



Appeal Decision

Site visit made on 3 August 2010

by Louise Crosby MA MRTPI

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

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**Decision date:
17 August 2010**

Appeal Ref: APP/R1845/A/10/2126638

Land adjacent to 62 The Racks, Barkhill, Bewdley, Worcestershire, DY12 2BD

- 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 Steve Churms against the decision of Wyre Forest District Council.
- The application Ref: 09/0596/OUTL, dated 17 August 2009, was refused by notice dated 15 October 2009.
- The development proposed is erection of a single storey detached dwelling and associated access.

Decision

1. I dismiss the appeal.

Procedural matters

2. Planning permission is sought in outline, for a bungalow, with all matters reserved. I note that the description of development makes reference to the access and two lines on the location plan indicate the positions of the proposed footpath and vehicular access into the appeal site. The proposed dimensions and approximate location of the bungalow within the site are also provided.
3. The appeal site formed the working garden/orchard of No 62 in the past. The recent change to Annex B of PPS3¹ means that garden land is now classified as greenfield. Therefore, regardless of whether this site is regarded as garden land or abandoned garden land it is, for the purposes of PPS3 Annex B, a greenfield site.
4. Regarding the Council's third reason for refusal, I am aware that following the submission of a further ecology report by the appellant, the Council have agreed that this matter could be dealt with by planning conditions. I have no reason to disagree. I shall deal with the appeal on this basis.

Main issues

5. The main issues in this case are whether the proposal would:
 - i) preserve or enhance the character or appearance of Bewdley Conservation Area (BCA) and;
 - ii) accord with the Council's adopted policy in relation to the sequential release of housing land within the district.

¹ Planning Policy Statement 3: Housing

Reasons

6. The appeal site is an overgrown parcel of land surrounded by trees and vegetation within BCA. The site is accessed via The Rack, a very narrow lane, which reduces to the width of a footpath adjacent to the appeal site. Being at the end of a narrow lane the appeal site is a tranquil green space. The land to the east, south and west of the appeal site is verdant in character and forms part of a wooded area between Winbrook and The Racks. This provides a soft edge to the nearby residential development. I note that the Character Appraisal for Bewdley Conservation Area – May 2002 (CACA) describes these areas of undeveloped land as having a rural feel and advises that they should be retained wherever possible.
7. A dwelling and domestic garden here would open up this space, resulting in the loss of vegetation and landscaping and the creation of a more formal space. While I realise that there is evidence (foundations) on the site of a previous garden outbuilding, this would have been very unlikely to have been akin to a new bungalow in its scale and design. In my opinion, this proposal would result in a harmful urbanising effect and the unacceptable erosion of this area of undeveloped land referred to in the CACA. Consequently, the proposal would fail to preserve the character and appearance of BCA and conflict with LP² policy CA.1. For this reason alone the appeal must fail.
8. Turning to consider my second main issue, for the reasons set out above this site is classified as greenfield and therefore the residential use of it would conflict with LP policy H2. This seeks to ensure that residential development takes place within defined areas such as Bewdley, on previously developed land. LP policy NR.1 allows the development of greenfield sites where it can be demonstrated that there are no suitable previously developed brownfield sites available. The appellant has not sought to demonstrate that this is the case here and so the proposal would also conflict with policy NR.1 and the advice in PPS3 in relation to the release of housing land. I realise that Policy NR.1 includes the word 'normally' and this proposal is for just one dwelling, but given the identified harm to BCA and lack of evidence in favour of the proposal I consider that there is no reason to release this greenfield site for development at the present time. I am also aware that the Council currently has at least a five year supply of housing land, which is not disputed by the appellant. The harm in relation to this issue adds to that already identified and is an additional reason why the appeal must fail.
9. From my visit to the site I can appreciate local concern about the suitability of using The Racks to provide vehicular access to an additional dwelling. Since the traffic movements associated with a small bungalow would be likely to be very light, there would be no real discernable increase in traffic movements on the lane. However, the proposed new vehicular access would interfere with the current parking and vehicular manoeuvring arrangements at No 62 at a point where the lane begins to narrow even further. In the absence of much more detailed plans it is difficult to assess whether the proposal would be detrimental to highway safety in this regard.

² Adopted Wyre Forest District Local Plan

10. Regarding living conditions, I consider that the site would be large enough to accommodate a modest sized bungalow without having an adverse effect on living conditions nearby. In respect of the stability of the sloping land, I am not aware that any landslides have taken place in this area and there is specific planning guidance and other legislation to deal with this matter. Likewise there is other legislation in place to deal with drainage matters.
11. In determining the appeal I have had regard to the offer by the appellant to gift a parcel of land, adjacent to the appeal site, to the Council for recreational purposes. While it is suggested that this could be done by way of a legal agreement I do not have one before me and so can afford this very little weight. In any event, I do not consider that such an offer would relate in scale and kind to the proposed development and thus fail to accord with the advice in Circular 05/2005 and tests in Regulation 122 of the Communities Infrastructure Levy Regulations 2010. I am also aware that the appeal site is in a sustainable location and that a similar proposal has been approved nearby, but I have very little information about the other scheme and I have dealt with this case on its own merits, on the basis of the information before me.
12. I conclude that the proposal would fail to preserve the character and appearance of BCA and conflict with the Council's adopted policy in relation to the sequential release of housing land within the district.
13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR