



Appeal Decision

Site visit made on 24 February 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2020

Appeal Ref: APP/H1840/W/19/3240409

Land south of Greenfields, Great Comberton, Worcestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by Mr Simon Hickey against Wychavon District Council.
 - The application Ref 19/01629/PIP, is dated 15 July 2019.
 - The development proposed is permission in principle for the erection of 1-2 new dwellings.
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Decision

1. The appeal is dismissed and permission in principle is refused.

Procedural Matters

2. The scope of 'permission in principle' (PiP) is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage.

Main Issue

3. The appeal is the result of the Council failing to determine the application in the prescribed period of time. However, based on the evidence before me, the main issue is whether the development plan supports the principle of the development in this location.

Reasons

4. Policy SWDP2 of the South Worcestershire Development Plan (February 2016) (SWDP) provides a development strategy and settlement hierarchy for the district. It also states that land beyond any development boundary will be defined as the open countryside in which development will be strictly controlled. The appeal site is not located within a development boundary. Consequently, for the purposes of the development plan, it is within the open countryside.
5. Policy SWDP2 of the SWDP identifies certain development types which can be acceptable within the open countryside, one of which relates to rural exception sites and the provision of affordable housing. Based on the evidence before me, there has been considerable discussion between the parties in relation to the nature of the use proposed. Within the supporting statements, the appellant suggests that the tenure of the proposed dwellings would be affordable housing

- for rent and therefore in accordance with Policy SWDP16 of the SWDP as a rural exception site. However, the suggested tenure is not explicitly within the description of development.
6. The nature of the PiP process is that conditions and legal agreements cannot be utilised to control development. Consequently, specific tenure, which directly influences the land use, cannot be secured at this stage. The appellant may volunteer information, which has been the case through the application in relation to tenure. I also have no reason to question the shortage of affordable housing within the district referred to by the appellant. However, in the absence of a means to secure such matters, there can be no certainty that the implied land use will be carried forwards into the technical details consent stage.
 7. This may affect the success of the latter stage of the process. However, as identified above, the scope of 'permission in principle' is limited to location, land use and amount of development. Consequently, without the ability to control tenure at the PiP stage, and without explicit reference to specific tenure in the description of development, in my view, the land use has to be assessed at face value in an unfettered way. To do otherwise would be to rely on volunteered information that cannot be secured or controlled. On this basis, despite the information provided by the appellant, the proposal has to be assessed as one for unrestricted housing. Accordingly, as a proposal for open market housing, it would fail to represent a rural exception site under Policy SWDP16 of the SWDP. Consequently, the proposal would conflict with the development plan, a matter to which I attach a considerable amount of weight.
 8. I note that housing secured through the PiP process can count towards local housing supply. However, other than affordable housing, I have not been provided with any evidence in relation to housing supply concerns. Consequently, due to my findings identified above in relation to tenure, as a proposal for open market housing, I attach limited weight to the benefits to local housing supply.
 9. The appeal site itself represents an undeveloped parcel of land located between buildings. I am therefore satisfied that for the purposes of the National Planning Policy Framework (the Framework), the site would not be isolated. I am also satisfied that the introduction of housing would not necessarily compromise the character and appearance of the area. Accordingly, in my view, the technical details approval stage could generate a form of development that would be suitably sensitive to the context of the site, including the presence of nearby designated heritage assets.
 10. However, the Framework confirms that the planning system should be genuinely plan-led. Moreover, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In the absence of any housing land supply concerns, I have no reason not to give full weight to the policies within the development plan. Consequently, the proposed location and land use would be in direct conflict with the development plan when taken as a whole.
 11. Therefore, for the reasons identified above, I conclude that the development plan does not support development in this location. Accordingly, the proposal would fail to comply with Policies SWDP2 and SWDP16 of the SWDP. Taken

together these establish the development strategy for the district, including in relation to rural exception sites.

Conclusion

12. For the reasons identified above, the appeal is dismissed and permission in principle is refused.

Martin Chandler

INSPECTOR