
Appeal Decision

Site visit made on 5 January 2016

by Alan M Wood MSc FRICS

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

Decision date: 1 February 2016

Appeal Ref: APP/H1840/W/15/3136087

Merry Brook Farm, Pershore Road, Evesham, Worcestershire, WR11 2PL

- 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 Gareth Davies against the decision of Wychavon District Council.
 - The application Ref W/14/01209/OU, dated 9 June 2014, was refused by notice dated 10 April 2015.
 - The development proposed is described as application for outline planning permission for the erection of 29 residential dwellings forming Phase 2 of the previously approved and contiguous Phase 1 site to the south-east.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although all matters are reserved except for access, Plans 1678:01A, 02B, 03A, 04A and 05B have been submitted in support of the application indicating the layout of the site, the scale of the proposed dwellings and their appearance as well as landscaping details. At this stage however, these plans can only be considered as indicative.
3. Notwithstanding the reference to phasing in the description of the development above, I have considered the proposal on its own individual merits.

Main Issues

4. (a) The principle of the development of the appeal site for housing, having regard to national and local planning policy; (b) the effect of the proposed development on the character and appearance of the surrounding area; and (c) whether a planning obligation is necessary in this case.

Reasons

Principle of Development/Site Location

5. The proposed development would be served by an access road from a new development of 27 dwellings which abuts part of the eastern boundary of the appeal site. That development, which is still under construction, has a direct access off Pershore Road.

6. Policy GD1 of the Wychavon District Local Plan (2006) [LP] sets out the locational strategy for new development in the district. The policy states that all new development outside of the main towns should be located, in all cases, within defined development boundaries and development proposals outside of these areas will only be permitted where they accord with a specific policy or proposal in the LP. The appeal site however is located outside of the defined development boundary for Evesham and no specific policy has been brought to my attention in this regard. The location of the proposed development would therefore conflict with Policy GD1.
7. I also note that the appeal site is not an allocated site in the emerging South Worcestershire Development Plan. Although that Plan still has unresolved objections it seeks to allocate most development in locations where the greatest range of services and employment opportunities are accessible to all. In that regard the Plan would be broadly consistent with the Framework.
8. It is common ground between the parties that the Council can demonstrate the existence of a 5 year housing land supply and this has been affirmed by a number of recent appeal decisions¹. This was not the case however in 2013 when the new housing development described above was approved. Accordingly Policy GD1 is not out-of-date in the context of paragraph 49 of the National Planning Policy Framework (the Framework).
9. Notwithstanding its conflict with Policy GD1, the appeal site would have reasonable accessibility to local facilities. A broader range of facilities are located in Evesham town centre which is 1.5km (about 15 to 20 minutes' walk) from the site. The route to the town centre is served by public transport and there are bus stops in Pershore Road.
10. The general accessibility and sustainability of this location was accepted when the Council granted permission for the new development referred to above. Paragraph 47 of the Framework seeks to boost significantly the supply of housing and the existence of a 5 year housing supply should not necessarily be seen as a cap on further development. These are material considerations which will be taken into account in the balancing exercise below.

Character and Appearance

11. The Hampton district of Evesham is located to the west of River Avon and the appeal site is on the western extremity of the built development in Hampton. I viewed the site from a number of vantage points including the rear garden of The Paddocks in Charlton Close which abuts the site, the public footpath to the north of Charlton Close, and viewpoints in Haselor Lane to the south and Boston Lane to the west. The appeal site can be seen from those vantage points because of its elevated location along the ridge. From my observations, the proposed development would have some prominence in the skyline particularly when viewed across the open countryside to the west.
12. The proposal includes a parcel of land which begins to fall away from the ridge along the western boundary of the site but would have scope for tree and shrub planting. The Council's Landscape Officer has indicated however that whilst this could soften the built form it would take 10 to 15 years to mature and this assertion has not been contested by the appellants. The indicative

¹ APP/H1840/A/14/2217607, APP/H1840/A/2215896 and APP/H1840/A/14/2222708

layout is also orientated to follow the ridge thereby accentuating the amount of the proposed development that would be in view. The proposal would therefore present a hard edge to the surrounding area to the west. The landscape has no special designation and I saw that a line of electricity pylons are clearly visible from the appeal site. Pylons however are not that uncommon in countryside settings.

