolated, it is within the countryside. The proposal would result in encroachment into the countryside and the urbanisation of an agricultural field. The introduction of development on the opposite side of Guarlford Road from the existing housing, albeit that there are other buildings along this side of the road, would harm the open countryside and fail to integrate with the character and settlement pattern of Malvern.
26. Landscaping could be provided to screen the single-storey proposal and would be a benefit to the PTF. Nevertheless, it would be located on an open field and between fields. Residential development on this site, which currently contains limited built development, would have an adverse effect on the open character of the area and the PTF.
27. The existing building is not detrimental to the area. I have, therefore, given limited weight to the removal of the existing building as a benefit. The proposal for three houses would not enhance the area nor complement it and would, conversely, as a greater form of development, be intrusive in the wider landscape.
28. The Passivhaus design includes mono-pitched metal sheet roofs, timber cladding and render. However, the footprints of the dwellings are wide, especially plot three,

and the single storey height, roof overhangs, window designs and horizontal cladding result in an overly horizontal emphasis to the design which is not reflective of other housing in the area. Although the materials are, in principle, acceptable in the area, the proposed design and appearance of the dwellings would not relate well to the surrounding buildings. The existing single storey dwelling on Chance Lane, which I saw while on site, has a pitched roof finished in grey tiles, vertical timber cladding and a vertical emphasis to the design of the fenestration. That dwelling, albeit finished in similar materials to the appeal proposal, is significantly different in appearance and detailing and is more reflective of the design detailing and form of the other houses on Chance Lane.

29. Although the proposal is intended to be built to Passivhaus standard and would, therefore, promote high levels of sustainability in terms of energy savings and building, I have not been made aware that the scheme is proposing anything that is outstanding or innovative to the development of housing. I, therefore, consider that it is not sufficiently outstanding or innovative to gain the significant weight that Paragraph 139 of the Framework gives to such proposals.
30. 170 Guarlford Road is a Grade II Listed Building. This property is the next dwelling on the approach to Malvern, on the same side of the road as the appeal site. It is a timber-framed dwelling set back from the road and within a large domestic garden. Even if the listed building has been extended this would not diminish its significance as a listed building, neither would it reduce the weight which should be attributed to the preservation of the building and its setting.
31. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission, for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
32. Although there is a large hedge and a field between the appeal site and the listed building, it is clearly visible from Guarlford Road and is prominent in the street scene due to its appearance and position on the site. The setting of the listed building does not require intervisibility or historic connection. Nevertheless, I was able to see the listed building from near the entrance to the appeal site and as I travelled along the road. The listed building is understood, experienced, and appreciated from the road, including near the appeal site. The rural area around the listed building contributes positively to its setting and the appeal site forms part of the rural area.
33. Despite this, the contribution the site makes to the significance of the setting is limited. Consequently, the appeal proposal would be within its setting but would cause less than substantial harm. Paragraph 215 of the Framework advises that where a development would lead to less than substantial harm, this should be weighed against the public benefits of the proposal. I will return to this matter later.
34. For the above reasons, the scheme would have an adverse effect on the character and appearance of the area, including the setting of 170 Guarlford Road, a designated heritage asset. Consequently, the proposal would be contrary to Policies SWDP 6, SWDP 21, SWDP 24 and SWDP 25 of the SWDP which, taken together, seek to conserve and enhance heritage assets, including their settings, protect their contribution to the character of the landscape, expect all development

to be of a high design quality, integrate effectively with its surroundings, reflect the given characteristics of the site, complement the character of the area, respond to surrounding buildings, the visual and heritage interest and the landscape quality of the local area, take account of the latest Landscape Character Assessment and its guidelines, integrate with the character of the landscape setting and conserve, and where appropriate, enhance the primary characteristics defined in character assessments.

