



Appeal Decision

Site visit made on 19 April 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27th April 2023

Appeal Ref: APP/H1840/W/22/3311977

Land off Sale Green Road, Sale Green, Worcestershire WR9 7LP

- 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 Cardwell Hill Developments Ltd against the decision of Wychavon District Council.
 - The application Ref W/22/01177/FUL, dated 20 May 2022, was refused by notice dated 9 September 2022.
 - The development proposed is erection of two new 4 bedroom dwellings and garages, with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A draft Planning Obligation has been submitted during the appeal in respect of affordable housing. This is a matter which I will consider below.

Main Issues

3. The main issues are:
 - whether the proposal meets the Strategy of the Development Plan, including its aim to safeguard the open countryside,
 - whether the proposal would provide an acceptable location for housing, in respect of its accessibility to services and facilities and highway safety, and
 - whether the proposal makes adequate provision for affordable housing.

Reasons

Development Plan Strategy

4. Policy SWDP2 of the South Worcestershire Development Plan (DP), adopted February 2016, sets out the principles of the Council's strategy for development. This includes safeguarding of the open countryside, which it defines as land beyond any settlement boundary. The Policy makes clear that in such locations development will be strictly controlled and limited to certain types of development.
5. The appeal site consists of undeveloped greenfield countryside, located immediately adjacent to, but outside of, the settlement boundary of Sale Green. The DP classifies Sale Green as a lower category village (4B) in the

settlement hierarchy, where infill development within settlement boundaries may be acceptable in principle.

6. There are dwellings either side of the site. However, regardless of whether the proposal constitutes 'infill', it does not accord with Policy SDWP2 as infill development because it is outside of the settlement boundary. Moreover, as unrestricted market dwellings, the proposal would not constitute one of the limited types of development supported by DP Policy SWDP2 in such locations.
7. The proposal would involve the erection of two substantial detached dwellings including large, linked garage buildings. Although additional landscaping is proposed, it would include the creation of an entrance driveway, parking areas and domestic lawns, together with the paraphernalia associated with residential uses such as children's playing equipment. As a result of this additional built form and domestication, the countryside of the appeal site would be developed and so would not be safeguarded.
8. The appellant has drawn my attention to planning permission granted by the Council for a dwelling at Wadborough¹, a village within the same category as the proposal under DP Policy SWDP2. However, that proposal was within the village settlement boundary and so is not directly comparable to the proposal. As such, I give it little weight.
9. For these reasons, the proposal would not meet the strategy of the Development Plan, including its aim to safeguard the open countryside, and would conflict with DP Policy SWDP2. As such, it would not be particularly suitable for housing and would conflict with the National Planning Policy Framework (the Framework), that planning decisions should recognise the intrinsic character and beauty of the countryside. As such, I give this conflict significant negative weight.

Accessibility of Services and Facilities

10. DP Policy SDWP4 requires that the demand for travel should be minimised, and that proposals should offer genuinely sustainable travel choices. There are few facilities, such as a shop or school, in Sale Green itself. However, I am mindful of the close proximity of the site to the settlement boundary and its categorisation under DP Policy SWDP2. As such, the Policy considers the settlement immediately adjacent to the site to have a provision of services and facilities sufficient to permit some limited forms of housing in principle, such as infill.
11. There are bus stops near to the site. Although limited, there are services to and from Worcester, at times suitable for commuting and for providing access to the facilities, employment opportunities and onward connections available in Worcester. There are also several local pubs, a school and a post office in Crowle, a village not too far away.
12. Access on foot or by bicycle to Crowle or elsewhere would require the use of country lanes. These are unlit and have no footway, and so would be unsuitable at night or in inclement weather. As such, many journeys to reach services and facilities would require the use of a private car. Even so, the Framework makes clear that opportunities to maximise sustainable transport

¹ W/16/02866/PN

solutions will vary between urban and rural areas and this should be taken into account in decision-making. In the rural context of the site, for the reasons given above, the proposal would have reasonably good access to services and facilities.

13. The Council refers to the proposal as having a highway safety impact that would be severe. However, Worcestershire County Council, as Highway Authority, has not objected to the proposal in these terms or in respect of the proposed vehicular visibility splays or parking arrangements. As such, there is little substantive evidence before me that the proposal would result in any undue risks to highway safety.
14. Consequently, the proposal would provide an acceptable location for housing in respect of its accessibility to services and facilities and highway safety. In relation to this issue, it would therefore comply with DP policies SWDP2 and SWDP4. For similar reasons, it would also accord with the requirement of the Framework that safe and suitable access can be achieved for all users. However, a sustainable location and safe access is an expectation for all proposals, so this is a neutral factor within the overall planning balance.

Affordable Housing

15. DP Policy SWDP15 makes clear that within Designated Rural Areas, proposals of less than 5 dwellings must make a financial contribution towards local affordable housing provision. This is based on the cost of providing the equivalent in value to 20% of the units as affordable housing. It is common ground that such a contribution would need to be made to comply with this policy.
16. A draft planning obligation has been submitted, making such a contribution. However, the draft obligation before me is a bilateral agreement including the District Council as one of the parties, rather than a unilateral undertaking. The obligation has not been executed by the District Council and has not been dated. Therefore, it does not take effect. In the absence of a mechanism to secure this payment, the proposal is therefore contrary to Policy SWDP15. Similarly, it would also conflict with the aim of the Framework to meet affordable housing needs, to which I give significant weight.

Other Considerations

17. The Council accepts that it cannot currently demonstrate a five-year housing land supply. As such, the Council's housing policies including its settlement boundaries are deemed out of date and it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing additional dwellings to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework. DP Policy SWDP1 makes a similar requirement.
18. I have found that the proposal would conflict with Policy SDWP2 and SWDP15, which are consistent with the Framework. Against that, the proposal would make a positive contribution to the supply of housing. It would also be on a site that could be developed quickly. However, due to the proposal being for only two dwellings, these benefits would be modest and so I give them limited positive weight.

19. The proposal would provide improved access to the countryside through the relocated public right of way and ecological enhancements. Future occupants of the proposal would make a positive social and economic contribution as would its construction economically. As such, I give additional limited positive weight to these benefits.

Planning Balance and Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.
21. Given the conflict that I have identified with the strategy of the Development Plan, including its aim to safeguard the open countryside, and in respect of affordable housing, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole and against DP Policy SWDP1.
22. The affordable housing contribution, had it been secured, would have ensured compliance with Policy SWDP15. Nevertheless, in light of my findings above, even if the planning obligation had been executed, my overall conclusion would not have changed.
23. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR