The Planning Inspectorate

Appeal Decision

Site visit made on 4 June 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2019

Appeal Ref: APP/H1840/W/19/3225068
Defford Motors, Upton Road, Defford, Worcestershire WR8 9BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to **grant permission in principle.**
- The appeal is made by Mr Barry Connally against the decision of Wychavon District Council.
- The application Ref 18/01894/PIP, dated 14 September 2018, was refused by notice dated 24 October 2018.
- The development proposed is residential development of up to 8no. dwellings.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form, having removed elements that were not an act of development.

3. It is indicated that the South Worcestershire Development Plan (Plan) is under review. However, no details of the status of any emerging plan has been provided or copies of any emerging policies. In any event, I have assessed the proposal on the basis of the adopted plan.

Main Issue

4. The main issue is whether the proposal would be in a suitable location for housing, having regard to local and national planning policies.

Reasons

5. The appeal site is occupied in part by several buildings. These are used in connection with a commercial garage business as well as residential use and associated private garden area. The larger buildings are set back from, and at a lower level than, the road to the open frontage of the site. This, along with the mature vegetation to the other boundaries, results in them being mostly screened from the fields either side of the appeal site and in longer views. There are frequent spaces between the sporadic built development on the same

side of the road as the appeal site. The appeal site is separate from the main part of the village on the opposite side of the road and wholly outside of the development boundary.

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals and permission in principle, must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework comments that where a planning application conflicts with an up-to-date development plan, it should not usually be granted. Only if material considerations in a particular case indicate that the plan should not be followed should they be permitted.

7. Policy SWDP2 of the Plan establishes the settlement hierarchy and development policy that should apply in settlements and the open countryside. The parties indicate that Defford is classified as a Category 3 village in the Hierarchy of Settlements. Policy SWDP2 indicates that housing sites of an appropriate scale are allocated to address the need for housing and support local services in such villages. The delegated report describes these settlements as having at least one key service and a daily bus service.

8. Being outside of any settlement boundary, Policy SWDP2 defines the appeal site as being in the open countryside, where new housing development is strictly controlled. Development in the open countryside is only considered appropriate if supported by other relevant local plan policies.

9. The proposed development conflicts with the policies of the Plan as it does not meet any of the exceptions where residential development in the open countryside is considered appropriate. While the Plan may be under review, this does not imply it is out of date or inconsistent with the Framework. That the Council have a 5-year supply of housing land has not been contested. I therefore consider the relevant policies of the development plan are not out of date, absent or silent in regard to housing.

10. The Council have not raised any concerns over the accessibility, and I have no reason to disagree. The provision of a minimum 5 year housing supply is not to be considered as an upper limit and the proposal would align with the national aim to boost the supply of housing and support small scale development. Nevertheless, while any contribution is worthwhile, the addition of 5-8 units to the supply and mix of housing in the area would be modest, as would the additional custom to existing services and facilities and economic benefits resulting from the construction period, new homes bonus and council tax.

11. I have also taken in to account the scope for benefits to green infrastructure and ecological enhancements along with the energy efficiency of the proposal and potential to minimise pollution. However, given the scale of the proposal these benefits would not be significant.

12. While there are buildings of the site, there are areas without built development and the proposal would be for a number of dwellings. Therefore, from the details contained within the proposal I cannot be certain that there would be a lower amount of built development on the site or that impact on the countryside would be less than the current situation.

13. I note the principles of policy SWDP2 in relation to sustainable development and reference to encouragement to redevelopment of brownfield site. I have

also taken into account the benefits of the proposal. Nevertheless, even if I were to consider the proposal a more efficient use of brownfield land, and although the scheme would not prevent most development being located in urban areas, it is clear that beyond any development boundary new residential development is limited to certain circumstances in the Plan.

14. Consequently, I find that the site is not a suitable site for housing, having regard to local and national planning policies. It would be contrary to policy SWDP2 of the Plan which provides the overall principles of development in the area, and specifies the exceptions where housing is permitted outside of development boundaries. It is also contrary to the Framework in that the proposal conflicts with an up-to-date development plan and therefore should not usually be granted.

Other Matters

15. There are no refusal reasons in relation to matters such as, highway safety, drainage, living conditions, loss of agricultural or employment land or density. Nonetheless, the lack of harm from these results in neutral impacts that do not weigh in favour of the development.

16. While the site was on the Brownfield Land Register at the time of the application being submitted, it was removed prior to the Council's decision and it is indicated that the previous planning permission at the site has subsequently lapsed. The conduct of the Council in regard to this process has been raised. However, I have assessed the scheme on its planning merits.

17. From the details before me, the Council were not able to demonstrate a 5 year supply of housing land when they previously considered residential development acceptable on the site. As such, the circumstances were different to this appeal.

18. My attention has been drawn by both parties to recent appeal decisions within the areas covered by the SWDP. There are certain similarities between the appeals quoted to me and this one. Nevertheless, there are also elements that make the cases materially different to the one before me with none relating to Defford, and several concerning a different number of dwellings and/or category of village. Therefore, they are not directly comparable to the scheme before me. In any event, individual appeals are decided on their own particular merits and I have determined the appeal in this way.

Conclusion

19. Although there are matters that weigh in favour of the development, there would, however, be negative impacts arising from the proposal as identified in the main issue. For the reason set out above, the scheme conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

20. Therefore, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR