



Appeal Decision

Site visit made on 16 July 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/H1840/W/25/3362185

**The Mearse, Holiday Accommodation At Evesham Road, Upper Moor,
Worcestershire WR10 2JR**

- 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 J Sinnet against the decision of Wychavon District Council.
 - The application Ref is W/24/01628/FUL.
 - The development proposed is change of use of holiday lets to create single residential dwelling and erection of link between existing buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's Delegated Officer Report suggests that the proposed development would trigger a requirement for a financial contribution towards the provision of off-site affordable housing in accordance with Policy SWDP15 of the South Worcestershire Development Plan, 2016 (the DP). Although not an issue raised by the Council in its decision, as this matter is potentially determinative to this appeal, I have elevated this matter to a main issue.

Main Issues

3. The main issues are:
 - whether the proposal would result in an unacceptable loss of rural employment; and
 - whether or not the proposal would make adequate provision for affordable housing.

Reasons

Loss of rural employment

4. The appeal site comprises two detached, single storey holiday lets to the rear of a property known as the Mearse, and a pair of semi-detached dwellings under construction. The appeal site is located outside of the nearest settlement and is therefore within the open countryside.
5. Policy SWDP 12B of the DP, amongst other things, sets out that to help promote rural regeneration across the area, existing employment sites in rural areas that are currently or were last used for B1, B2, B8, tourism, leisure and /or recreation-

related purposes will be safeguarded for employment-generating uses during the plan period. Proposals to change the use of such sites to any non-employment-generating purpose will need to demonstrate that; the site has been actively marketed for employment, tourism, leisure or recreation purposes for a period of at least 12 months, and that it is no longer viable for an employment-generating use.

6. The existing holiday lets are related to tourism, in that they provide tourist accommodation. However, I am not persuaded that two units in use as tourist accommodation would be an employment generating use that should be safeguarded in the context of Policy SWDP 12B of the DP. In addition, the evidence suggests that the holiday let use does not provide a high level of income. As such, I am satisfied that the requirement for the active marketing of the units for a period of at least 12 months is not necessary.
7. Furthermore, Policy SWDP 12B of the DP does not seek to retain holiday accommodation and no other specific policies of the DP, which seek to resist the loss of existing tourism accommodation, have been brought to my attention. I am also mindful that there is an abundance of similar accommodation in the area and the proposal would not undermine the Council's overall development plan strategy for employment in rural areas.
8. Consequently, for the above reasons, I conclude that the proposal would not result in an unacceptable loss of rural employment. Therefore, it would not conflict with the aims of Policy SWDP 12B of the DP.

Affordable housing

9. Policy SWDP 15 of the DP identifies that new development will contribute to affordable housing and on sites of less than 5 dwellings, a financial contribution should be made, based on the cost of providing the equivalent in value to 20% of the units as affordable housing on site. As such, the Council identify that an off-site financial contribution of £12,797.00 towards affordable housing is necessary.
10. On the evidence before me, it appears that the need for the contribution sought by the Council arises from the development and satisfies the 3 tests in Regulation 122(2) of the CIL Regulations 2010. However, a completed planning obligation has not been provided with the appeal.
11. Accordingly, in the absence of a Section 106 legal agreement there is no mechanism for the proposal to make adequate provision for affordable housing. Therefore, the proposal fails to accord with Policy SWDP 15 of the DP.

Other Considerations

12. Despite the site being located in the open countryside, the Council do not raise concerns with regard to the location of the proposal. Indeed, the site is within walking distance of the services and facilities of Wyre Piddle which is defined as a 'Category 4B settlement' under the settlement hierarchy of the DP. There are bus stops near to the appeal site with access to Pershore, a secondary main town. Therefore, the proposal would help to support the nearby community following the occupation of the development. The development would also offer a genuine choice of transport and help to prioritise sustainable transport modes, as supported by the Framework, with some services and facilities available locally and not all trips would require the use of the car.

13. Likewise, no objections are raised with regards to the erection of a link between the existing buildings.
14. These matters are not in dispute between the main parties and were addressed in the Council's delegated officer report. I have no reason to come to a different conclusion on those matters of the proposal.

Planning Balance and Conclusion

15. The Council is unable to demonstrate a sufficient supply of housing land, which is reported to be at 2.65 years. This represents a significant shortfall. Consequently, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies. In these circumstances, Paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
16. No objections have been raised with regards to the effect of the proposal on the character of the landscape, or ecology, but these are requirements of planning policy and taken together they carry neutral weight.
17. The creation of an additional home in a location with a choice of transport, which would support the nearby rural community, would add to the mix of housing in the area and contribute to boosting the supply of new housing, as referenced in the Framework. The proposal would also make efficient and effective use of the land and buildings. There would also be social and economic benefits to local services during the occupancy phases without conflict with neighbouring land uses. Accordingly, in the context of the shortfall in housing land, the benefits attract considerable positive weight in my determination. However, due to the small-scale nature of the proposed development the benefits of the scheme attract moderate weight overall.
18. While the proposal would not result in an unacceptable loss of rural employment it would fail to make a policy compliant financial contribution to affordable housing. This would be contrary to the Framework which seeks the delivery of affordable housing. I attach significant weight to that harm, such that it would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework when taken as a whole.
19. Consequently, I conclude that the proposed development would conflict with the development plan when considered as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. For these reasons, the appeal should be dismissed.

N Bromley

INSPECTOR