



Appeal Decision

Site visit made on 18 February 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/J1860/W/24/3354404

Red Marley Orchard, Stourport Road, Great Witley, Worcestershire WR6 6JP

- 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 C Hamer against the decision of Malvern Hills District Council.
 - The application Ref is M/24/01020/FUL.
 - The development proposed is “new build bungalow to replace existing barn approved for residential conversion.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have confirmed that they would remove the third reason for refusal if a S106 Agreement was submitted securing a contribution towards affordable housing. One has been submitted with the appeal, which the Council are party to. This has therefore dealt with the third reason for refusal. I have determined the appeal accordingly.

Main Issues

3. The main issues are;
 - Whether the site is a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. Policy SWDP2 of the South Worcestershire Development Plan (2016) (SWDP) states that in the open countryside development will be strictly controlled and will be limited to dwellings for rural workers, employment development, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings, renewable energy projects and development permitted by other SWDP policies.
5. The proposal seeks permission for the demolition of agricultural buildings and replacement with a new dwelling. The appeal site falls outside any settlement

boundary and is in an area of open countryside. The proposal would therefore not meet the requirements of SWDP Policy SWDP21.

6. The appeal site is located off a single-track lane to the north of Stourport Road, which runs through Great Witley. The site is located close to Great Witley where there are several services and facilities, such as post office and petrol station. However, the appeal site, being in an elevated position above Great Witley and surrounded by agricultural land, is more closely aligned with its surrounding rural characteristics than the more built-up area of the nearby settlement.
7. The single-track lane which leads to the appeal site also provides access to a residential dwelling and associated land. The road is narrow and sloped down to Stourport Road, and there is no separate footpath, so pedestrians would have to share the carriageway with vehicles. These factors, together with the absence of lighting, would be likely to deter occupants from using sustainable travel options to obtain the services and facilities within Great Witley, especially during inclement weather and winter months when daylight hours are limited.
8. The unsuitability of the routes for sustainable access to services and facilities means that occupants would be likely to resort to private vehicles to make their journeys. Whilst there are bus stops on Stourport Road, no public transport services the appeal site. Occupants of the proposed dwelling would therefore be largely dependent on private transport to access services and facilities.
9. The proposal would not provide a suitable location for housing having regard to the Council's spatial strategy and accessibility to services and facilities. Therefore, it would not accord SWDP Policies SWDP2, SWDP4 and SWDP21 which, amongst other things, seek to limit housing development in the open countryside. It would also not meet the aims of paragraphs 8 and 135 of the National Planning Policy Framework (the Framework) in terms of ensuring accessible services and facilities.

Character and Appearance

10. The site is accessed by a single-track lane and lies in an elevated position above Stourport Road and Great Witley. The appeal site comprises a number of agricultural buildings, caravan and yard. Further along the access track is a residential dwelling, which has the appearance of a barn conversion. Otherwise, the area is surrounded by open fields, some with vines, and wooded areas. The site's rural appearance has a strong connection with the surrounding countryside. The area is characterised by dispersed development of a residential and agricultural nature surrounded by agricultural fields with more dense development located in Great Witley and along Stourport Road.
11. Whilst the existing buildings make a neutral contribution to the character of area they are linked to the historic use of the site and surrounding land. Furthermore, they are not particularly prominent, being set back from the highway with modest heights.
12. The construction of a large single storey dwelling, with associated garage, formal access and garden area would appear at odds with the surrounding dispersed rural character of the immediate area. Along with the other domestic paraphernalia that would be likely to appear, the proposed development would significantly change the appearance of the site, having a suburbanising effect upon it. The

proposal would therefore appear as an incongruous addition to the area, adversely affecting the rural character and appearance of the site and its surroundings.

13. The proposed development would have a harmful effect on the rural character and appearance of the area and would therefore be contrary to SWDP Policy SWDP21 and SWDP25 which seek, amongst other things, to ensure that development is a high-quality design that integrates effectively with its surroundings and reinforces local distinctiveness. The proposed development would also be contrary to paragraph 135 of the Framework that seeks to ensure developments are visually attractive and sympathetic to local character.

Other Matters

14. The principle of converting the existing building on the appeal site was established under a prior approval that remains extant. This has created a fallback position that is a material consideration to this appeal. As such, the principal of residential use on this site has already been established. The appellant also asserts that the construction of a new dwelling would offer sustainability benefits that cannot be included in a conversion and removes other agricultural buildings.
15. The proposal seeks permission for the demolition of an agricultural building and replacement with a new dwelling. It would result in the same amount of housing being delivered in the same location as such would not offer an improvement in sustainability where location is concerned.
16. The extant permission would re-use the existing structure and largely retain its rural character and modest appearance. I consider that the proposed development would have a greater harmful impact on the character and appearance of the area than the fallback position. Therefore, the fallback position only carries limited weight in this instance and the benefits of sustainable construction does not outweigh the harm that would result from the proposed development.
17. My attention has been drawn to a nearby appeal decision¹. Whilst this example appears to be close to the appeal site, it does appear to be located on Stourport Road, therefore not having to travel along the narrow, sloped, unlit lane to access services. Whilst it is located outside the development boundary the decision letter details it forming part of a break in built development in Great Witley. The locations are not therefore directly comparable.

Conclusion

18. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR

¹ APP/J1860/W/23/3330800