



Appeal Decision

Site visit made on 20 November 2018

by Eileen Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 12 December 2018

Appeal Ref: APP/H1840/W/18/3208528

Land at OS38426 2568574 , Stoney Lane, Crossway Green, Stourport on Severn DY13 9SL

- 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 Paul Southall of Southalls of Norchard against the decision of Wychavon District Council.
 - The application Ref 18/00230/OUT dated 4 February 2018 was refused by notice dated 30 April 2018.
 - The development proposed is outline application for the erection of 5 no dwellings with access from Stoney Lane. All matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline, with all matters reserved except for access. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the appeal site would be a suitable location for housing, with particular regard to local and national policy for rural areas and accessibility for future residents to essential services.

Reasons

4. The appeal site is part of a field located along Stoney Lane. The site lies close to the roundabout that crosses the A449 dual carriageway. There is some housing next to the site on Stoney Lane and there are extensive fields opposite the site. The appeal site is outside the development boundary for Crossway Green and is therefore defined as the open countryside in policy terms. In such locations, Policy SWDP 2 of the South Worcestershire Development Plan 2016 (SWDP) seeks to restrict residential development, except in accordance with certain criteria, including in the interests of sustainable access to local services and employment opportunities and the high quality of the open countryside as identified in the SWDP. It is essentially agreed that the proposed development does not fall within those exceptions, and given that it is not proposed that the dwellings would be for rural workers, a rural exception site, or replacement dwellings, I see no reason to consider otherwise.

5. The proposal would therefore be contrary to Policy SWDP 2, which among other things seeks to direct most development to urban areas and sites within defined development boundaries. Residential development in the open countryside is limited to that according with specific exceptions. I accept that a breach of a development boundary does not automatically result in a breach of a policy or its purpose. However, on the evidence before me, I consider that the provision of five dwellings at this location would be significantly at odds with the planned strategy for the spatial distribution of new homes in the SWDP area.
6. Policy SWDP 2 also sets out a hierarchy of settlements based upon the role of the settlement and the services provided there. I am advised that Crossway Green is a category 3 village and therefore falls in fourth position out of five in the in the adopted settlement hierarchy, where first position is the city centre and fifth is the most rural villages with no more than one or two local services. Category 1, 2 and 3 villages provide varying ranges of local services and facilities, but are likely to rely on larger settlements for a greater range. The role of Crossway Green is therefore predominantly defined as meeting locally identified housing and employment needs.
7. Paragraph 79 of the National Planning Policy Framework (the Framework) says that isolated homes in the countryside should be avoided. It is reasonable to understand that is means isolated spatially from other built development as supported by the Braintree judgment. The proposed development would be situated in the vicinity of a number of buildings, including dwellings and a pub, and so cannot be said to be physically remote from places, buildings or people. It would therefore not be isolated in terms of paragraph 79. However, just because a site is not 'isolated', it will not necessarily be reasonably accessible to services when considered in the wider context of the Framework.
8. In terms of accessibility, the appeal proposal is close to a small settlement but there is a dual carriageway between the site and local facilities. The need to cross the A449 dual carriageway to access some of the relatively limited local facilities such as the nearby pub and bus stops at Crossway Green would, in my view, make walking, cycling, and walking to utilise the bus unattractive options for future residents of the scheme. Furthermore, some facilities such as schools are in excess of 1km away, taking the appellant's figures. Schools, shops and workplaces would therefore not be generally accessible in the sense of using sustainable transport modes, and there would most likely be heavy reliance on car travel.
9. As a result, the development would be at odds with Policy SWDP 4, which among other things seeks to promote more transport choice in rural areas in conjunction with development proposals. I have considered the advice in paragraph 103 of the Framework that opportunity to maximise sustainable transport solutions will vary from urban to rural areas. However, on the evidence before me, I am not persuaded that alternatives to the car represent a realistic option for future residents, particularly due to the lack of safe, convenient and attractive local provision for walking and cycling from this site to essential services.

10. Therefore, for the reasons given above, I conclude that the appeal site would not be a suitable location for housing, with particular regard to local and national policy for rural areas and accessibility for future residents to essential services. It would therefore conflict with Policies SWDP 2 and SWDP4 of the SWDP, the relevant requirements of which are set out above.

Other Matters

11. The appellant has drawn my attention to several appeal decisions. The nature and circumstances of each of these cases appears to differ significantly from the proposal now before me, including in terms of the scale of the scheme, the geographical location, whether replacement buildings and dwellings or conversion would result, and proximity and accessibility to local services. I am satisfied that there are material differences between the facts of this case and the decisions I have been referred to, and I have considered this appeal on its individual merits.

Planning Balance

12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise.
13. The appellant has referred to East Staffordshire B.C v SSCLG and Barwood Strategic Land (2016) EWHC 2973 (Admin) which states that if the Council had a 5 year housing supply policies relating to housing were to be considered up to date and the then paragraph 14 was not engaged. The appellant now considers that the Council cannot demonstrate a 5 year housing supply so that paragraph 11d of the new Framework and the tilted balance applies.
14. The Council contends that it has a supply of housing of 7.83 years. The Council has not provided an updated housing supply position in light of the 2018 Framework, and the appellant has provided limited substantive evidence to counter the Council's 7.83 years' position. I therefore have insufficient evidence before me to determine the current supply situation. In any event, I accept that a five year supply is not a cap on development.
15. I note that the proposal would provide a modest social benefit from the provision of five new dwellings. Limited short term economic benefits would also arise, including from construction work and subsequent local spending by the future household which may also help support services in nearby villages such as Hartlebury. I also note that no specific objections have been raised by the Council in relation to the visual effects of the outline proposal on landscape character.
16. Nonetheless, even if I were to conclude that the Council cannot currently demonstrate a five year supply in accordance with the requirements of the revised Framework, the adverse impacts of granting planning permission would significantly and demonstrably outweigh these benefits when assessed against the Framework taken as a whole. Therefore, in the circumstances of this appeal, the material considerations before me do not justify making a decision other than in accordance with the development plan.

Conclusion

17. For the reasons given, I dismiss the appeal.

Eileen Griffin

INSPECTOR