



Appeal Decision

Site visit made on 27 May 2020

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2020

Appeal Ref: APP/H1840/W/20/3245690

Hills Yard Broadclose Lane, Inkberrow, Worcester WR7 4JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission in principle.
 - The appeal is made by Mr & Mrs M Perkins against the decision of Wychavon District Council.
 - The application Ref 19/02437/PIP, dated 4 November 2019, was refused by notice dated 17 December 2019.
 - The development proposed is permission in principle for residential development of 2 No bungalows.
-

Decision

1. The appeal is allowed and planning permission in principle is granted for residential development of up to 2 No dwellings at Hills Yard Broadclose Lane, Inkberrow, Worcester WR7 4JN in accordance with the terms of the application, Ref 19/02437/PIP, dated 17 December 2019.

Preliminary Matters

2. The appeal proposal is for Permission in Principle (PIP) in accordance with the Town and Country Planning (Permission in Principle) (Amendment) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
3. As the appeal does not relate to technical details, I have not taken the detailed description of the proposal to be definitive. This is in line with the PPG's advice that the amount of residential development must be expressed as a range, indicating the minimum and maximum number of new dwellings which are, in principle, permitted. For this reason, I have amended the description in my formal decision to reflect the maximum number of dwellings proposed.

Main Issues

4. The main issues are (i) whether the development would be in a suitable location for housing, taking into consideration local policies and (ii) if there is conflict with policy, whether there are other material considerations which would justify a decision other than in accordance with the development plan.

Reasons

Location

5. The appeal relates to a former scaffolding storage yard on the edge of the village of Inkberrow. A number of small sheds remain on the site, as well as hardstanding. Although the site is becoming overgrown, evidence of the previous use remains and thus it should be considered previously developed land.
6. The site is accessed from Broadclose Lane, which is a narrow unpaved country lane. The site is adjacent to the last house in a short row of four detached dwellings which stretches from the nearby junction with Withybed Lane. From the access, the site cuts in behind the adjacent dwelling on Broadclose Lane. The site backs on to the rear gardens of dwellings on Withybed Lane. A mixture of caravan storage and residential uses can be seen immediately to the north of the site. There is an open field to the west of the site.
7. Policy SWDP2 of the South Worcestershire Development Plan (SWDP)(2016) establishes the development strategy and settlement hierarchy for the area. Criterion C of the policy states that land beyond any defined development boundary is classed as open countryside and housing development in these areas will be strictly controlled and limited to a small number of categories. The site lies outside the defined development boundary and the housing would not fit into any of the exceptional categories. Accordingly, there would be a clear conflict with this element of the policy.
8. The reason for refusal also makes specific reference to the development not safeguarding or enhancing the countryside and that it would not focus development within urban areas. These are two of the principles established in criterion A of Policy SWDP2. In considering the weight to be given with any conflict with the policy, it is also necessary to consider these specific criticisms.
9. Although largely overgrown, the site is clearly different in character and appearance to the open fields opposite and the field immediately to the west. While well screened, it currently adds little to the environmental quality of the village or the countryside beyond. Although classed as open countryside in policy terms, it does not reflect that character. The defined development boundary essentially wraps around three sides of the site. As such, the site is extremely well related to the existing built form of the village. The inset position of most of the site means that development could take place with little or no encroachment beyond the existing built envelope of the village.
10. The Council's Officer Report also concludes that housing here would be compatible with neighbouring land uses and that the proposed scale and density of development would be acceptable in principle. I have seen nothing that would lead me to a different conclusion. The established use of the site is also commercial. There is nothing before me to suggest that the previous use, or appropriate alternative, could not make use of the site in the future. This has some bearing on potential impacts. Layout and design are not being considered in this appeal. However, no specific harm to character and appearance has been identified by the Council. I am therefore satisfied that a form of development could take place in principle which would not result in harm to the open countryside or the character of the village.

11. Inkberrow is a 'Category 1' village, which means it has access to at least four key services and a daily bus service. Policy SWDP2 allows for infill development within defined boundaries in principle, subject to other policies. Development within the development boundary is therefore acceptable in principle. The appellant has drawn my attention to the facilities within the village, which include a local village shop, doctor's surgery and first school. There is also a bus stop a short distance from the site. The distances given to access these services are not prohibitive, the routes are clear and generally well paved. The short distance of unpaved road along Broadclose Lane is unlikely to discourage walking to any significant degree.
12. The Council has not disputed the appellant's observations on these matters. Indeed, the Council's Officer Report concludes that the site would offer a high degree of access to a range of services within Inkberrow and the surrounding area. The development would therefore be extremely well related to an area where development is acceptable in principle and consistent with the aim of developing in accessible and sustainable locations.
13. The site is also previously developed land. Policy SWDP2 expressly states that part of the development strategy is to encourage the effective use and re-use of accessible, available and environmentally acceptable brownfield land. Criterion G also specifically states that encouragement will be given to the redevelopment of brownfield sites. As concluded above, the site is in an accessible location and there is no clear evidence that it is not available or environmentally acceptable in principle. Accordingly, the development would be consistent with this principle of Policy SWDP2.
14. In conclusion on this matter, the development would be in clear conflict with Policy SWDP2 insofar as it is located outside the development boundary of the village. However, no other planning harm has been identified. The weight given to this conflict would therefore be tempered to a significant degree by the close relationship that exists between the site and the village, the lack of encroachment into the open countryside, the Council's acceptance that the site is in a sustainable location with good access to services and facilities and the re-use of a brownfield site. I shall return to this in the planning balance.

Other Material Considerations

15. The Council can demonstrate a 5 year supply of deliverable housing land and there is no clear evidence of any deficiencies in local needs. Nevertheless, housing requirements are set as minima and the development would still deliver two additional homes. The description of development suggests that the site would be used for two bungalows and this would be of particular benefit to the aging population. However, PIP establishes land use only and there is no scope for planning conditions or planning obligations to secure delivery of certain types of housing. I have therefore given little weight to this specific factor. In these circumstances, the benefits derived from two dwellings would be limited. However, the delivery of two homes would still make a small contribution to the housing land supply and would thus weigh in favour of the proposal.
16. Paragraph 78 of the National Planning Policy Framework (the Framework) states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. The development would be consistent with this objective. However, the scale of development is such that it

would not provide significant economic or social benefits. There is also nothing before me to suggest the vitality of Inkberrow is under threat. Accordingly, these factors garner only limited weight in favour of the proposal.

17. The site is also previously developed land and not in a good state of repair. The development would provide an opportunity to make efficient use of this land and provide an opportunity to deliver a good quality form of development which could enhance the settlement edge. This is broadly consistent with both the aims of the Council's policy and the objectives of the Framework. As such, it weighs significantly in favour of the development.

Other Matters

18. Stonecroft Cottage is a Grade II listed building in the vicinity of the site. I am satisfied that, in principle, development here would be capable of taking place without harm to the setting of this asset.
19. Neighbours have expressed concerns about the effect of development on their living conditions. However, as noted above, matters relating to layout and design are outside the scope of the appeal and would need to be considered with any subsequent application. I have however seen nothing to suggest that the site's location or the scale of development proposed would inevitably result in harm.
20. In terms of highway safety, issues relating to the specific nature of any access would be something for the technical matters stage. Nevertheless, I saw nothing to suggest that the location of the site would result in any issues in principle with highway or pedestrian safety. Some concern was raised over what may happen to the adjacent site. However, this is outside the scope of the appeal. Similarly, concerns about any rights of access over the site are a private matter.

Planning Balance & Conclusion

21. Section 38(6) of the Planning and Compulsory Purchase Act (the Act)(2004) states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the Framework reflects this and makes it clear that the development plan is the starting point for decision making. The importance of the plan-led system is clear. Nevertheless, the Act provides scope for other factors to be considered in the planning balance.
22. There is clear conflict with the development plan in relation to being outside the defined development boundary. The policy and plan are up-to-date and thus this conflict weighs significantly against the development. The policy establishes the broad strategy for the distribution of development and should not be set aside lightly. However, no other planning harm has been identified, the extent of the conflict is relatively small, and aspects of the development would be broadly consistent with some of the key principles of both local and national policy. There would therefore only be limited harm to the Council's overall strategy.
23. The development would provide modest, but tangible benefits. In particular, the re-use of a brownfield site in a location very well related to the edge of the village. Although relatively limited in scale, there would be some additional social and economic benefits associated with the delivery of new housing.

24. The matters here are clearly finely balanced. However, in my view, these benefits would outweigh the limited technical conflict with policy and absence of any other harm. In line with section 38(6) of the Act, I therefore find that in the particular circumstances of this case there are material considerations which justify a decision other than in accordance with the development plan.
25. For the reasons given above, I therefore conclude that the appeal should be allowed.

S J Lee

INSPECTOR