



Appeal Decision

Site visit made on 27 October 2020

by L Page BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2020

Appeal Ref: APP/J1860/W/20/3256399

50 Kinnersley, Kinnersley, Severn Stoke WR8 9JR

- 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 Matthew Walker against the decision of Malvern Hills District Council.
 - The application Ref 19/01824/OUT, dated 15 December 2019, was refused by notice dated 21 April 2020.
 - The development proposed is outline application for five dwellings with all matters reserved except for access and installation of a public/community ULEV rapid charge facility.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters reserved except for access. Consequently, the plans submitted with the application are indicative for those matters that do not relate to access. The appeal has been dealt with accordingly.

Main Issues

3. The main issues are whether:
 - (a) the proposal is in an appropriate location for housing in relation to the settlement strategy for the area and access to services, including effects on the character and appearance of the area; and
 - (b) whether safe access can be achieved.

Reasons

Location

4. The site is located on the southern periphery of Kinnersley village, and is flanked by other low density development, including dwellings and business uses, which are immediately adjacent to the north and south. The site comprises an open field, and to the east and west is a patchwork of other open fields, many appearing to be in active agricultural use, and representative of the countryside location's rural character and appearance. The South Worcestershire Development Plan 2016 (SWDP) is part of the adopted development plan for the area. In accordance with the Policies Map associated with the SWDP, it is clear that the site lies beyond any defined development boundaries.

5. Accordingly, the site is located within the countryside and Policy SWDP2 states that the development of dwellings in such locations will be strictly controlled. Exceptions to these strict controls include dwellings for rural workers, employment development in rural areas, affordable housing rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings and renewable energy projects and development specifically permitted by other SWDP policies. The village of Kinnersley more generally is also defined as being within the countryside for the purposes of SWDP2, under Annex D of the SWDP, and this reinforces the nature of the site's location.
6. The SWDP does not treat self-build dwellings as an exception for the purposes of controlling development in the countryside. The appellant has not provided substantive supply and demand analysis on self-build dwellings and therefore it is unclear to what extent there is a shortfall in the area. Similarly, objective evidence has not been provided to quantify the relative socio-economic benefits of self-build dwellings compared to other types of housing, or how these benefits would apply in the specific context of Kinnersley and any self-build demand that may exist.
7. Furthermore, it is unclear whether piecemeal development of self-build dwellings in the countryside would generate the same benefits as a more coherent approach, such as delivering self-build plots as a component of a larger and more comprehensive mixed tenure housing site, or how the emerging policies within the SWDP review would be applied in spatial terms. Regarding the SWDP review, as it has not yet gone through examination, policies within it are still subject to change and therefore carry limited weight as a material consideration under this appeal.
8. Consequently, the role of self-build dwellings in weighing the merits of the proposal is not clear. All things considered; I have taken this component of the proposal to comprise a standard form of housing for the purposes of applying development plan policies relating to the countryside. In this context, the National Planning Policy Framework does allow a proportion of open market housing on rural exception sites otherwise comprising affordable housing. However, this is on the basis that the open market housing is essential to the viability and delivery of the wider site. In this case, it has not been demonstrated that the viability of the site is dependent on such an approach.
9. I acknowledge that the remaining components of the proposal are for affordable housing and charging facilities that would be open to the public, which in principle are acceptable in the countryside under SWDP16 and SWDP27 respectively.
10. However, such development that would otherwise be appropriate within a countryside location, or the associated economic benefits that they would generate for the wider public, have not been properly secured by an executed planning obligation in order to be weighed in favour of the proposal. As a result, any exception status that they enjoy or benefits that they generate in principle carry only limited weight under the appeal. Accordingly, and altogether, as a result of introducing such housing development beyond defined development boundaries, the proposal would erode the countryside and its rural character and appearance.

11. The proposal would fill a gap between existing development, but it would still sit apart from the central pattern of development associated with Kinnersley village and the effects of the proposal on the countryside would not be mitigated in this context.
12. There are a number of services associated with the village, including a public house. However, there is no evidence before me that suggests there are robust sustainable transport links that are convenient to the point where they can offer a viable alternative to the private car. Consequently, other services required for day to day living that appear to be further afield and outside of the immediate village, at Severn Stoke Kempsey or Upton-upon-Severn, would give rise to a dependence on unsustainable modes of transport, including that of the private car.
13. Overall, the proposal would not be in an appropriate location for housing in relation to the settlement strategy for the area or access to services and would generate a harmful effect on the character and appearance of the area. It would therefore conflict with Policies SWDP2, SWDP16, SWDP21 and SWDP25 of the SWDP. Among other things, these seek to protect the countryside from harmful development.

Access

14. The site would be accessed off a public highway, which is reasonably straight but where the speed limit transitions from national speed limit, down to 30mph on the approach to the village centre. Consequently, given the transitional nature of the speed limit along the highway, it is necessary to first understand the actual speed of vehicles to determine what visibility splays should be achieved and in order to ensure vehicles can enter and exit the site safely.
15. Insufficient information has been provided to demonstrate the actual speed of vehicles and therefore the visibility splays as set out as part of the proposal have no basis for me to use when concluding on their acceptability. Furthermore, the visibility splays would interface with the existing hedgerow, and notwithstanding that landscaping is a reserved matter, it is not clear what amount of removal is required and whether this would be acceptable in principle terms.
16. The proposal would deliver an appreciable number of dwellings, which would create an appreciable amount of new foot traffic entering and exiting the site. There are no pedestrian footways leading to the village centre and pedestrians would be required to share the highway, increasing the potential for user conflict, especially at night when considering the highway is not lit, harming highway safety.
17. Overall, it has not been demonstrated that the proposal can achieve safe access. It would therefore conflict with Policies SWDP4 and SWDP21 of the SWDP. Among other things, these require proposals to address road safety.

Other Matters

18. Housing land supply is not capped, in accordance with the other appeals referenced by the appellant. However, where sufficient housing land supply can be demonstrated, the benefits of any additional supply are limited. This is especially when compared to a scenario where there is insufficient housing land supply.

19. Furthermore, the number of dwellings associated with the proposal are modest, and, in conjunction with the fact the Council can demonstrate sufficient housing land supply, benefits would be limited and do not outweigh the harm established under the main issues.
20. There is no empirical evidence demonstrating that the pandemic has affected housing land supply in this particular area or that existing figures should be adjusted.
21. The appeals and applications referenced by the appellant are generally excerpts. Without full details in front of me I am unable to conclude whether they share a similar context or underpinning evidence based compared to the proposal in this case, and what weight they should carry in my decision.

Conclusion

22. For the reasons given, the appeal is dismissed.

Liam Page

INSPECTOR