



Appeal Decision

Site visit made on 29 June 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal Ref: APP/H1840/W/23/3315676

Land off Broadway Road, Fladbury WR10 2QF

- 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 Adam Wilson against the decision of Wychavon District Council.
 - The application Ref W/22/01971/PIP, dated 8 September 2022, was refused by notice dated 16 January 2023.
 - The development proposed is permission in principle for up to 2 self build 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 2 dwellings at Land off Broadway Road, Fladbury WR10 2QF in accordance with the terms of the application, Ref W/22/01971/PIP, dated 8 September 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 development¹. 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. When granting permission, the decision must specify the minimum and maximum net number of dwellings which are, in principle, permitted.
4. The PPG² indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount. For clarity on the location of the proposed development, the postcode in the heading and decision above is taken from the appellant's appeal form.
5. It is not a matter in dispute between the main parties that the Council cannot demonstrate a five year housing land supply. On that basis, National Planning

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

² PPG Paragraph: 020 Reference ID: 58-020-20180615

Policy Framework (Framework) paragraph 11.d)ii. is engaged. This states that where relevant policies are out of date, 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. I return to this subsequently.

Main Issues

6. The main issue is whether the site is suitable for residential development, having regard to its location, with particular regard to the development strategy for the area and access to services, facilities and sustainable travel choices.

Reasons

7. The site is located outside of the settlement boundary of Fladbury. Under Policy SWDP2 of the South Worcestershire Development Plan (February 2016) (Local Plan) it therefore comprises open countryside where development is to be strictly controlled. The proposal would not comprise a rural worker dwelling, rural employment development, rural exception site, building for agriculture and forestry, replacement dwelling, house extension, replacement building or renewable energy project. Further, it is not submitted as one that would be specifically permitted by other Local Plan policies. Therefore it would not meet any of the exceptions to development within open countryside, contrary to Policy SWDP2 criterion C.
8. Services and facilities within Fladbury appear reasonably limited, but include a primary school, church and pubs. These would be accessible on foot, albeit requiring future occupants to walk a short stretch on the road and then on relatively narrow pavements, not all of which are lit. Moreover, occupants of the appeal scheme would be likely to need to travel to other settlements for employment and to meet their day-to-day needs. In the absence of a bus service, or dedicated cycle routes, an increase in travel by private car would be a likely consequence of the appeal scheme.
9. Therefore, due to its open countryside location and constraints to accessibility, the proposal would be contrary to the development strategy for the area. As such, it would conflict with Local Plan Policy SWDP2 as a whole. This seeks to focus development on urban areas where housing needs and accessibility to public services are greatest. The proposal would also be contrary to Local Plan Policy SWDP4. This seeks to ensure proposals minimise demand for travel and offer genuinely sustainable travel choices.

Other Matters

10. The delivery of two homes on this site is shown to achieve a density below the required level under Policy SWDP13 of the Local Plan. However it appears likely that a scheme could be designed to achieve a scale of development that complements the existing adjacent cottages. Therefore, whilst contrary to that Policy I am satisfied that it would not result in harm in the context of this site. Furthermore I am satisfied that a proposal could be designed to avoid harm to the character and appearance of the surroundings. Parking arrangements would reasonably be addressed at technical details consent stage.

Planning Balance

11. The Council acknowledge that it is presently unable to demonstrate a five year supply of deliverable housing sites in line with the Framework paragraphs 11 and 74. The Council refer to a shortfall of 3.81 years which is slightly higher than that referenced by the appellant. In any event, at best a supply in the region of 3.81 years represents a not insubstantial shortfall.
12. In the context of the development plan I have found the location of the proposal would be contrary to the development strategy. It would also have only limited access to services, facilities and sustainable travel choices. I note also that the Council submits that there is no longer a bus service through Fladbury and consequently that the sustainability of Fladbury has declined since its categorisation in the Local Plan. Therefore it may be classed as a category 4 village in the emerging Local Plan review. In any event, the location of the proposal would be contrary to Policies SWDP2 and SWDP4 of the adopted Local Plan and to the development plan as a whole. For this appeal, I have found policies SWDP2 and SWDP4 to be generally consistent with the relevant aims of the Framework.
13. However, whilst the conflict with the Local Plan amounts to harm, the Council's development strategy is currently failing to deliver sufficient homes to meet the five year housing land supply. Therefore in the context of the appeal and given the extent of the housing land supply shortfall, this reduces the weight to be afforded to conflict with Policy SWDP2. Accordingly, I afford modest weight to this harm. Given the limited scale of the proposal, the harm from the likely increase in travel by private car also attracts modest weight.
14. The proposal would make a small contribution to the supply of housing. In light of the Council's shortfall the provision of up to two additional houses would be a modest benefit. Under Section 2A of the Self-build and Custom Housebuilding Act 2015 (as amended) the Council is required to grant sufficient planning permissions to meet the demand for self-build and custom housebuilding in the authority's area in each base period. The Council's appeal statement identifies that the Council has a current supply of 70 units with self-build planning permissions, which exceeds their cumulative requirement for 55 units to be permitted by 30 October 2023. Nevertheless, even accepting that the number of self-build permissions exceeds current demand, the proposal would make a small contribution to diversifying the housing market and increasing customer choice.
15. Paragraph 69 of the Framework recognises that small sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. There would be small economic advantages of construction of the proposal which would be short term and a further modest benefit from its occupation and associated spending in the locality. There would also be a small benefit associated with the proposed development's potential to enhance the vitality of the existing community.
16. Paragraph 110 of the Framework seeks to ensure developments are provided with appropriate opportunities for sustainable transport. However, paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making.

17. Consequently, I conclude that the adverse impacts of up to two new dwellings arising from the location of the site and its accessibility constraints would not significantly and demonstrably outweigh the combination of its benefits, when assessed against the policies in the Framework as a whole. Despite the conflict with the development plan, material considerations indicate in this case that permission in principle should be granted for the proposal.

Conclusion

18. For the above reasons, and having had regard to all other matters raised, the appeal should be allowed.

Rachel Hall

INSPECTOR