



Appeal Decision

Site visit made on 5 January 2024

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/H1840/W/23/3322058

Land at (OS 9311 4891), Beech Avenue, Drakes Broughton

- 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 J Lewis against the decision of Wychavon District Council.
 - The application Ref W/22/02728/PIP, dated 22 December 2022, was refused by notice dated 26 April 2023.
 - The development proposed is Permission in principle for the construction of up to 6no. dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of up to 6no. dwellings at Land at (OS 9311 4891), Beech Avenue, Drakes Broughton, in accordance with the terms of the application, Ref W/22/02728/PIP, dated 22 December 2022.

Preliminary Matters

2. The site location in the banner heading above is taken from the Council's decision notice, as opposed to the original application form for accuracy purposes. This site address was also used by the appellant on the appeal form.
3. As explained in the Planning Practice Guidance ('PPG'), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and amount of development. The second stage 'technical details consent' (TDC) is when the detailed development proposals are assessed. This appeal relates to the first stage.
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 as part of the application. In this instance, permission in principle has been sought for the erection of between three and six dwellings at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the Order and the PPG.
5. A site plan showing the layout of six dwellings was submitted with this appeal. However, the appellant has identified it as being illustrative, and I have had regard to it only insofar as it is indicative of a development for six dwellings.

Main Issues

6. The main issue is whether the location of the proposed development would be acceptable having regard to its principle and the character and appearance of the area.

Reasons

Principle of Development

7. The appeal site lies outside any defined development boundary of Drakes Broughton. It is therefore within the countryside for the purposes of planning policy.
8. Policy SWDP 2 of the South Worcestershire Development Plan (adopted 2016) (the SWDP) establishes the development strategy and settlement hierarchy for the area. Part C of Policy SWDP 2 sets out that development in the countryside, beyond any development boundary, will be strictly controlled and limited to exceptions detailed under the policy or specifically permitted by other SWDP policies.
9. The appeal scheme does not comply with any of the limited forms of development in the open countryside promoted by the SWDP. Consequently, the proposal is contrary to Policy SWDP 2.
10. Although not cited by the Council on its decision notice, reference has also been made in the officer's delegated report to Policy DBWP 3 of the Drakes Broughton and Wadborough with Pirton Neighbourhood Plan (Made 2017) (the Neighbourhood Plan). Policy DBWP3 relates to housing development outside identified development boundaries and again provides limited circumstances in which such development would be supported. The appeal proposal has not been demonstrated to meet any of the relevant criteria, and as such, is also in conflict with Policy DBWP3 of the Neighbourhood Plan.
11. Notwithstanding the above, the appeal site is located directly adjacent to the development boundary for Drakes Broughton, which is identified as a Category 2 village under Policy SWDP 2. The role of such settlements is predominantly identified as meeting locally identified housing and employment needs. I am informed that as part of the emerging SWDP Review, Drakes Broughton has been identified for redesignation as a Category 1 village (i.e. higher in the settlement hierarchy) due to the perceived sustainability of the village. However, I am conscious that the SWDP Review remains at a relatively early stage having yet to be independently examined and so I give the potential re-categorisation little weight.
12. In any case, the village has a range of facilities and services, including a school, shop, post office, village hall, public house, church, and bus stops. On my site visit, I observed that facilities and services were within moderate walking distance of the site, along relatively gentle terrain. Furthermore, there are pavements within the immediate vicinity of the site that extend throughout the village offering suitable walking routes to the village's facilities and services.
13. As such, despite being located in the open countryside for planning policy purposes, I consider that the site is well related to the village and has suitable access to a range of day-to-day services. Public transport options also exist to

enable access to wider areas across the district. As such, sustainable transport option would be available to future resident's even if they may not necessarily be utilised. These are matters that weigh in favour of the appeal proposal, despite its conflict with Policy SWDP 2 and Neighbourhood Plan Policy DBWP3.

