



Appeal Decision

Site visit made on 3 October 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2023

Appeal Ref: APP/J1860/W/23/3320958

Land off Bush Lane, Callow End, Malvern, Worcestershire WR2 4TF

- 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 P Ralph (of PP & D Ralph) against the decision of Malvern Hills District Council.
 - The application Ref M/22/01340/PIP, dated 30 August 2022, was refused by notice dated 2 December 2022.
 - The development proposed is 'Permission in principle for up to 4 dwellings'.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 3 dwellings and a maximum of 4 dwellings at Land off Bush Lane, Callow End, Malvern, Worcestershire WR2 4TF in accordance with the terms of the application, Ref M/22/01340/PIP, dated 30 August 2022

Preliminary Matters

2. The appeal is for permission in principle. The Planning Practice Guidance (the PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. It is a two-stage process: the first stage (permission in principle stage) establishes whether the site is suitable in-principle, and the second stage (technical details consent) is when the detailed development proposals are assessed. Full planning permission does not exist unless both the permission in principle and the technical details consent are approved. This appeal relates to the first of these two stages.
3. The scope of the considerations in an application for permission in principle is limited to matters of location, land use and the amount of residential development.
4. In respect of residential development an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings, or for a fixed number. In this case, the application form expresses the range as between 3 and 4 dwellings and the description in the banner heading is taken from the application form.
5. Any detailed drawings are indicative only as the technical details consent would deal with matters such as the layout of the dwellings and what they would look like. Nonetheless, the plans provide a useful guide as to how the site could be developed.

6. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 5 September 2023, which replaces the previous version published in July 2021. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party. I have had regard to the latest version in reaching my decision.
7. Since the application was determined the Council has confirmed it can no longer demonstrate a 5-year supply of deliverable housing land.

Main Issues

8. The main issues are whether the site is a suitable location for residential development having regard to:
 - National planning policies and the Council's development strategy for the area,
 - Accessibility to services and reliance on the private car, and
 - The character and appearance of the countryside.

Reasons

Development strategy for the area

9. Policy SWDP 2 of the South Worcestershire Development Plan (the Plan) sets out the Council's development strategy to promote sustainable patterns of development by focusing most development on urban areas such as Worcester, Droitwich, and Malvern where housing need is greatest and to safeguard and (wherever possible) enhance the open countryside. There would be allocated sites in some of these villages and infill development is expected to be within the defined development boundary of the settlement and based on the settlement hierarchy set out in Table 2 of the policy. I am advised that Callow End is a Category 2 village in the Rural Area.
10. The appeal site is not an allocated site and could not be described as an infill site. Moreover, it lies beyond the development boundary of Callow End. For the purposes of the Plan and Policy SWDP2, land beyond a development boundary is defined as open countryside. In such cases development will be strictly controlled and limited to rural workers' dwellings, employment development, rural exception sites, buildings for agriculture and forestry, replacement dwellings, renewable energy projects and development specifically permitted by other Plan policies. The proposal is not put forward as any of these countryside exceptions. Consequently, the proposal would be contrary to Plan Policy SWDP 2.
11. My attention has been drawn to the 'call for sites' for housing allocations and that the Council ruled out the appeal site as it does not abut or is not close to the existing development boundary and is in an unsustainable location. I address the issues this raises later.
12. I am also advised that as part of the Plan Review the development boundary around Callow End is proposed to be changed and could include the two new dwellings built behind the appeal site, what would effectively be the first proposed dwelling on the appeal site, as well as a dwelling built on the other side of Bush Lane (Greenbanks). However, due to the early stage of the Plan Review I give the boundary change very little weight and it does not alter the

fact that the appeal site lies outside the existing development boundary of Callow End.