13. The more elevated part of the site abuts the rear gardens of Green Gables and No.s 27 and 29 Charlton Close adjacent to its eastern boundary. These detached dwellings are of some scale and are situated in very spacious plots. The Paddocks is also a sizeable dwelling within a spacious plot and is sited adjacent to No. 29. In stark contrast however, the indicative layout shows a compact arrangement comprising 4 flats, 8 terraced dwellings and 2 detached dwellings which would be located on the land between the proposed site road and the rear boundary of the existing properties.
14. I also note that the development under construction includes a layout of only 6 detached dwellings in a more open and spacious arrangement along the southern boundary of the spacious Green Gables plot and that boundary is longer than the corresponding eastern boundary described above. Accordingly, the indicative layout would be out of keeping with the pattern of development in the immediate surroundings and the proposed form and quantum of development would therefore appear incongruous in its setting.
15. I acknowledge that the proposed layout could be revised so that the detached dwellings abutting the proposed landscaped area on the opposite side of the site road would replace the arrangement described above, and vice versa. This would however exacerbate the scale and massing of the built form facing towards the open countryside especially where the land rises to the north. This intensification of the proposal would result in the potential for additional visual intrusion in the surrounding area.
16. The indicative layout shows the proposed landscaped area to be fairly uniform in width for most of the site. However, in the south-west corner of the site a dwelling is proposed which would materially decrease the general width bringing the built development closer to the open countryside.
17. Taking account of all of the above considerations I find that a development, in principle, comprising the number of proposed dwellings on the appeal site would result in considerable harm to the character and appearance of the surrounding area.
18. The proposed development would therefore conflict with paragraph 56 of the Framework which states that good design is a key aspect of sustainable development. It would also be contrary to Policies GD2 and ENV1 of the LP which seek to ensure that development does not have an adverse effect on the character and appearance of the surrounding built environment or the rural landscape.

Planning Obligation

19. The appellant has provided an executed unilateral undertaking (UU). The UU would provide contributions in respect of affordable housing (40% of the proposed dwellings-12 units); cycling facilities; education facilities; off-site built sports facilities; community buildings/facilities; off-site public open space;

recycling; and highways-related facilities. The Council has not raised any concerns in respect of the contents of the UU and, from the evidence before me, the contributions accord with the relevant Council policies.

Other Matters

20. Interested parties have raised concerns with regard to highway safety as a consequence of the increase in traffic using the Pershore Road junction with the new development. The highway authority however has not objected to this proposal in principle subject to the contributions as indicated above and the imposition of a number of conditions.
21. Concerns have also been expressed in relation to the impact of further residential development on local services and facilities. In this regard, reference has been made to the approved development of 400 dwellings on the southern side of Pershore Road. As indicated above however, the Council has sought contributions to services and facilities to mitigate the effect of the proposed development.
22. The loss of views to the west has also been cited by residents in Charlton Close but the planning regime, whilst seeking to safeguard outlook, does not protect the right to an existing view.

Balancing Exercise

23. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. Paragraph 7 of the Framework identifies the three dimensions to sustainable development, namely the economic, social and environmental roles. Paragraph 9 of the Framework states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life.
24. In social terms the proposal would help to boost the supply of housing and would provide additional affordable housing accommodation. In economic terms it would generate employment during the construction phase and would potentially increase the number of residents making a contribution to the local economy on a longer term basis. In environmental terms, as described above, although the proposal does not accord with Policy GD1, the appeal site is in a sustainable location and this is not disputed by the Council.
25. However, the degree of harm to the character and appearance of the surrounding area that I have identified for a development of this magnitude on the appeal site, which is also an environmental consideration, would not be outweighed by my findings in respect of the other considerations described above even when taken together. Accordingly, the proposed development would not positively improve the quality of the built or natural environment and cannot therefore be considered as sustainable development. It would therefore be contrary to the Framework and the LP.

Conclusion

26. For the reasons given above, the appeal does not succeed.

Alan M Wood Inspector