



Appeal Decision

Site visit made on 28 February 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Appeal Ref: APP/H1840/W/24/3350597

Barn rear of 1 Willincroft Cottages, Upton Snodsbury Road, Worcestershire, Pinvin WR10 2LB

- 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 Ms Chloe Neathway against the decision of Wychavon District Council.
 - The application Ref is W/23/01008/FUL.
 - The development proposed is described as 'Proposed erection of a new dwellinghouse to replace an existing agricultural building (scheme in lieu of Class Q prior approval for conversion).'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the National Planning Policy Framework (the Framework) has been revised. However, I am satisfied that there are no changes of any consequence for the main issues in this appeal.
3. An amended plan, drawing no. 2157 3000 A, was submitted to add the proposed south-east elevation as a matter of completeness. The Council had no concerns about this additional plan, so I have considered this appeal based on the amended plan submitted.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - if there is any harm, whether this is outweighed by any other considerations, including whether there is a fallback position for an alternative development.

Reasons

Character and Appearance

5. The appeal site consists of an agricultural unit, situated on the western side of Upton Snodsbury Road, within the open countryside. Although a few properties are situated along the roadside, the wider landscape is predominantly characterised by open fields bordered by hedgerows and trees. The existing agricultural building faces onto the access lane and backs onto an open area, where there is a double garage and some shipping containers. There are some stable buildings located

opposite the access lane, and a manege is located to the west of the appeal site. Due to the orientation of the agricultural building and its proximity to the stable buildings, the appeal site sits at the edge of the rural landscape and the built form, helping to define the transition between the rural area and the built-up area. This siting makes a positive contribution to the character of the area.

6. Whilst the proposed building would have a slightly smaller footprint than the existing building, it would be situated further to the south of the site on an open area. Following the demolition of the existing building, the area would be reused for access and parking spaces, rather than being returned to agricultural use. In addition, a substantial outdoor amenity area would also be introduced. Consequently, the proposal would result in an intrusive urbanising effect within the rural setting. The domestic paraphernalia associated with the new dwelling would further exacerbate this detrimental effect on the rural character and appearance of the area.
7. Therefore, the proposal would conflict with Policies SWDP21 and SWDP25 of the South Worcestershire Development Plan Adopted February 2016 (SWDP). Taken together, these policies require, amongst other things, that the development to be of a high quality of design, reinforces local distinctiveness and respects the established rural character of the area.

Other material considerations

8. Details of the prior approval Class Q scheme were provided as a fallback position. I agree with the appellant that the fallback has a real prospect of being implemented, as the existing building remains intact and appears to be in good condition, as I observed at my site visit. Consequently, this fallback position is a material consideration in the determination of the appeal scheme. However, for significant weight to be afforded to a fallback position there needs to be not only a greater than theoretical possibility of it taking place, but also it would need to be more harmful than the appeal scheme.
9. The prior approval process is to limit the degree of change to the landscape and reduce the need to construct new dwelling in the countryside. As such, the approved Class Q scheme would have a less adverse effect on the character and appearance of the area, as the outdoor amenity area is modest in size, and it also sits immediately adjacent to the existing building. Moreover, I have no details before me to demonstrate the approved scheme cannot be implemented. Therefore, I consider that the appeal proposal would be considerably more harmful than the approved Class Q scheme, as it would introduce an increased level of domestic features within a predominantly agricultural context. This would diminish the rural character of the area.
10. The appellant has referred to several appeal decisions. Notwithstanding that I have little information about the details of these schemes, none of these cases are directly comparable to the appeal proposal because they are not seen within the same context, or they are of different scale and siting to their surroundings.
11. Furthermore, the appellant also referred to an approved Permission in Principle (PiP) scheme¹ for the erection of up to 9 no. dwellinghouses on the manege located to the west of the appeal site. Whilst I do not know the exact

¹ Planning Ref.: W/25/00543/PIP

circumstances under which it was approved, the scale and nature of the approved scheme are materially larger than the appeal proposal. Moreover, the details of the PiP have not been determined. As a result, it is not comparable with the appeal proposal in a meaningful way and reference to it has not altered my findings on the main issue.

Planning Balance

12. The appeal proposal would materially harm the distinctive rural character and appearance of the area. The SWDP dates from 2016 but the weight to be attached does not hinge on its age. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According, to the Framework the creation of highway quality and sustainable buildings and places is fundamental to what the planning development process should achieve. It also seeks that developments are sympathetic to local character and are visually attractive in terms of good architecture and layout. Therefore, the conflict between the proposal and the Policies SWDP21 and SWDP25 of the SWDP should be given significant weight in this appeal. As the proposal would be contrary to the policies referred, there would be a conflict with the development plan as a whole.
13. The appellant states that there is a shortfall in the area based on the Council's Monitoring Report (April 2024) and that Council's Housing Land Supply is 2.78 years. This suggested figure has not been challenged by the Council and is a notable shortfall against the five year housing land supply sought by the Framework.
14. In these circumstances footnote 8 of the Framework establishes that the policies which are most important for determining the application are out-of-date. Consequently, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particularly regard to key policies that include securing well-design places. The site is not within a protected area as set out in Footnote 7.
15. Set against the harm, the appeal proposal would include some sustainability measures, biodiversity enhancement, along with new native planting and a grass roof. It would also provide a larger private amenity area than that of the fallback position for prospective occupiers. The overall appearance of the site would be improved to some extent by the removal of the existing unsightly structures. There are some associated economic benefits from its construction and subsequent engagement by residents in the local economy. However, given the modest scale of the proposal, I afford limited weight to these benefits.
16. The Council did not refuse permission in respect of other matters, including highway safety, living conditions, waste, flood risk and drainage. The absence of harm in these respects means they are neutral factors in planning balance.
17. As described above the benefits associated with a single dwelling would be minor, even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. In addition, the approved Class Q scheme, which would not be more harmful than the appeal scheme, would also make the same level of contribution to the housing supply.

18. Consequently, the adverse effects of the proposal, taking into account the size of the plot, the siting and orientation of the proposal, the distinctive rural character of the area, would significantly and demonstrably outweigh the identified benefits of the proposal when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

19. The proposal would conflict with the development plan and other material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

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INSPECTOR