Accessibility to services

13. Category 2 villages, such as Callow End, are considered suitable settlements to meet locally identified housing and employment needs with market and affordable housing because they provide a range of services and facilities. The 2019 Village Facilities and Rural Transport Study identified that Callow End had 4 key services – a store, post office, parish/village hall and a school, plus public transport, with an indication that the village could move up to a Category 1 village. I saw the village also had a farm shop/deli/café, two public houses and a social club. These facilities are located mainly along Upton Road.
14. The appeal site is located at the southern end of the village, approximately 70 metres from the junction with Upton Road, with most of the aforementioned facilities within 800 metres of the site. Although unlit, Upton Road has good pavements thus providing a safe pedestrian route to the various facilities. The pavement also continues along the road to Stanbrook Abbey hotel which could offer some employment opportunities. The appeal site is therefore within a comfortable walking and cycling distance of a range of services and facilities in Callow End that provide for essential day-to-day needs. Indeed, the site is a similar distance, if not closer, to the village facilities than existing dwellings along Bush Lane, including the new houses built behind the appeal site (Lambley House and Laytham House) and much closer than the dwelling allowed on appeal¹ adjoining Rose Cottage at the other end of Bush Lane.
15. Whilst Bush Lane is also unlit and has no pavements, it is only a short distance from the appeal site to Upton Road. Furthermore, Bush Lane is a narrow road that serves a few dwellings before it terminates and becomes a public right of way, which I saw was used by walkers, runners and for horse riding. Hence Bush Lane is not a fast traffic road for future occupants of the appeal site to negotiate the short distance to access the facilities along Upton Road.
16. Future residents would however need to leave Callow End to access higher order services and facilities such as secondary education, health and medical facilities, and some other places of employment or for certain leisure activities and may well use the car to do so. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. There is a regular bus service (the 363) through the village. Whilst I am aware the frequency of the service and route has changed over time, the current provision is typically 4 services a day in each direction to Worcester, which according to the submitted timetable is a 10-15 minute journey. Bus stops are a short walk from the appeal site on Upton Road near the junction with Bush Lane.
17. The first bus to Worcester from Callow Hill leaves just after 8am. This would get people to the bus station in the centre of Worcester before 8.30am, which would enable them to get to offices, shops, other employment or even schools/colleges in the town centre for 9am. Returning home, the last bus would leave Worcester at 6pm, which is generally when most shops, offices and institutions have shut.

¹ Appeal ref: APP/J1860/W/17/3176459 dated 25 September 2017

18. I acknowledge that bus travel would not be convenient for everyone's lifestyle or work/shift patterns and there would be a reduced service of 3 buses a day during the school holidays, which would further limit journey options. Nonetheless, the existing service would give future residents the choice to use public transport to access certain higher order facilities in Worcester or other places on the service route at reasonable times for an average work/school week.
19. The bus service, coupled with the range of day-to-day facilities available in the village within walking and cycling distance, would give future residents a genuine choice of sustainable modes of transport, which would in turn help reduce reliance on the private car, especially for the proposed scale of 3 to 4 dwellings. This would still promote sustainable patterns of development in accordance with the Council's overall development strategy and the Framework, of locating new development in villages with a suitable range of services and facilities, such as Callow End as a Category 2 village, albeit within its defined boundary. It would accord with Plan Policy SWDP 4 that seeks, amongst other things, to promote development that will minimise the demand for travel by private cars and offer genuinely sustainable travel choices.
20. My attention has been drawn to an appeal decision² for Old Hills where that Inspector found the low frequency of bus service for Callow End (even with the bus stops near that appeal site) would likely mean that most travel would be by private car. However, that appeal was for a large-scale development of some 30 dwellings to the south of the village, which the Inspector noted would generate a considerable increase in journeys by car. This is of a substantially larger scale than the appeal scheme before me, which is sufficient to lead me to a different conclusion.

Character and appearance

21. The site falls within the 'Principal Timbered Farmlands' landscape type of the Worcestershire Landscape Character Assessment and more locally within the 'Leigh Sinton Principal Timber Farmlands'. The appellant's Landscape Statement³ provides little description of these landscape types. However, the aforementioned Old Hills appeal decision provides some assistance. For that appeal the Inspector was provided with the Worcestershire Landscape Character Assessment document. The Inspector summarised the landscape type in their decision as being an ancient landscape with a dispersed settlement pattern with a rolling landscape with occasional steep sided hills and small scale wooded and agricultural appearance. Hedgerow field boundaries and ancient woodlands are primary characteristics of the landscape type. I saw this to be largely the case with gently undulating agricultural land and hedges, and to the northwest there was a wooded hillside.
22. The appeal site is agricultural land currently laid to mown grass that visually serves as a simple well-kept manicured setting to the two new dwellings that have been built behind the site and the residential conversion of a corrugated metal agricultural building (shown as Green Barn on the submitted plans). Some of the roadside hedge has been removed for the access to these dwellings, thus exposing some of the site to view from Bush Lane. The site is bounded by post and wire fencing on the north side along the curtilage with the

² Appeal ref: APP/J1860/W/22/3295623 dated 15 November 2022

³ Prepared by Potterton Associates Limited dated March 2023

converted barn and along the western boundary with the remaining agricultural field that continues westwards. Hence the site is artificially curtailed from the adjacent larger field by the post and wire fencing that has been erected. Nonetheless, the appeal site would not extend beyond the extent of the plot around the converted Green Barn and effectively 'squares off' the limits of the village at this point. Hence the site does not encroach into the countryside beyond existing built development.

