



Appeal Decision

Site visit made on 13 May 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/H1840/W/25/3359197

Wisteria Lodge, Mount Pleasant Lane, Crossway Green, Worcestershire, DY13 9SU

- 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 Jeremy and Mrs Rhian Anstey against the decision of Wychavon District Council.
 - The application Ref is W/24/00209/FUL.
 - The development proposed is Erection of a single detached four-bedroom dwelling with associated access and parking within the garden plot of Wisteria Lodge.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Section 106 Legal Agreement¹ has been submitted to address the Council's requirement for a financial contribution towards affordable housing and to secure the proposal as a self-build project. This seeks to make an affordable housing payment prior to the commencement of development. The Agreement is a signed and certified document that would fulfil the affordable housing requirements of policy SWDP15 of the South Worcestershire Development Plan [2016] (DP). The Council has confirmed that the Agreement addresses its reason for refusal 3. I see no reason in the submitted evidence to disagree with this assertion and therefore shall not consider this matter further.

Main Issues

3. The main issues are:
 - Whether the proposal would be in a suitable location with regard to local and national policy, and
 - The effect of the proposed development on the character and appearance of the site and its surroundings.

Reasons

Suitability of location

4. The DP establishes the Council's approach to the distribution of housing across the borough. DP Policy SWDP2 seeks to focus most development in urban areas, where both housing needs and accessibility to lower-cost public services are

¹ Legal Agreement, between Wychavon District Council and Jeremy and Rhian Anstey, 21/1/25

greatest. It seeks to direct windfall development to the most accessible locations in accordance with its settlement hierarchy. This seeks to direct most new housing towards Worcester, then to its Main Towns, then Other Towns, then Rural Areas – consisting of category 1, 2 and 3 villages and finally to Lower category villages. DP policy SWDP2(c) identifies that development in the open countryside, being outside defined settlement boundaries, will be strictly controlled. The proposed development, being on a site outside a defined settlement boundary, would not accord with the closed list of development deemed appropriate in the countryside.

5. The site is beyond the Crossway Green development boundary, which is around 550m to the north of the site, and therefore within the open countryside for policy purposes. Crossway Green is a category 3 settlement, defined as having at least one key service and a daily bus service to a designated town. Bus stops are located along the A449 which would be around 800 metres from the site. These can be accessed via Mount Pleasant Lane, although the lane is an unlit highway without a footway.
6. The appellants' Transport Planning Technical Note identifies that the lane provides clear visibility, and the appellant assert it is frequently used by pedestrians, cyclists and horse riders. However, although noting that the lane may be suitable for such users, it would most likely be found suitable only for recreational purposes when users can choose when to travel. For essential travel, such as for commuting, factors such as poor weather or darkness would make the lane a less desirable route, encouraging reliance on the private car.
7. The appellants identify the location of two garages with convenience shops within around 2.2 kilometres of the site and that also a public house and restaurant would both be relatively close to the site. However, the nearby shops and services would be at a distance that many would find too far to be regarded as convenient for walkers. As such, the site would be located in an area with only moderate accessibility with only limited access to public transport options. Consequently, the site would be set some distance away from the nearest settlement boundary and in a location where future occupiers would be more reliant on the private car to access services and facilities.
8. Accordingly, the site would not be a suitable location for a dwelling in conflict with DP policies SWDP 1, 2 and 4 and the Wychavon Intelligently Green Plan. These seek development to accord with the settlement hierarchy and to encourage residents to utilise more sustainable modes of travel, such as walking, cycling and public transport.

Character and appearance

9. Mount Pleasant Lane is a no-through road that connects to the A449 and leads, after around 400 metres, to a small hamlet of dwellings on a hill. Wisteria Cottage, is part of a linear row of development and is opposite several other dwellings. These plots are generous in size with dwellings that sit within spacious plots in an open rural location. Wisteria Lodge, although being the first dwelling of the hamlet, is screened from distant views by mature trees and hedging. The dwelling and plot therefore contribute to the surrounding sense of spaciousness and make a positive contribution to the character and appearance of the site and its surroundings.
10. The proposed dwelling would be set behind Wisteria Lodge, parallel to Mount Pleasant Lane. Landscape planting to the eastern boundary of the rear garden of

Wisteria Lodge consists of a low hedge and occasional trees. Therefore, whilst the end elevation of the dwelling would address the open aspect to the east of the site, it would occupy a central part of the existing rear garden and be a dominant addition in a prominent and exposed location.

11. The appellant demonstrates that, in plan form, the rear elevation of the proposal would align with the rear elevation of the neighbouring barn and the dwelling of Mount Pleasant Grange beyond. However, whilst placing the proposed dwelling relatively close to existing built form, this would not materially mitigate the substantial impact of new development in this exposed location. It would therefore not allow the proposed dwelling to be regarded as part of the cluster of existing built form due to its overall scale and positioning. The appellant identifies that the proposal may obscure some views of the neighbour's modern barn. However, this would not be regarded as a benefit as the existing barn presents a form that is typically found in the countryside.
12. Furthermore, the proposal would not relate well to the existing dwelling on site, which currently enjoys a wide and open aspect to its east and south over distant countryside. Although not harming existing occupier's living conditions, the proximity of the proposal to Wisteria Lodge would result in an uncomfortable arrangement that would contrast with the existing sense of spaciousness found within the plot.
13. The proposed dwelling is a simple rectilinear form over two storeys. It would have brick stacks either end, red facing brick, timber clad areas, an asymmetrical roof and large, glazed elements. The use of brick and tiles, and the simple design of the proposal, would replicate the style of a converted barn and would generally accord with the materials identified in this Landscape Character area. However, the extent and regularity of fenestration of the rear elevation would erode the simple design. This would result in the addition of residential characteristics that would not reflect a traditional rural building. Therefore, whilst the design incorporates a range of agrarian characteristics, it would not complement the character of local development or its setting within the open countryside. Although a condition could be imposed to secure different architectural detailing, this would not adequately address all design concerns.
14. Accordingly, the proposal would not comply with the character and appearance of the site or its surroundings. As such, the proposal would conflict with DP policies SWDP21 and SWDP25, policy TOAD9 of the Ombersley and Doverdale Neighbourhood Development Plan [2021] (NP) and the South Worcestershire Design Guide. These seek, among other matters, for development to respect the distinct identity and character of settlements and to integrate well with the character of the landscape setting.

Other Matters

15. The appellants state they have been on the Council's self-build register since 2019, and having not found a suitable site in the district, now propose to build within their rear garden. As such, the dwelling is proposed be a self-build project and its delivery would be secured through the submitted S106 Legal Agreement. The Council has stated that it has no policies with respect to the provision of self-build housing. Due to this inconsistency, the National Planning Policy Framework (the Framework) is an important material consideration on this matter. Paragraph

73(b), of the Framework, supports small sites that come forward for self-build and custom-build housing. The Framework promotes housing that meets the needs of different groups including those people wishing to commission or build their own homes. In providing for this need, this matter weighs in favour of the proposal.

16. The dwelling is proposed to be a low energy design, incorporating carbon reducing design measures and an electric car charging facility. It would also include solar panels and a passive heating design. These energy efficient benefits weigh in favour of the proposal, albeit to a modest extent.
17. The appellants demonstrate that the Council gave advice on the proposed development at a pre-application stage. The Framework identifies that early engagement has significant potential to improve the efficiency and effectiveness of the planning system for all parties. The Council's advice recognised that, due to its 5-year supply position, DP policy SWDP2 was out of date. It also found that, despite its fairly remote position, the site was in a sustainable location. In terms of siting, the Council advised that the dwelling should encroach no further than a building line defined by the rear elevation of the adjacent barn. Nonetheless, the advice was given when elevations were not available and included a disclaimer that the advice did not bind the Council to a particular outcome. Although paying regard to the initial advice given, I can only attach limited weight to this as it was given without the full rigor of a planning application assessment process.
18. I have also paid regard to the letter of support submitted by an interested party. However, the benefits raised are of limited weight in support of the proposal.

Planning balance and conclusion

19. The Council has a 2.78-year housing land supply (HLS) position based on its latest published position². The Framework explains, at paragraph 11(d) that where policies that are most important for determining the application are out-of-date permission should be granted unless ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
20. The Framework seeks to boost the supply of housing and highlights the contribution small sites can make in meeting the housing requirements of an area which are often built out relatively quickly. The proposal would contribute one additional dwelling on a site which would make better use of land. However, it would be in a remote location with only a modestly accessible location set away from goods and services and likely to have a reliance on private car for journeys. Furthermore, one additional house would make little difference to the Council's overall supply of housing.
21. There would also be some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once occupied when future residents would support services in local towns and villages. Nonetheless, given the small scale of the proposal, these benefits would be limited.
22. The proposal would contribute towards affordable housing and would be a self-build project both of which I attribute significant weight. Also, it would operate

² Addendum to South Worcestershire Council's Five-Year Housing Land Supply Report April 2024

using energy efficient means that would convey modest weight in favour of the proposal.

23. I have found that the proposal would conflict with the Council's spatial development policies SWDP1, 2 and 4, being located outside a settlement boundary and providing only moderately good access to goods and services. Nevertheless, based on the Council's 5-year HLS position these policies, which are most relevant to the proposal, are deemed to be out of date and therefore of limited weight. Nonetheless the Framework seeks to promote walking, cycling and public transport use and to actively manage growth through limiting the need to travel and offering a genuine choice of transport modes demonstrating the need to locate development within accessible locations.
24. Furthermore, the proposal would result in substantial harm to the character and appearance of the area, raising further conflict with the development plan. The Framework requires development to function well and add to the overall quality of an area, be visually attractive and be sympathetic to local character. I have concluded that the proposal would conflict with DP policies SWDP21 and SWDP25, and NP policy TOAD9 and the Framework in this respect. I give this conflict significant weight. Furthermore, paragraph 14 of the Framework, identifies that where 11(d) applies, the adverse impacts of allowing development that cause conflict with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, where the neighbourhood plan is less than 5 years old and includes housing allocations, such as in this case.
25. Consequently, when assessed against the Framework as a whole, the adverse impacts of the development on the character and appearance of the area would significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development does not apply, indicating that permission should not be given.
26. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations that would outweigh this conflict. Therefore, the appeal is dismissed.

B Plenty

INSPECTOR