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# Appeal Decision

Site visit made on 11 September 2019

**by S Thomas BSc (hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2019**

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**Appeal Ref: APP/H1840/W/19/3231727**

**The Shieling, Old Turnpike Road, Crowle, Worcester WR7 4AG**

- 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. Mrs Francis against the decision of Wychavon District Council.
  - The application Ref 18/02700/OUT, dated 24 December 2018, was refused by notice dated 2 May 2019.
  - The development proposed is erection of 2 no dwellings.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The site address submitted on the application form was spelt incorrectly and did not include a postcode. I have therefore used the address as identified on the Councils decision notice and am satisfied this is correct. This is reflected in the address in the banner heading above.
3. I have amended the description of development as stated on the planning application form omitting the words "Outline app" as these are not a description of development. This is shown in the banner heading above.
4. The application is made in Outline with all matters reserved. I have determined the appeal on this basis.

## Main Issue

5. The main issue is whether the proposed development would represent a suitable location for housing; having regard to its location outside the defined development boundary.

## Reasons

6. The appeal site is located within part of the extensive front garden of The Shieling and is located off Old Turnpike Road. The site lies to the east of a row of properties on both sides of the road which are separated from the village of Crowle by open agricultural land. The Shieling is situated some distance to the rear of the plot with a mature hedgerow separating the property from the appeal site. The appeal site is lawned containing mature trees.

7. The development strategy principles in Policy SWDP2 of the South Worcestershire Development Plan (2016) (Development Plan) encourage the effective use of brownfield land. The appeal site forms part of a residential garden and whilst in a countryside location is located close to built form in the immediate area along Old Turnpike Road. Therefore, in line with the National Planning Policy Framework (the Framework) land in built up areas such as residential gardens are excluded from the definition of previously developed land. I therefore consider the site is not previously developed brownfield land in this context.
8. Whilst reference is made to infill/rounding off the site is in the open countryside and the development strategy settlement hierarchy is clear in that within Category 3 settlements infill development is acceptable only within the defined development boundaries. Notwithstanding this I do not consider the proposal would constitute infill as it doesn't infill a continuous built frontage. The appeal site is separated from the properties to the west by an area of tree cover and there are no properties to the east. Similarly, I do not consider the proposal a settlement rounding off as it is a considerable distance from the defined development boundary.
9. The site and this area of housing lie wholly outside the development boundary for Crowle. Policy SWDP2 (C) of the Development Plan defines land beyond the defined development boundary as in the open countryside within which development will be strictly controlled subject to a number of exceptions. This proposal for 2 new dwellings would not meet any of those identified exceptions and would therefore be contrary to this policy and would fail to accord with the development strategy principle of safeguarding the open countryside.
10. In line with Policy SWDP2 the development strategy sets a development hierarchy. Crowle is identified as falling within Category 3 of the hierarchy of settlements meaning it has at least one key service and access within the settlement to at least a daily bus service. It is acknowledged that given the footway that exists between the appeal site and the village the site would have easy access to the services in the village and bus stops.
11. Policy SWDP2 identifies the plan should make provision for and facilitate the delivery of sufficient housing to meet objectively assessed need by 2030. The Council can demonstrate a healthy 5-year supply of deliverable housing sites. The Wychavon Five Year Housing Land Supply report 2018 indicates a supply of 7.81 years in excess of the required 5 years. However, the appellant has not commented on the land supply status. Accordingly, in line with the Framework the housing policies in the development plan are considered up to date.
12. The appellants have referred to two planning decisions in the village of Crowle that they claim have been approved and constructed recently. I observed these on my site visit, however I noted both are on the edge of the village unlike the proposal before me which is significantly detached from the village development boundary. Notwithstanding this I do not have the full details behind these and given the differences I give these decisions little weight in my findings on the proposal in front of me.
13. The proposal in principle subject to a detailed Reserved Matters approval would provide an additional 2 new dwellings and I acknowledge would be within walking distance to a number of services such as post office, public house and village shop. Accordingly, the proposal would provide a benefit of 2 dwellings to

the overall housing supply and associated economic benefits to the local economy through construction and in particular to local services following occupation. However, given these are limited benefits and considering the Council can demonstrate a healthy 5-year supply of deliverable housing sites there are no overriding reasons before me that justify undermining the development strategy and departing from the adopted development plan.

14. Taking the above matters into consideration I find the proposal would not be a suitable location for housing and would be in conflict with Policy SWDP2 of the Development Plan which amongst other matters seeks to safeguard or enhance the open countryside and ensure the effective use of brownfield land. The proposal thus would also be in conflict with Policy SWDP1 which seeks to support proposals which accord with policies in the Development Plan and the Framework which says that where a proposal conflicts with an up to date development planning permission should not usually be granted.

### **Conclusion**

15. For the reasons identified above, the appeal is dismissed.

*Stephen Thomas*

INSPECTOR