



Appeal Decision

Site visit made on 14 November 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/H1840/W/23/3322171

**Land rear of Rose Cottage, Netherwood Lane, Crowle Green, Worcester
WR7 4AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant a permission in principle.
 - The appeal is made by Mr Adrian Coleman against the decision of Wychavon District Council.
 - The application Ref W/22/02734/PIP, dated 19 December 2022, was refused by notice dated 15 February 2023.
 - The development proposed is the erection of up to 5 self build dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was submitted by Mr Adrian Coleman against Wychavon District Council. This matter is subject to a separate decision.

Preliminary Matters

3. 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.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. 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.
5. Following the refusal of the application the revised National Planning Policy Framework (the Framework) has been published. Comments were sought from the main parties on this, and where received have been taken into account in my decision.

Main Issues

6. In view of the above, the main issues are the effect of the location, land use and amount of development on:
 - the character and appearance of the area;

- whether the principle of the proposed development would provide a suitable location for housing, having regard to the development strategy for the area; and
- the accessibility of services and facilities.

Reasons

Character and appearance

7. The appeal site comprises part garden land associated with Rose Cottage and part agricultural land and is accessed through the existing access that serves Rose Cottage. The appeal site is rural in character, bound by established hedgerows and trees. It sits back from the road behind a pond and other existing residential properties that are accessed from Netherwood Lane. To the north is a neighbouring dwelling, The Cottage and its rear garden area. To the south is a parcel of land which appears rural in character, with the Post Office, Garage and a dwelling that have frontage onto Crowle Green beyond. Agricultural land is located adjacent to the east.
8. I noted that an existing dwelling, located to the rear of 'Orchard Cottage' had limited frontage onto the road and that 'The Cottage' and 'The Green Farm' and its associated buildings had a further set back from the road than other properties, but these were not typical of the prevailing pattern of development across Crowle Green which is generally linear in form with properties having a fairly strong visual relationship with the road.
9. None of the proposed dwellings would have frontage onto the road. The delivery of up to five dwellings in this location would be at odds with the prevailing pattern of linear development and hence would harm the character and appearance of the area.
10. The appeal site is a relatively narrow strip of land which is largely enclosed by hedgerows and trees meaning that it is distinct from the surrounding larger agricultural fields. The vegetative boundaries would help to screen the proposed dwellings and given the relationship with the existing dwellings adjacent, it would not be overly prominent in the landscape. Consequently, I find that the proposal would not have a significant impact on the wider rural landscape.
11. I note that the appellant states that matters of landscaping and detailed design would be dealt with at the technical details consent stage of the process. However, the harm I have found relates to the effect of 5 units in this location on the established pattern of development rather than the specific design of dwellings or the landscaping of the site.
12. Whilst I therefore find that the proposal would comply with the requirements of Policy SWDP 25 of the South Worcestershire Development Plan Adopted February 2016 (DP) relating to landscape character, I conclude that the proposed amount of development in this location would result in an incongruous pattern of development which would be harmful to the character and appearance of the area. It would be contrary to Policy SWDP 21 of the DP. This policy seeks, amongst other things, that a development will integrate effectively with its surroundings, complement the character of the area and reinforce local distinctiveness.

Development strategy

13. There is no dispute that the appeal site falls adjacent to but outside of the settlement boundary and is therefore within open countryside for the purposes of the spatial strategy set out under Policy SWDP 2 of the DP. I recognise that the appeal site is not isolated, given its position, adjacent to the settlement.
14. Part C of Policy SWDP 2 of the DP states that within the open countryside development will be strictly controlled. The proposal would not comprise any of the exceptions identified in the policy. The proposal would therefore be contrary to Policy SWDP 2 of the DP.
15. The appellant contends that SWDP 2 is flawed because it states that the development strategy and the site allocations in the DP are, amongst a range of criteria, based upon a principle of safeguarding and (wherever possible) enhancing the open countryside.
16. Whilst paragraph 180 of the Framework does not set out an aim to protect the countryside for its own sake, it does state that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. I have already found that the proposal would harm the character of the area.
17. I therefore find, due to its designated open countryside location, the proposed development would be contrary to the spatial strategy. Accordingly, it would conflict with Policy SWDP 2 of the DP. This policy seeks to focus development in the urban areas and to safeguard and (wherever possible) enhance the open countryside.

Services and facilities

18. Crowle and Crowle Green are identified in the 2019 Village Facilities and Rural Transport Study September 2019 (VFRTS) as being a Category 2 village with 3 key services (Post Office, Parish/Village Hall and Primary School) and access to all public transport journey categories. This means that the village of Crowle went up from a Category 3 to a Category 2 settlement between the initial assessment in 2012 and the latest VFRTS in 2019. Whether category 2 or 3, both fall fourth in the settlement hierarchy under Policy SWDP 2 where it states this category of settlement are suited to accommodate market and affordable housing needs alongside limited employment for local needs.
19. At my site visit I walked from the appeal site to the public house and Post Office in Crowle Green and the primary school, church and café in Crowle. I noted the position of the bus stops outside the Post Office where services provide transport to and from Worcester. I note that there are two services to Worcester and three back Monday to Saturday which is a relatively limited number. Nevertheless, the timing of these services would enable transportation to and from the city around a standard 9-5 working day or to enable daytime services and facilities to be accessed.
20. Whilst the initial walk from the appeal site is along a road without a separate footpath, this is only for a relatively short distance along a road restricted to 30 miles per hour. Wide verges are present along some of the route which would provide space off the carriageway should it be needed. Whilst visiting the appeal site and the surrounding area I noted that Netherwood Lane was lightly trafficked, although I appreciate this is only a snapshot in time.

21. The remainder of the routes to services and facilities within Crowle and Crowle Green are via separate footpaths and a relatively short distance. I recognise that future occupants would need to access other services and facilities, such as healthcare, secondary education or employment further afield, given the nature of the settlement being a village. I therefore accept that whilst some residents would use the car to access services and facilities, it would be possible for some day to day needs to be met by walking, cycling or utilising the local bus service. I concur with the previous appeal decision put to me at land at Froxmere Road with regard to the amount and range of services and facilities available within Crowle and Crowle Green, in that there is an acceptable level of provision.
22. I therefore find that future occupants of the proposed development would not be reliant upon the private car to access services and facilities. Accordingly, the proposal would comply with Policy SWDP 4 of the DP. This policy seeks, amongst other things, that proposals minimise the demand for travel and offer genuinely sustainable travel choices.
23. I note the Highways Officer raised concerns about restricted visibility at the junction between Netherwood Lane and the C2032 road to the south. Given the limited number of additional dwellings proposed the number of associated additional vehicle movements would not be so substantial that they would significantly alter the existing situation.

Other Matters

24. I recognise the Government support for self-build and custom housebuilding (SBCH) as outlined in the appeal decisions that I have been referred to. Paragraph 63 of the Framework identifies that the housing needs of different groups including people wishing to commission or build their own homes should be assessed and reflected in planning policies. Under sections 2 and 2A of the Self Build and Custom Housebuilding Act 2015, local authorities should have regard to this and give enough suitable development permissions to meet the identified demand.
25. I concur with the findings of the previous Inspector in the appeal decision at Corner Mead, that the DP is silent on the provision of SBCH. The Council state that by February 2023 the 55 units required by the end of base period 5 (October 2023) had already been provided with 56 SBCH units being granted permission.
26. The appellant disputes this position, identifying a number of plots that are included by the Council that they feel do not meet the definition of SBCH plots. The appellant considers that 50 plots had been granted for the cumulative need of 55 for base period 5. However, I do note that at the time of the appeal statement being drafted by the appellant, there were several months left before October 2023 when base period 5 runs to.
27. Whether the appellant or the Council position is taken, the difference between supply and need is marginal in both cases. I do not have the raw data before me to know the specific details of each of the cases on the register to properly test the headline figures put to me. I therefore cannot be satisfied that the Council has satisfactorily demonstrated that enough SBCH plots have been permitted to meet the demand. Even if the Council has met its target in this

regard, the requirement is not a ceiling figure and the provision of additional SBCH plots would still represent a benefit.

28. Whilst a legal mechanism to ensure the proposal would provide 5 SBCH plots cannot be secured at this permission in principle stage of the process, it could be dealt with at the technical details consent stage. I therefore attribute considerable weight to this benefit.

Planning Balance

29. Following consultation on the revised Framework published in December 2023 it is agreed between the main parties that even with the changes to the housing land supply requirements set out at paragraphs 77 and 226 of the Framework, the Council are still unable to demonstrate an appropriate housing land supply. Therefore, paragraph 11(d)(ii) of the Framework is engaged. Policy SWDP 1 of the DP also identifies that the tilted balance approach will be followed where there are no policies relevant to the application or where relevant policies are out of date. However, this does not automatically lead to the granting of permission.
30. I acknowledge that the proposal would represent a small site and would add to the housing supply, contributing 5 SBCH dwellings to the area, which is supported by paragraph 70 of the Framework. I attach considerable weight to these benefits.
31. The proposal would also result in social and economic benefits during the construction phase and through the spending in the local economy and the use of local services and facilities by future occupiers as supported by paragraph 83 of the Framework. Given the limited scale of the proposal, I attribute limited weight to these benefits.
32. I do not consider that the proposal would result in a reliance on the private car and future occupants would have access to a number of services and facilities by other modes of transport as supported by paragraph 114 of the Framework. Given the limited scale of the proposal I attach limited weight to this benefit.
33. I have found that the harm to the character and appearance of the area would be significant, given its long lasting effects. The proposal would be contrary to paragraph 135 of the Framework.
34. I have given weight to the benefits of the development in my consideration of the appeal. Nonetheless, when taken collectively, considered against the Framework as a whole, the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits. The proposal would also as a result, conflict with Policy SWDP 1 of the DP in this regard.
35. I have identified conflict with Policy SWDP 2, given the appeal site is located in a countryside location for the purposes of the spatial strategy. However, given the current housing supply position I attach limited weight to the conflict with the spatial strategy. Nevertheless, the local design policies are consistent with the Framework so the conflict with them attracts significant weight.

Conclusion

36. Although the site has suitable access to services and facilities, the proposal would conflict with the development plan as a whole and there are no other

considerations, including the Framework, that suggests a decision other than in accordance with the development plan. As such, for the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

G Dring
INSPECTOR