
Appeal Decision

Site visit made on 16 July 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2020

Appeal Ref: APP/H1840/W/20/3251766

Alley Garden, Brickyard Lane, Drakes Broughton, Pershore, Worcestershire WR10 2AH

- 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 L Gaul against the decision of Wychavon District Council.
 - The application Ref 20/00139/PIP, dated 21 January 2020, was refused by notice dated 2 March 2020.
 - The development proposed is permission in principle for 2 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of a dwelling and additional vehicle access at Alley Garden, Brickyard Lane, Drakes Broughton, Pershore, Worcestershire WR10 2AH in accordance with the terms of the application, 20/00139/PIP, dated 21 January 2020, subject to the following condition:
 - 1) The technical details application shall be submitted before the expiration of three years from the date of this permission.

Procedural Matter

2. A concept plan has been submitted indicating the footprint of the two dwellings. The permission in principle consent route has two stages. The Council's decision on whether to grant permission relates to the first stage and is a determination based solely on the location, use and amount of development. I have therefore treated the concept plan as being for illustrative purposes only.

Main Issue

3. The main issue is whether the proposal would be in a suitable location for additional housing.

Reasons

4. Policy SWDP2 of the South Worcestershire Development Plan 2016 (the Plan) establishes a development strategy and settlement hierarchy that should apply in settlements and the open countryside. Drakes Broughton is a Category 2 village settlement defined by Policy SWDP2. The village has a range of services including a village hall, shop, post office, church, school and a pub. In such settlements their role is predominantly aimed at meeting locally identified

- housing and employment needs. Part A criteria iv and vi of the Policy encourage the effective use and re-use of accessible available and environmentally acceptable brownfield land, and to focus most development on the urban areas where housing needs and accessibility to public services are greatest.
5. The appeal site is part of the garden of Alley Garden and is beyond the village settlement boundary. It is located at the end of a small row of properties accessed via a private road and is next to a much denser housing development currently under construction adjacent to the village boundary¹. Being outside any settlement boundary, Policy SWDP2 C defines the site as falling within the open countryside where development is strictly controlled to protect the countryside from encroachment. Development within the open countryside is only considered appropriate if supported by other relevant plan policies. The Drakes Broughton and Wadborough with Pirton Neighbourhood Plan 2015-2030 (2017) compliments the Plan's strategic aims referred to and is part of the approved development plan for the area.
 6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals and permissions in principle, must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) indicates 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. The Council can demonstrate a 5-year housing land supply which is not in dispute. Therefore, I give full weight to the policies contained within the adopted development plan.
 8. The proposal would run counter to the adopted Plan's strategic aim of directing development to within defined villages and urban areas, where housing needs are greatest. However, the development would not be isolated from other properties and walkable access to village services would be possible via local footpaths. Parties agree the site is brownfield land. I also note that the Council has not identified any specific substantive harm with respect to the level of accessibility of the site to local service provision, the visual impact of the development, or any other specific harm. I see no reason to take a different view.
 9. The appellant highlights the absence of harm caused by the proposal as well a number of benefits; the proposal would make a contribution to further boosting housing supply; provide additional small household accommodation; and that it would provide some economic and social benefits in terms of supporting local services and providing employment during construction. I agree these would all be tangible benefits commensurate to scale of development applied for.
 10. Consequently, I find that the site is suitable for additional housing having regard to the location. Whilst there is some conflict with Plan Policies SWDP1 and SWDP2 which direct development to within established settlement boundaries the absence of any substantive harm alongside the tangible benefits of the proposal outweighs that issue in accordance with Paragraph 12

¹ APP/H1840/W/17/3173392; APP/H1840/W/15/3005494 & LPA reference W/16/01895/RM for 32 dwellings

of the Framework which emphasises that where a planning application conflicts with an up to date development plan permission should not normally be granted, unless material considerations indicate otherwise.

Other Matters

11. The Council has brought my attention to several appeal decisions². Whilst those decisions also involve the same local policies concerning the settlement hierarchy and underlying strategy of the Plan, they also identify site specific harm. Therefore, the other decisions do not conflict with my findings. In any event I have determined the case based on its own merits.

Conclusion

12. For the above reasons I allow the appeal. A planning condition is necessary specifying the standard time limit to secure technical details.

M Shrigley

INSPECTOR

² APP/H1840/W/19/3219858, APP/H1840/W/19/3231727 & APP/H1840/W/19/3231109