The Planning Inspectorate

Appeal Decision

Site visit made on 13 June 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Appeal Ref: APP/J1860/W/22/3313396
The Orchards, The Village, Abberley WR6 6BN

- 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 and Mrs Bedhall against the decision of Malvern Hills District Council.
- The application Ref M/22/01327/PIP, dated 1 September 2022, was refused by notice dated 20 October 2022.
- The development proposed is for the erection of 1, 3 bed self build bungalow.

Decision

1. The appeal is dismissed.

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[1]. 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. Whilst I note that the officers report refers to the proposed development being compliant with policy ABY1 of the Abberley Neighbourhood Development Plan 2020-2030 made July 2021 (NDP), point three of the policy relates to the historic environment and landscape character which are determinative issues of this appeal. Policy ABY10 of the NDP relates to Abberley Conservation Area and although not quoted in the decision, it is referred to in the officer's report and is directly relevant to the main issues of this appeal. As both parties have had regard to the Neighbourhood Plan and the comments in the officers report, I have had regard to this policy in my decision.

[1] Paragraph: 012 Reference ID: 58-012-20180615

Main Issues

5. 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

6. The appeal site is a field parcel on the edge of Abberley a settlement of houses with a church and Public House. A detached bungalow adjoins the boundary on higher ground, the other boundaries meet the highway and fields which are in agricultural use. Nearby, on the opposite side of the road, is a path which leads to St Mary's Church. The appeal site boundary to the road and bungalow is also the boundary to the Abberley Conservation Area (CA).

7. A previous Inspector who determined a previous appeal[2] at this site described the CA as comprising of two distinct parts. "The first consists of a tight knit group of buildings concentrated around St Michael's Church towards the centre of the CA, with the second encompassing a more disparate cluster of development adjacent to St Mary's Church to the north-west. These two areas are separated by rolling agricultural land and mature tree planting which together with the open fields on the periphery of the CA contribute to the rural character and setting of the area". The description matched what I saw at my site visit. The significance of the Conservation Area are both the buildings due to their age and architecture and their relationship with the Countryside. The appeal site and existing bungalow can be seen from within the CA from the area near to St Marys Church.

8. The bungalow directly adjacent to the appeal site currently defines the transition between the built form of the settlement and the open countryside. Immediately beyond this point, the landscape opens out and consists of a mix of agricultural fields and areas of woodland.

9. Policy SWDP2 of the South Worcestershire Development Plan adopted February 2016 (SWDP) defines open countryside as land beyond any development boundary and provides a list of exceptions. The proposed development does not benefit from any of these exceptions being a new house available to the open market. The Council advise that the adjacent bungalow is within the village settlement which I saw to be the case at my site visit.

10. Policy SWDP4 of the SWDP requires that development minimises demand for travel and there are sustainable travel choices, with priority given to improving public and community transport provision, walking and cycling.

11. At Abberley Common is the Village Hall, a Primary School and local shop, the nearest of these services is over 600 metres away. I saw on my site visit that the road to access these services had no street lighting or continuous footpath. The footpath which leads towards Abberley Common is narrow and would not be of sufficient width for use with pushchairs or wheelchairs. The bus service provision was not apparent during my site visit and there are no regular services to and from Abberley Village, a pre-booking system exists which relies on future occupier pre-planning their trips. However, it is not demonstrated in the evidence that future occupiers of a residential property here would have a frequent or convenient service, so it is reasonable to expect that they would

[2] APP/J1860/W/15/3011921

need to rely on the car for many of their journeys, contrary to the requirements of SWDP4.

12. The introduction of a new dwelling would clearly encroach out into the open countryside and break the existing separation of built development on this side of Abberley and the adjoining field. Consequently, the proposal would result in the loss of undeveloped agricultural land which contributes significantly to the open countryside setting, harming the setting of the CA. Furthermore, the proposed presence of a house or bungalow, regardless of the design combined with parking and garden area, including the domestic paraphernalia that can be reasonably expected from such a use, are all alien to the agricultural surroundings and so would result in less than substantial harm to the setting of the CA.

13. The public benefits from the provision of a single house, to provide additional residential accommodation, the attractive design and use of materials sympathetic to the areas character, and the limited support it would provide to existing village services do not outweigh the harm I have found to the CA, which I give considerable and important weight to.

14. I conclude that the site is not suitable for residential development, having regard to its location, the proposed land use and the amount of development. It is therefore contrary to policies SWDP2 and SWDP4 of the SWDP, contrary to policies ABY1, ABY10 of the NDP, and contrary to chapter 16 of the National Planning Policy Framework (the Framework). These policies amongst other things seek to control development in open countryside and direct growth to those rural settlements that enjoy a reasonable range of local services, and that development proposals within Abberley Conservation Area or its setting should preserve or enhance its character or appearance, having regard to its significance and special interest.

Other Matters

15. The Council in the officers report originally concluded that they could not demonstrate a five-year housing land supply, this was supported by the appellant and an appeal decision[3]. However, the position changed, and in the Council's appeal statement, they claim to have a 5.24 year supply which comes from an Addendum Report April 2023 in appendix 1 of their Statement of Case. In a linked planning appeal[4] decision from May 2023 in the same local planning authority, the Council had initially relied upon the same figures, but concluded shortly before the enquiry opened that there was a modest shortfall. Though there is no conclusive evidence before me about the extent of any shortfall, in such circumstances, paragraph 11(d) of the Framework indicates that the policies which are most important for determining the application are out of date, and that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

16. The proposed development would provide an additional dwelling which would contribute to the provision of housing in the district and is of the size and type policy ABY2 of the NDP seeks to achieve, which given the small undersupply

[3] APP/J1860/W/22/3295623
[4] APP/J1860/W/22/3309338 & APP/R1845/W/22/3309343

and very limited contribution a single house would make, I give moderate weight. The appeal also proposes a self build unit in an area where there is an agreed shortfall. Planning obligations cannot be secured at the permission in principle stage but can be submitted at technical details stage. The benefits of the provision of a single self build unit is limited so only moderate weight can be attached in favour.

17. I have had regard to a recent appeal decision[5],this appeal relates to the provision of five houses and the Inspector of that appeal found limited harm to heritage assets. The circumstances of that appeal and what weight might be attributed to the benefits and harm differ to this appeal due to the limited contribution it would make to self build housing provision and because it is in a different local authority area. I have also found harm relating to access to services and facilities which were not a main issue of this recent appeal decision[6].

18. Consequently, in this case, the adverse impacts of granting planning permission, would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Framework taken as a whole, including those seeking to boost the supply of homes and achieve well designed places.

Conclusion

19. As stated, the proposed development is contrary to a number of development plan policies and although the Council's five year housing land supply position means that the most important policies for determining this appeal are considered to be out of date, the proposed development is nevertheless contrary to the development plan when taken as a whole. There are no material considerations that indicate that the appeal should be determined otherwise in accordance with the development plan.

20. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

S Crossen

INSPECTOR

[5] APP/R3650/W/22/3300262