Character and Appearance

14. The appeal site is an area of open land measuring approximately 0.25ha, located at the edge of Drakes Broughton. The site directly adjoins existing residential dwellings to the south and west. The eastern boundary of the site is formed by a mature hedgerow, beyond which lie agricultural fields, with further fields also situated to the north.
15. The site falls within the 'Stoulton Principal Timbered Farmlands' landscape type as defined under the South Worcestershire's Landscape Character Assessment. Key characteristics of this landscape include its rolling lowland topography, which contains farmsteads and medium scale field patterns interspersed with hedgerows and trees. The countryside surrounding the site to its north and east largely aligns with these characteristics.
16. At the time of my site visit the appeal site was largely overgrown with bramble and scrub. Despite the Council's reference to it as a green buffer, it is seemingly not designated as such. Whilst from my observations it does not appear to have any notable importance in the wider landscape setting.
17. Public views of the site are available from various distances along the two nearby public rights of way. However, such views are largely restricted due to intervening mature vegetation. Where views of the appeal site are available it is principally seen closely alongside, or against an existing backdrop of residential development. Indeed, I find that the site reads more strongly with the existing residential properties and gardens as opposed to the wider and more expansive countryside. This is due to the site's rather narrow and enclosed nature, together with the close relationship it shares with the existing built form, with its boundaries also closely aligning with the rear gardens of neighbouring residential properties.
18. Although an indicative layout has been provided, I do not have full details of the scale and design of the final proposed development, including any landscaping arrangements. Much would therefore depend on the precise design of any scheme that may come forward at technical design stage. However, I find it conceivable that a proposal could emerge that could appropriately integrate with existing surrounding development and not appear as an intrusive element into the wider countryside.
19. I note the Council's concerns regarding, potential flood risk at the site and the implications this may have on finished floor levels and the development's overall height and prominence. However, flood risk including how such risks may be addressed and whether this would have implications on the precise scale and design of any dwelling are technical details to be dealt with at the TDC stage.
20. Overall, I am satisfied that in principle the proposed development of up to six dwellings would not cause harm to the character or appearance of the area. I therefore find no conflict with Policy SWDP 25 or the Worcestershire Landscape

Character Appraisal. Together the policy and guidance, amongst other matters, seek for development to integrate with the character of its landscape setting.

21. Likewise, I do not consider the proposal to conflict with the aims of the National Planning Policy Framework (the Framework) in respect of achieving well designed development that is sympathetic to local character.

Other Matters

22. Third parties have raised various concerns including in relation to the proposals' effects on trees and hedgerows, ecology, highway safety, infrastructure, flood risk, and neighbouring living conditions. Matters in relation to access to the site, including for emergency services and how the proposal may effect a public right of way have also been raised. However, these are not matters which would fall within the scope of consideration for the first stage of the Permission in Principle route. These issues will need to be addressed as part of the technical details stage and there can be no guarantee that just because Permission in Principle has been granted, that approval of technical details will follow. It takes approval of both stages for a planning permission to be secured.
23. The appeal proposal has been based upon the individual merits of its case and with regards to its specific site context. It therefore does not set a precedent for potential future development on other sites in the area, any such applications would be considered on their own merits.

Planning Balance and Conclusion

24. The proposal is contrary to Policy SWDP 2 and Policy DBWP3 of the Neighbourhood Plan. However, in this instance, the specific characteristics of the site would ensure there would be very limited harm by virtue of the site falling outside the development boundary for Drake Broughton. Whilst I do not consider the proposal would undermine the overall development strategy of the area.
25. Furthermore, the Council also accepts that it cannot demonstrate a five-year supply of housing land which takes me to paragraph 11 of the Framework which states, for this purpose and taking into account my earlier findings, that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
26. The provision of between three and six dwellings would make a small but nonetheless positive contribution towards housing supply. In addition, the proposal would also provide associated social and economic benefits. Although such benefits would be modest, they would outweigh the limited harm that would arise from the policy conflicts.
27. I therefore find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As such, there are material considerations, specifically those relating to the appeal site's situation and circumstances and approach of the Framework, which indicate a decision other than in accordance with the development plan.

28. The appeal is therefore allowed. The PPG makes it clear that it is not possible for conditions to be attached to a grant of Permission in Principle, whose terms may only include the site location, type, and amount of development.

Lewis Condé

INSPECTOR