



Appeal Decision

Site visit made on 23 June 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2020

Appeal Ref: APP/R1845/W/3242675

Chapel Paddock, Callow Hill, Kidderminster DY14 9XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bryan Talbot against the decision of Wyre Forest District Council.
 - The application Ref 19/0452/FUL, dated 16 July 2019, was refused by notice dated 5 November 2019.
 - The development was originally described as proposed 2 no 4 bed detached houses.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two detached dwelling houses, with new vehicular access and associated works with the terms of the application, Ref 19/0452/FUL dated 16 July 2019 subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. Notwithstanding the description of development set out in the heading above, which is taken from the application form, it is clear from the plans that the development comprises two 3-bedroom dwellings, with new vehicular access and associated works. The Council have dealt with the proposal on this basis and so shall I. For clarity I have taken the description of development from the appeal form.

Main Issue

3. The main issue is whether the appeal site is an appropriate location for new housing having regard to a local need for housing.

Reasons

4. Policy DS01 of the Wyre Forest Core Strategy (2010) (CS) sets out the number of houses required in the District, albeit based on figures derived from the revoked Regional Spatial Strategy (RSS). The policy sets out a sequential approach to locating new development based on the settlement hierarchy with housing being directed towards regeneration sites within the Kidderminster Central Area, major brownfield sites in Kidderminster and Stourport-on-Severn, small brownfield sites in the main towns and market towns and brownfield sites in rural settlements including Callow Hill. The policy sets out that in Callow Hill housing to meet local needs identified through rural exception sites will be suitable in appropriate circumstances.

5. CS Policy DS04 sets out that new residential development in rural settlements will be to meet local housing needs only, established through parish surveys.
6. Policies SAL.DPL1 and SAL.DPL2 of the Wyre Forest Site Allocations and Policies Local Plan (2013) (LP) relate to rural housing. Policy SAL.DPL2 makes clear that where there is an identified local housing need development will be permitted.
7. I acknowledge that the Rock Parish Housing Needs Survey (2019) (RPHNS) indicates that the main housing need in the area is for 2-bedroom bungalows. However, it indicates that over the next 10 years there will also be a requirement for 3-bedroom dwellings in the Parish, along with other house sizes and tenures. Whilst the RPHNS sets out that some housing need could be met through existing properties becoming vacant, in my judgement this cannot be relied on to meet housing need as individual circumstances or aspirations can change over time. In any event there is clearly a need for a range of additional housing in the Parish over the next 10 years. Consequently, based on the conclusions of the RPHNS I find that the proposal would meet an identified local housing need in accordance with LP Policy SAL.DPL2 and therefore the site is an appropriate location for new housing.
8. As such the proposal accords with LP Policies SAL.DPL1 and SAL.DPL2 and Policies DS01 and DS04 of the CS which, amongst other things, support new development that meets local housing need.

Conditions

9. The Council has suggested 14 conditions in the event that the appeal was to be allowed. I have considered these, in light of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have reworded some of the conditions suggested by the Council.
10. In addition to the standard time limit condition for implementation it is necessary to specify the approved plans in the interests of certainty.
11. Conditions relating to existing and proposed levels, external materials, fencing, planting and external lighting have been imposed to ensure the satisfactory appearance of the development. The Council has suggested that these conditions should be pre-commencement conditions. However, the PPG is clear that such conditions should only be used where there is clear justification, which has not been provided. I have therefore reworded the conditions so that the details are provided prior to the above ground works in relation to materials and prior to occupation of the development in respect of fencing, planting and external lighting.
12. In the interests of highway safety and sustainability, I have imposed conditions for the parking and turning area and visibility splays and for charging points for electric vehicles to be provided.
13. In the event that soakaway drainage is not possible on the site a condition requiring an alternative method of disposing of surface water has been imposed in the interests of environmental sustainability.
14. A condition requiring the development to be carried out in accordance with the recommendations set out in the submitted Ecology Walk-Over Survey has been

imposed in the interests of environmental sustainability. Taking into account the recommendations in the survey I find it is not necessary to impose a condition for nest boxes.

15. The Council has suggested removing permitted development rights for the enlargement, improvement or other alterations of a dwellinghouse falling within Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
16. Paragraph 53 of the Framework advises planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council have not provided any substantive justification for such a removal of permitted development rights and therefore I consider it unreasonable to impose such a condition.
17. The Council has suggested a condition for a tree protection plan. However, there is no evidence to suggest that is necessary to make the proposal acceptable in planning terms therefore the condition has not been imposed.

Conclusion

18. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions (11 in total)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing Number 3807-01A and Drawing Number 3807-02A.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development shall commence above ground until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
- 5) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 6) Details of any fencing and means of enclosure shall be submitted to and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 7) The development shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be implemented as per the approved details and shall thereafter be retained for the lifetime of the development.
- 8) The development hereby permitted shall not be first occupied until details of the access, parking and turning area and visibility splays have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details, prior to the first occupation of the dwellings hereby permitted. The approved parking and turning area and visibility splays shall then be retained thereafter for the lifetime of the development.
- 9) Details of the proposed planting shall be submitted and approved in writing by the local planning authority before the buildings are occupied. Development shall be carried out in accordance with the approved details.
- 10) The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Walk-Over Survey and Public Records Search (prepared by Betts Ecology and Estates, dated June 2019, reference S:6808/J001181).
- 11) In the event that soakaway drainage is not possible on the site, an alternative method of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority prior to the

occupation of the dwellings. Development shall be carried out in accordance with the approved details.