The Planning Inspectorate

Appeal Decision

Site visit made on 30 July 2013

by Julia Gregory BSc (Hons) BTP MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 August 2013

Appeal Ref: APP/H1840/A/13/2194702
Field north of the Vicarage, Pershore Road, Upton Snodsbury, WR7 4NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr John Cottrill against the decision of Wychavon District Council.
- The application Ref W/12/02515/OU, dated 9 November 2012, was refused by notice dated 5 March 2013.
- The development proposed is 4 No. detached houses and 1 No. affordable elderly person's bungalow served by new drive access.

Decision

1. The appeal is dismissed.

Reasons

2. The application is in outline with all matters other than the principle of development reserved for future determination.

3. The dwellings would be located outside the settlement limits of Upton Snodsbury defined on the Proposals Map. LP[1] policy GD1 restricts development outside settlement limits. Nevertheless, this policy is not up to date because the Council does not have a five year housing land supply and the policy by its very nature restricts the supply of housing. The Government seeks to significantly boost the supply of housing to which this scheme would make a small contribution.

4. Because the dwellings would be adjacent to settlement limits, they would not be in the open countryside where SP[2] policy D.10 would be highly determinant, nor would they be isolated from settlements and so they would not be contrary to the Framework in that regard.

5. Furthermore, there are facilities and services locally and the Council has not argued that the dwellings would be in an unsustainable location in terms of accessibility. Indeed, there are proposals for other housing locally, albeit that the allocation at the Garage site is in an emerging local plan[3] that is at an early stage and so can be accorded little weight.

6. Nevertheless, this appeal scheme would be on much of an area that is defined as a Strategic Gap on the Proposals Map. LP policy SR10 applies to this area.

[1] Wychavon District Local Plan 2006
[2] Worcestershire County Structure Plan 2001
[3] South Worcestershire Development Plan allocation SWDP60/29

This designation is designed to protect the setting of the settlement and to prevent the coalescence of two parts of the settlement. Upton Snodsbury has two separate parts; that fronting the A422 and that in and behind Pershore Road. The five dwellings would develop a substantial part of the Strategic Gap and its entire road frontage, and so it would not be a minor development proposal and would serve to join the two parts of the settlement.

7. Although the appellant disagrees with the rational for the Strategic Gap, the Strategic Gap is pertinent to considering the context of the development and the character and appearance of the settlement. The Framework allows for the identification and designation of Local Green Space that is of importance locally. Therefore the policy is not inconsistent with the Framework.

8. Although the frontage trees could be retained along with two mature walnut trees protected by a tree Preservation Order, and there could be additional tree planting, the access would be opened up to an adoptable standard, a hedgerow removed and five dwellings would be erected. That would harm the function of the Gap to prevent coalescence of the two parts of Upton Snodsbury, the separation of which is part of its character.

9. I acknowledge that the site cannot be described as open, because of the hedgerows and trees on the boundaries. Nevertheless, the dwellings would be visible through the access and in winter through the tracery of trees from its street frontage and so the site would loose its undeveloped characteristics much valued by local residents. The development would result in the loss of one of several paddocks that lie on the fringes of the settlement, and which contribute to the rural character and appearance of Upton Snodsbury.

10. I note other cases raised by the appellant where planning permissions have been granted or appeals allowed, but none seem to me directly comparable with the circumstances of developing a very substantial part of a small Strategic Gap for housing.

11. The site has very limited potential for protected amphibians and has no ponds. Because of this, the ecology matter need not be an impediment to development. Connectivity between local ponds could be allowed for in the layout, and appropriate planting could be incorporated to ensure avoidance, mitigation and enhancement.

12. The appellant has submitted a Unilateral Undertaking (UU) dated 14 June 2013 as part of the appeal. This deed makes provision for contributions for a cycle link, public art, off site public open space, off site formal sports and off site public leisure as required by the Council, and for the control of affordable housing provision.

13. I am satisfied that the provisions of the UU meet the requirements of LP policies GD3, COM2, COM12, and SR5, SP policy IMP1 and SPG,[4] the tests of the Framework and the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

14. I acknowledge also all other matters raised, including traffic and parking. The traffic generated from 5 dwellings would not be substantial and I have no reason to believe that the development would generate any significant off site

[4] Affordable Housing Supplementary planning Guidance
Developer Contributions Towards Service Infrastructure Supplementary planning Guidance October 2003

car parking issues that would be harmful to highway safety or for any other reasons.

15. Other site specific matters such as position of tree planting could be resolved at detailed stage and so do not add to my earlier conclusions. My findings on all other matters do not outweigh my conclusions on the implications for the Strategic Gap and that the development would be contrary to LP policy SR10.

16. For the reasons given above, I conclude that the appeal should be dismissed.

Julia Gregory

Inspector