



Appeal Decision

Site visit made on 14 February 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/H1840/W/22/3307891

Land at Hill House, Northwick Road, Bevere, Worcester WR3 7RE

- 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 B Thorpe-Smith against the decision of Wychavon District Council.
 - The application Ref W/22/01453/PIP, dated 27 June 2022, was refused by notice dated 2 September 2022.
 - The development proposed is permission in principle for the construction of up to 4 No. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 4 dwellings at Land at Hill House, Northwick Road, Bevere, Worcester WR3 7RE in accordance with the terms of the application reference W/22/01453/PIP, dated 27 June 2022.

Preliminary Matters

2. The proposal is for permission in principle. 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.
4. Since the Council determined the application, they have acknowledged that they cannot demonstrate a five year housing land supply. Consequently, the Council agrees that the tilted balance applies, agrees with the appellant regarding the sustainability of the location, and wish to withdraw their refusal reason that the appeal site is outside of the development boundary.

Main Issue

5. This 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

Location

6. The appeal site is behind two recently built detached houses which face towards and are accessed from Northwick Road. These two houses and the appeal site are outside of the development boundary and in open countryside. The land slopes down away from the highway and beyond the rear boundary of the appeal site it slopes down further. The rear boundary is defined by established hedges and trees.
7. Addressing the adverse impacts of the proposal, the appeal site is located at the rear of existing street frontage development, outside of the defined development boundary, so would not be infill contrary to Policy SWDP2 of the South Worcestershire Development Plan adopted February 2016 (SWDP), so would be encroachment into open countryside, however the appeal site is directly adjacent existing houses and has a defensible boundary which could be strengthened at the technical details stage so should minimise any adverse impacts on the character and appearance of the area.
8. The appeal site is accessed from a shared drive with the two recently built houses to the front. Either side of the access are tall hedges which combined with established planting and the land level, prevent clear views of the appeal site from the road. Beyond the rear boundary is Bevere Conservation Area (BCA) and the Bevere Conservation Area Appraisal (BCAA) states "The landscape in and around Bevere was designed and enhanced provide a fitting setting to its houses. The retention of these key views is essential to the preservation of the character and special interest of the conservation area.
9. At my site visit I was able to view the appeal site from the Conservation Area along a path which linked Bevere Green to Bevere Green Farm. From this path I could see the rear elevation of the two recently built houses, but the appeal site which is on lower ground was obscured by trees and hedges.
10. The location of up to four houses here could be achieved without any effect on any significant views from the BCA as indicated in the map within the BCAA. It is likely that the design and landscaping, which could be enhanced or retained at the technical details stage, could minimise the presence of any houses here, which in any case would be seen in the context of the existing visible development at Northwick Road. Consequently, development at this location subject to the design, would preserve the character of the BCA.
11. Development of the appeal site for up to four houses would be contrary to the existing pattern of development here, defined primarily by houses facing the highway. However, on this side of the road this relationship is less apparent because of the tall boundary hedges. Furthermore, views of the houses and the relationship to the highway is not clear beyond the rear boundary of the appeal site due to the limited views beyond extensive trees and hedges, so any resulting harm to the character or appearance of the area would not be significant. The low density proposed would also be compatible with adjacent development and would help to integrate the appeal site with the neighbouring houses.
12. For the reasons set out above the permission in principle would not result in a form of development at this location which would harm the character or

appearance of the area, or which wouldn't preserve the setting of the conservation area. As such while there is some conflict with Policy SWDP2 of the SWDP I give this limited weight against the substantial weight I have given to Policies SWDP6, SWDP21 and SWDP24 of the SWDP and with paragraph 79, chapters 12 and 16 of the National Planning Policy Framework (Framework), which the development accords with. These policies seek, amongst other things, to ensure that new development is located where it will enhance or maintain the vitality of rural communities, is sensitive to the character and appearance of its surroundings and avoids harm to the significance of heritage assets.

Land use

13. The proposed land use is directly adjacent new housing and would be seen in the context of an existing area of residential development, so the relationship would be compatible, and consequently the land use is acceptable in principle.

Amount of development

14. The immediate residential plots surrounding the development are spacious which partly defines the residential character of the area. The Officers Report states that the appeal proposes a lower density of housing than policy SWDP 13 requires for housing in villages and on sites of less than 100 dwellings outside town centres but concludes that the proposal would be "appropriate for the character of the area". I agree with the Council that a lower density than is usually required can be justified here so that the development integrates with the character of existing residential development.
15. In conclusion, taking the SWDP and Framework as a whole, the proposed development is suitable having regard to land use and the amount of development.
16. The benefits are that the development would provide up to four additional houses and are a social benefit, considering the housing land supply shortfall. There would be economic investment from both its construction and subsequent occupation. The Council statement recognises that the appeal site is close to a bus service which travels to and from Worcester City Centre thereby reducing reliance on the private car and representing an environmental benefit. These benefits are tempered by the small amount of development, but nevertheless carry modest weight in favour of the development.
17. In the context of paragraph 11 of the Framework, the adverse impacts of the development when assessed against the policies in the Framework taken as a whole, including those seeking to boost the supply of homes, achieve well designed places and making effective use of land, would not significantly and demonstrably outweigh the benefits. Therefore, the presumption in favour of sustainable development applies which points towards the grant of planning permission.

Other Matters

18. I have had regard to other comments of interested parties which have been received in response to the proposed permission in principle.
19. Interested parties raised concern about the appeal site being outside of the development boundary. The Council have withdrawn their objection in this

regard because it is no longer able to demonstrate it has a five year housing supply, therefore paragraph 11(d) of the Framework indicates that the policies which are most important for determining this application are out of date and that planning permission should be granted.

20. Interested parties raised concern in relation to noise from the development, however there is no evidence before me why unacceptable noise would result from additional houses in what is already a residential area.
21. Interested parties raised concern about headlights from vehicles leaving the site, however the relationship between the access and house opposite is existing. Furthermore, the house opposite is set back from the road with a hedge in between and the comings and goings from up to four additional houses is unlikely to result in any significant harm.
22. Interested parties raised concern about flooding. The Council's Drainage Engineer confirms the appeal site is at low risk of surface water flooding and is in flood zone 1, so there are no significant issues and any mitigation for low risks would need to be considered at the technical details consent stage.
23. My attention was drawn to other planning decisions. However, no details were provided to me, and the submitted web links indicated that they were located away from the appeal site or pre-date the policies relevant to this decision.
24. In addition to the matters addressed above, concerns have been raised regarding a number of other matters. These include the effect on living conditions of neighbouring houses having regard to privacy, highway safety, the presence of a High-Pressure Major Accident Hazard Pipeline, light pollution, waste water management and effect on protected species. These are all matters which would need to be addressed as part of the technical details consent, the second stage of the process where layout and design can address these issues.
25. The Council has suggested a condition and note to be applied in the event that permission in principle was to be approved. However, the government's Planning Practice Guidance 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, the type and amount of development. In any case, the Council Statement has been shared with the appellant who will be aware of the recommended condition and note.

Conclusion

26. The material considerations of this case indicate that the decision be otherwise than in accordance with the Development plan for the reasons stated above. I therefore conclude that the appeal should be allowed.

S Crossen

INSPECTOR