



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: 16 November 2023

Appeal Ref: APP/J1860/W/23/3315684

Land adj to Myrtle Cottage, Drake Street, Welland, Worcestershire, WR13 6LN

- 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 Mrs R Tattersall against the decision of Malvern Hills District Council.
 - The application Ref M/22/01549/PIP, dated 18 October 2022, was refused by notice dated 8 December 2022.
 - The development proposed is permission in principle for the construction of up-to 3 detached dwellings.
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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 permitted¹. 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.

Main Issue

4. 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

5. The appeal site is an agricultural field which sits between two large, detached houses. Elsewhere on this side of the road are also agricultural buildings. The character of this side of Drake Street is predominantly open landscape interrupted by buildings. Within half a mile is the centre of Welland Village which has a food store, school, church, village hall and park. There are bus stops near to the appeal site on both sides of the road which have daily buses

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

- on route to Ryall, Great Malvern and Worcester. A public right of way runs alongside the appeal site.
6. Policy SWDP2 of the South Worcestershire Development Plan adopted February 2016 (SWDP) defines open countryside as land beyond the 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 new houses, part of a comprehensive new housing estate on the other side of Drake Street, are within the village settlement, and from what I saw at my site visit these houses form the extent of the settlement with the appeal site side of the road part of the rural open countryside.
 7. Drake Street provides a hard buffer between the extent of the urban settlement and the visible change in character to open rural countryside, the few houses which currently exist are significantly spaced out with larger areas of grassed or agricultural land in between, the appeal site forms one of these large spaces. If developed, the appeal site would result in the loss of a significant gap which currently provides separation between two houses on this side of the road. These gaps are important because they contribute to the open rural countryside character on this side of the road, up to three additional houses would result in a continuous row of housing development. This change of character from countryside to urban would have permanent and unacceptable harm to the character of the area.
 8. The site is not isolated in the context of paragraph 80 of the Framework, because it is within walking distance to Welland which offers a range of services and facilities, and the site benefits from good public transport links to larger settlements nearby, however this would not be sufficient to outweigh the harm I have found above.
 9. I have had regard to a recent appeal decision² which proposes a similar development, but the context of this site is different to the appeal site because of its "limited visual impact on the wider countryside", and "its character is not one of an undeveloped rural appearance" which is in stark contrast to the character and context of the appeal site.
 10. 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 policy SWDP2 of the SWDP which amongst other things seeks to safeguard and (whenever possible) enhance the open countryside and that development proposals should ensure the retention of the open character of the significant gaps.

Other Matters

11. The Council at the time of the decision was able to demonstrate a 5.06 year housing land supply (hls) which at the time of this appeal they state was 5.24hls, although I have no evidence of how this figure was calculated. However, a statement of common ground from a recent planning appeal³ has been provided to me which included the Council as signatories and is dated March 2023. In this document both parties agreed the Council has a 4.9hls. In the decision the Inspector concluded that the housing supply position was not

² APP/J1860/W/22/3304685

³ APP/J1860/W/22/3306186

certain and could be considerably lower than 4.9hls. Though I have 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.

12. The proposed development would provide up to 3 additional dwellings which would contribute to the provision of housing in the district, which given the undersupply and very limited contribution three houses would make, I give moderate weight. The appeal also proposes that the three houses could be self build units 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 range of up to 3 self build units would be limited, so only moderate weight can be attached in favour.
13. An accessible location and policy compliance is an expectation for all proposals, so these considerations are neutral within the overall planning balance.
14. Consequently, in this case, the adverse impacts, having regard to its location, the proposed land use and the amount of development, of granting permission in principle, would significantly and demonstrably outweigh the 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

15. 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.

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

S Crossen

INSPECTOR