Other Matters

35. The proposal is described as development of three self-build dwellings. The Self Build and Custom Housebuilding Act 2015 (the 2015 Act) requires local planning authorities to establish and publicise a local register of custom-builders who wish to acquire suitable land to build their own home. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period. Authorities must have regard to the Register when carrying out their planning functions, including making decisions on planning applications.
36. The Council Planning Officer's consultation response notes that the total self-build supply was 20 units with planning consent. The number of units required by 30 October 2023 was 57. At the time of the planning decision the Council, therefore, had a shortfall in the number of permissions granted for self/custom-build units. Although I have not been provided with any updated figures from either party the provision of self/custom-build plots is not a maximum. The provision of three additional units of this type would accord with Paragraph 63 of the Framework through providing housing for people wishing to commission or build their own homes.
37. While that may be the case, although described as self-build dwellings, the appeal before me is for a full planning permission with the layout, scale and design of the dwellings submitted for consideration. I have no compelling evidence to show how the initial owner of each of the homes has had primary input into its final design and layout. Consequently, I cannot be certain that the appeal proposal would comply with the 2015 Act and genuinely provide self/custom-build dwellings.
38. Moreover, I have no means, such as a signed legal agreement, to secure the three dwellings as self/custom-build and without an appropriate means to secure this, I am not able to give this benefit any weight in the decision.
39. Paragraph 65 of the Framework advises that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. From the evidence before me the appeal site lies within a designated rural area and the local policy sets a lower threshold for affordable housing contributions. The lack of any signed legal agreement would also mean that the development would not secure the financial contribution towards affordable housing required by subsection v) of Policy SWDP 15 of the SWDP. I am, therefore, not able to give any weight to the provision of affordable housing as a benefit of the scheme.
40. Interested parties have also written in support of the proposal. Most of the comments have been dealt with under the main issues and above. The support for small developments, smaller developers and new homes are all within the

Framework. However, this support is not at the expense of good planning and the character and appearance of the area. The SWDP recognises that not everyone wants to live in an urban environment in supporting development in villages and this would also not justify the appeal proposal.

Heritage and planning balance

41. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification, and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. For the above reasons, I find that the proposal would have an adverse effect on the setting of the Grade II Listed Building, contrary to Policies SWDP 6 and SWDP 24 of the SWDP.
42. The harm to the setting of the Listed Building is less than substantial. The proposal would accord with the Framework's aim to boost the supply of housing. It would also provide economic benefits, in the short term, through the provision of local jobs for local builders and the use of local materials. In the longer term, albeit reliant on the car, through supporting services, facilities, and businesses in Malvern and through Council Tax and New Homes Bonus payments. From an environmental perspective, the proposed Passivhaus standard dwellings would be of a higher standard of energy efficiency and would not result in the loss of most versatile agricultural land. However, being for three properties these benefits attract limited weight and would not outweigh the harm to the great weight to be attributed to the conservation of the setting of the Listed Building. In reaching this conclusion I have had regard to the statutory duty at Section 66 of the Act.
43. Both main parties agree that the Council cannot currently demonstrate a five-year housing land supply. The appellant has suggested that the Council's land supply has significantly worsened since the publication of the revised Framework and now sits at 2.06 years.
44. Policies SWDP 2, SWDP 4, SWDP 6, SWDP 21, SWDP 24 and SWDP 25 of the SWDP are the most relevant in considering the proposal. SWDP 2 takes a more restrictive approach to development in the countryside than the Framework. However, it is broadly consistent with the Framework as a whole in seeking to enhance the natural and local environment and recognising the intrinsic character and beauty of the countryside. Policy SWDP 4 is also broadly consistent with the Framework in seeking to ensure that development offers genuine sustainable travel choices. The design and heritage policies in the SWDP are also consistent with the Framework in seeking to ensure high quality development that preserves or enhances heritage assets. The proposed development would conflict with the development plan as a whole and I attribute considerable weight to this harm in the overall balance.
45. The benefits are noted above and attract limited weight. There would be adverse environmental and social impacts contrary to elements of the Framework, in terms of the adverse effect on the character and appearance of the area, the setting of a heritage asset, the lack of access to services and facilities and the reliance on private vehicles. These are afforded significant weight.
46. That the development would not adversely affect the living conditions of the occupants of neighbouring properties, nor result in negative effects on biodiversity

are neutral considerations. Therefore, I have attached negligible weight to these matters.

47. Overall, I attribute limited weight to the benefits of the scheme and the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, even with the housing land supply well below the required five years. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

48. The harm arising from the proposed development would, therefore, significantly and demonstrably outweigh the benefits that would result from it. The proposal would conflict with the development plan taken as a whole, and there are no material considerations, including the provisions of the Framework, which would indicate that the appeal should be determined otherwise than in accordance with the development plan.
49. For the reasons given above the appeal should be dismissed.

K Townsend

INSPECTOR