



Appeal Decision

Site visit made on 17 October 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2023

Appeal Ref: APP/H1840/W/23/3319861

Greenacres, Hanbury Road, Droitwich Spa WR9 7DX

- 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 Mrs M Gandy against the decision of Wychavon District Council.
 - The application Ref W/22/02735/PIP, dated 21 December 2022, was refused by notice dated 28 March 2023.
 - The development proposed is described as "Permission in principle for the construction of up to 4 no. dwellings".
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is for permission in principle. The national 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 with the description in the banner heading 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. The Council has confirmed it can no longer demonstrate a 5-year supply of deliverable housing land.

Main Issue

8. The main issue in this appeal is 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, and accessibility to services and reliance on the private car.

Reasons

9. Policy SWDP2 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. The settlement hierarchy is set out in Table 2 of the policy and settlements categorised based in part on the range of services and facilities they have. Land beyond a development boundary is defined as open countryside. The policy goes on to state that in the open countryside 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
10. Plan Policy SWDP4 seeks, amongst other things, to promote development that will minimise the demand for travel by private cars and offer genuinely sustainable travel choices.
11. These policies are broadly consistent with the Framework, which states that to promote sustainable development in the rural areas housing should be located where it will enhance or maintain the vitality of rural communities; seek opportunities to promote walking, cycling and public transport; limit the need to travel, and offer a genuine choice of transport modes. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and should be taken into account in decision-making.
12. The appeal site is a parcel of paddock land located to the rear of the residential property 'Greenacres'. There is no dispute between the parties that the site lies outside a development boundary. The proposal is not put forward as any of the countryside development exceptions. Consequently, the proposal would be contrary to Plan Policy SWDP2.
13. The appeal site is located along Hanbury Road, with a few other residential properties. I saw a public house a short distance away and a public amenity site opposite. There were no shops, village hall, primary school or other facilities. Although I did not see a bus stop, I am advised there is one opposite the Eagle & Sun public house but that there is very limited bus service. Neither party has provided details of the bus service or its frequency.
14. I saw that the eastern outer edge of Droitwich was about 1 mile away, but that the centre of Droitwich for facilities and services was some distance further. There was a pavement along Hanbury Road from the site into Droitwich. Although unlit it would enable some future residents to walk and the route

could also be cycled. However, future residents unable to walk the considerable distance to Droitwich (further if walking back with shopping), ride a bike or with mobility issues, or with no access to a car would not be able to access day-to-day services and facilities. Coupled with a very limited public transport service future residents would be denied a genuine choice of other sustainable modes of transport to access services and facilities. As a result, residents would be unduly reliant on the private car for even basic services and facilities, even if journeys are relatively short.

15. Drawing together the above points, I find the appeal proposal would undermine the Council's settlement strategy for the location of housing and promoting sustainable patterns of development, and would result in future residents having an undue reliance on the car. Hence the appeal site would not be a suitable location for housing with regard to local and national policies. Accordingly, the proposed development would be contrary to Plan Policies SWDP2 and SWDP4, whose aims are outlined above.

Other Matters

16. I am aware of local opposition to the proposal relating to a number of issues. 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, such as highways and drainage, would be considered as part of a subsequent technical details consent application.

Planning Balance and Conclusion

17. 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.
18. 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.
19. The proposed dwellings would make a significant contribution towards the supply of housing and help to address the Council's shortfall. There would also be some modest socio-economic benefit during the construction phase and longer-term increase in spending in the local area. I have no reason to doubt that the dwellings would be of a high design quality and there would be no loss of best and most versatile agricultural land. Some biodiversity gain could be incorporated into the scheme.
20. The appellant says the dwellings would contribute to affordable housing in the area, but there is no mechanism put forward, such as a legal agreement, to secure the tenure. Even if there was one, the PPG makes it clear that at the permission in principle stage it is not possible to impose conditions or to secure a planning obligation. The proposal is therefore for open-market housing and the claim of affordability carries no weight. Any revenue from the New Homes

Bonus and additional Council Tax cannot be regarded as a benefit as they are mechanisms for off-setting the impacts of new development on an area.

21. My attention is drawn to a previous extant planning consent¹ for 4 live/work units on the site as a fallback. I am led to understand that the appeal scheme would replace this permission, although the appellant has firm intentions of developing the site for the live/work units should the appeal be dismissed. Whilst such units would not obviate the need for future residents to make journeys by car to access facilities and services in other towns, such as schools, medical, retail, the live/work proposal would nonetheless go some way to reducing the need to travel to work. Consequently, I find the fallback position of 4 live/work units would be less harmful than the appeal proposal before me, and therefore the fallback does not attract significant weight. Furthermore, the provision of 4 live-work units in the fallback scheme would equate to the contribution of 4 dwellings the appeal proposal would make, so there would be no net benefit to the housing supply.
22. It may be the case that the dwellings could be designed at the technical detail consent stage to have room for an office/study and that some future occupants might choose to work from home for some or part of their working week. This could help reduce commuting and car journeys. However, this cannot be controlled and the proposal before me is not promoted as live/work units.
23. The proposal would be contrary to Plan Policies SWDP2 and SWDP4 and would undermine the delivery of the Council's housing strategy and distribution of sustainable patterns of development and fail to promote development that will minimise the demand for travel by private cars and offer genuinely sustainable travel choices. It would also undermine the Framework's aim of promoting sustainable development including in rural areas. Hence, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
24. In conclusion, I have found the proposal would conflict with local policies guiding the location of housing and therefore it would conflict with the development plan as a whole. The material considerations I outline above, including the Framework, are not sufficient to outweigh this conflict. Accordingly, the appeal should be dismissed.

K. Stephens
INSPECTOR

¹ LPA Ref: 20/01058/FUL granted 8 February 2021