



Appeal Decision

Site visit made on 8 February 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday 3 March 2022

Appeal Ref: APP/H1840/W/21/3283633

Yew Tree Cottage, Lower Lane, Kinsham, Worcestershire GL20 8HT

- 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 Dr & Mrs John Egan against the decision of Wychavon District Council.
 - The application Ref 21/00279/PIP, dated 4 February 2021, was refused by notice dated 26 March 2021.
 - The development proposed is permission in principle for 1 x dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle (PiP). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The process has two stages: the first stage (or PiP stage) establishes whether a site is suitable in principle; and the second (technical details consent stage) is when the detailed proposals are assessed. The appeal relates to the first of these two stages.

Main Issue

3. The main issue is whether the proposal would be a sustainable form of development having regard to local policy and the National Planning Policy Framework.

Reasons

4. The appeal site is an area of residential garden within the curtilage of Yew Tree Cottage. The site is currently a rough grassed plot of land that fronts Lower Lane and is positioned between Yew Tree Cottage and a residential property to the south. The site backs onto paddocks and open agricultural fields.
5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals and permission in principle, must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework comments 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.
6. Policy SWDP2 of the South Worcestershire Development Plan (2016) (the SWDP) sets out the development strategy and settlement hierarchy. The

appeal site is not located within any defined development boundary and, consequently, the site is located within the open countryside. Section C of Policy SWDP2 strictly controls development within open countryside and limits only certain forms of development, such as specifically permitted by other SWDP policies.

7. The proposal does not comply with the SWDP's limited forms of development in open countryside. The proposal is therefore contrary to Policy SWDP Part C of the SWDP.
8. Although the site is adjacent to existing residential development, it is located within a form of ribbon development that stretches outside the defined village settlement boundary. Its segregation from the confines of the village settlement means that it would not be located where it would readily enhance or maintain the vitality of the rural community. Therefore, the proposal would be in conflict with Policy SWDP2 Part B which requires infill development to be located within defined development boundaries.
9. The proposal is for residential development in principle on a previously developed site. Part G of the SWDP2 gives encouragement to the redevelopment of brownfield sites, such as the appeal site. This does not however negate the need for the development to meet the locational criteria outlined in Policy SWDP2 Part C.
10. Kinsham is defined as a category 4B village in Annex D of the SWDP. The village has a low level of facilities and is reliant on the neighbouring village of Bredon for everyday needs. Bredon is classed as a category 1 service village by the SWDP and accommodates a range of services, including a primary school, doctors' surgery, church, village hall, convenience store, and a number of employment opportunities.
11. A dwelling on the appeal site would be physically separated from Bredon village, and its services, by the intervening fields. To access the services in Bredon, occupants would have to walk along the B4079 or use one of the public rights of way footpaths. Although the B4079 connects the two villages, it has a narrow pedestrian footpath that would be unsuitable for pushchairs, wheelchair users or people with limited mobility. As the footpaths are unlit, the routes would not be suitable for use outside of daylight hours.
12. In addition, occupants would have to share the carriageway with vehicles on Lower Lane and in the village of Kinsham, as there is no separate footpath. This, combined with the absence of lighting, is likely to deter occupants from using sustainable travel options to access essential services in Bredon or the limited services available in Kinsham.
13. The unsuitability of routes for sustainable access to the village services of Bredon, and the limited services of Kinsham, means that occupants are likely to resort to private vehicles to access essential services. The appellant acknowledges that public transport is limited, and that residents are largely dependent on the private car. Occupants of the dwelling would therefore be largely reliant on private transport to access services and facilities, placing the proposal in conflict with Policy SWDP4 of the SWDP, which seeks to reduce the need to travel by car by ensuring good accessibility to services and facilities.

14. Consequently, the proposal would not be a suitable site for residential development, having regard to local and national policies and accessibility to local services and facilities. It would fail to accord with SWDP2 of the SWDP, which strictly controls development within open countryside. It also fails to accord with Policies SWDP1 and SWDP4 which supports sustainable development.

Other Matters

15. The appeal has referred to other cases where permission has been permitted for residential development, located outside development boundaries. There are some similarities between the cases quoted to me and this one. However, I do not know the planning circumstances that led to these approvals or their specific relationship with the open countryside. In any event, I have determined this appeal on its own merits.
16. The appellant claims the proposal could be a self-build scheme, although the site was not put forward as a self-build during the application process. I also acknowledge that the Council has a statutory duty to have regard to the self-build register and meet the demand for self-build within its area. However, as the proposal would be a small self-build scheme for one dwelling, this benefit would be modest, and its separation from the physical confines of the village means it would not be located where it would readily access essential services and therefore attracts limited weight.
17. The Council claims it currently has a 5-year supply of housing land and this has not been disputed by the appellant. In addition, Policies SWDP1, SWDP2 and SWDP4 are broadly consistent with the sustainability principles set out in the Framework. I therefore give the conflict with these policies significant weight in this appeal.
18. The appellant argues that the proposal would boost housing supply in the district, and, in doing so, supports the vitality of the villages within Bredon parish. However, the contribution of one dwelling to local housing provision and the economic and social benefits associated with it would be small and therefore of limited weight.
19. The proposal would generate some employment opportunities at the construction phase. However, these benefits would be relatively short lived.
20. Whilst the development in one village may support services in a village nearby, such as Bredon, given the proposal is for one dwelling the support would be very minimal.

Conclusion

21. For the reasons given above, taking the development plan as a whole, there are no considerations that would warrant taking a decision otherwise than in accordance with the development plan. I conclude that the appeal should be dismissed.

Helen Smith

INSPECTOR