



Appeal Decision

Site visit made on 5 April 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2022

Appeal Ref: APP/J1860/W/21/3288103

Instones, Stocks Lane, Leigh Sinton, Worcestershire WR13 5DY

- 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 Oliver Martin against the decision of Malvern Hills District Council.
 - The application Ref 21/01785/PIP, dated 27 September 2021, was refused by notice dated 1 November 2021.
 - The development proposed is permission in principle involving the retention of Instones and the erection of a minimum of two, and a maximum of three, dwellings within the garden.
-

Decision

1. The appeal is allowed and permission in principle is granted for the retention of Instones and the erection of a minimum of two, and a maximum of three, dwellings within the garden at Instones, Stocks Lane, Leigh Sinton, Worcestershire WR13 5DY in accordance with the terms of the application, Ref 21/01785/PIP, dated 27 September 2021.

Background

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

5. Policy SWDP2 of the South Worcestershire Development Plan (2016) (SWDP) sets out the development strategy and settlement hierarchy for the area. The

- Policy states that windfall infill development within the defined settlement boundaries of settlements such as Leigh Sinton will be acceptable in principle.
6. Part C of the policy states that permission for development in the countryside, beyond any development boundary will only be granted in certain circumstances. The policy does not support the provision of market housing in countryside locations.
 7. The appeal site comprises a detached dwelling that sits centrally within its large plot. The site lies adjacent to and opposite existing residential development but nonetheless is located beyond the settlement boundary of Leigh Sinton. Therefore, new development outside of existing boundaries will be considered to be located in the countryside and this proposal has not been presented on the basis of any need for a countryside location.
 8. Leigh Sinton is classed as a Category 2 Village and is a suitable location for new development and benefits from a number of services and facilities to meet residents' day to day needs. These services and facilities are directly accessible from the site by foot and motor vehicle. However, as the development would be located beyond the settlement boundary of Leigh Sinton it would not be an appropriate location for new housing. As such, it would be contrary to SWDP Policy 2.

Other Matters

9. Notwithstanding the representations received and the Council's comments there is no reason to suggest that an appropriate layout could not be secured at technical details stage that respects the surrounding context and the living conditions of neighbouring occupiers.
10. The National Planning Policy Framework (the Framework) at paragraphs 49 and 50 set out the context for considering the limited circumstances when a proposal may be considered premature. It is evident that the proposed development is not so substantial or its cumulative effect would be so significant that to allow it would undermine the plan-making process. I therefore give this part of the Council's case very limited weight in coming to my decision.

Planning Balance

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
12. There is no dispute between the two main parties that the Council can demonstrate a five-year supply of deliverable housing land. Therefore, paragraph 11 d) of the Framework is not engaged by this particular factor.
13. The proposed development conflicts with Policy SWDP 2 for the reasons set out above. This is an important policy that forms the area's spatial strategy and settlement hierarchy. However, my attention has been drawn to the review of the SWDP and the draft Leigh and Bransford Neighbourhood Plan which both propose a realigned settlement boundary that includes the appeal site. Although not at a stage where they carry significant weight in my decision, they still indicate an intention to deliver additional housing in rural areas through altering settlement boundaries.

14. The construction of 3 or 4 dwellings would make a contribution towards the district's housing supply. Although the site is outside the settlement boundary, it is in a location that is within a reasonable distance of a range of day-to-day services. Future occupants would be able to reach these on foot, providing them with transport choice and not an over-reliance on a car.
15. Despite the proposed development not being located within the settlement boundary it would nonetheless be well related to existing built form, rather than isolated, sitting within a largely continuous built-up frontage along Stocks Lane. It would be well contained and read as part of the village rather than the surrounding countryside.
16. There would be some positive contribution to the vitality of Leigh Sinton as a rural community, thus in this regard it would accord with Paragraph 79 of the Framework. It would also continue the existing pattern and appearance of housing along Stocks Lane thereby not encroaching into the surrounding countryside. As such, I find that the proposed development would protect the surrounding landscape in accordance with Paragraph 174 b) of the Framework.
17. Whilst there would be conflict with the SWDP in respect of the locational requirements set out in Policy SWDP 2, I find that the economic and social benefits of the proposal would overcome the perceived locational disadvantages of the appeal site. As such, in my judgement, the proposed development would accord with SWDP Policy 1 which seeks, amongst other things, to secure development that improves economic, social and environmental conditions in South Worcestershire.
18. The development would also accord with the Framework which aims to achieve sustainable development and housing in rural areas where it will enhance or maintain the vitality of rural communities.

Conditions

19. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, type, and amount of development. Therefore, I have not imposed any conditions.

Conclusion

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

B Thandi

INSPECTOR