23. The adjacent agricultural field extends westwards and behind a number of residential properties that front Bush Lane, as far as the hedgerow that aligns with the Public Right of Way (PRoW) that leaves Bush Lane and travels north. From the PRoW views back towards the site are limited by the hedge, apart from a more open vista afforded from a field gate. From here the existing recent new dwellings, barn conversion, rooftops of other properties in the village as well as some other dwellings along Bush Lane are visible. Hence the proposal would be read against the existing built context and would appear as part of the collection of buildings at the southern end of the village. Due to the hillside and woodlands, the site is fairly contained within the wider landscape and read against the context of other properties in the vicinity. Single storey dwellings would have even less impact.
24. The barn conversion and its timber garage already have an urbanising effect on the countryside in this location as the boundaries are open. However, a new hedge would be planted along the site's northern and western boundaries that would, in time, serve to screen the gardens and domestic paraphernalia from view. This can be conditioned at the technical details consent stage.
25. The existing vehicular access would be used to serve the easternmost dwellings and about 100m of native hedge would be planted along Bush Lane to screen them and provide the rear garden boundaries to the first two properties – this too could also be conditioned as part of the technical details stage. Two new vehicular access points would be created in the existing hedge for the two western-most dwellings. Whilst this would see the loss of about 8 metres of roadside hedgerow, these accesses would be opposite existing dwellings on Bush Lane where buildings and accesses and urbanisation are already present. Hence the proposal would not result in any significant further urbanisation of this section of Bush Lane, when a greater length of new hedgerow would be replanted.
26. The indicative plans show the proposed dwellings would align along Bush Lane in a broadly linear fashion similar to the other dwellings along Bush Lane. This would ensure that the proposal would not introduce an unduly alien form of roadside development.
27. The Council refers to a proposed protected Green Space and Urban Biodiversity Corridor along Bush Lane including the appeal site frontage as part of the Plan Review. However, due to the early stage of the Plan Review as already mentioned, I afford this very little weight.
28. Therefore, taking all the points together I am satisfied that the appeal site would be capable of being developed for the number of houses proposed in a manner that would not adversely detract from the character and appearance of the surrounding countryside. It would not conflict with Plan Policies SWDP 21 and 25. Collectively these seek, amongst other things, to ensure new

development integrates effectively with its surroundings and responds to the character of the landscape setting.

Other Matters

29. I am aware of local opposition to the proposal, including from the Parish Council. However, as already stated, the scope of considerations for a permission in principle application is limited to matters of location, land use and the amount of residential development. All other matters are considered as part of a subsequent technical details consent application.

Planning Balance and Conclusion

30. A decision on whether to grant permission in principle must be made in accordance with the relevant policies in the development plan, unless there are material considerations, such as those in the Framework, which indicate otherwise.
31. The Council confirms that it cannot demonstrate a five-year supply of deliverable housing sites. Thus the 'tilted balance', as set out in paragraph 11 of the Framework, is engaged. This means 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.
32. The proposal would be in conflict with Policy SWDP 2. However, although the appeal site is located outside the defined development boundary of Callow End, the village is a Category 2 village chosen to receive new housing due to its range of services and facilities. The site is well located to services and facilities to meet day-to-day needs, including two shops, a post office, a primary school, public houses and a village hall, all of which are within comfortable walking or cycling distance. There is also a bus service offering public transport links to Worcester. I have also found there would be no harm to the character and appearance of the countryside. Therefore, any harm caused by the conflict with Policy SWDP 2 would be minor and the proposal would accord with the Framework's aims of promoting sustainable development, enhancing the vitality of rural communities, promoting walking, cycling and public transport and thus limiting the need to travel.
33. Furthermore, the proposed dwellings would make a significant contribution towards the supply of housing and helping to address the Council's shortfall. The proposal would also provide some modest economic benefit during the construction phase and result in some increase in spending in the local area. There would potentially be some environmental gains with the intended use of renewable and low carbon sources for the energy requirements of the proposed dwellings, as well some biodiversity gain with the planting of additional native hedgerows. Together, these are notable benefits that weigh in favour of the appeal scheme. The absence of harm to the character and appearance of the landscape carries neutral weight in the planning balance.
34. Whilst the proposal would conflict with the development plan as a whole, the material considerations I outline above, including the Framework, are sufficient to outweigh this conflict. The appeal should be allowed.

K Stephens INSPECTOR