



Appeal Decision

Site visit made on 22 January 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2024

Appeal Ref: APP/H1840/W/23/3327200

Sparrows Cottage, Laurels Road, Offenham, Evesham, WR11 8RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr S Witheford against the decision of Wychavon District Council.
 - The application Ref is W/23/00059/PIP.
 - The development proposed is described as "proposed construction of 3 self build dwellings and associated works."
-

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 two stages. The first stage (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle are 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. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for three dwellings on the appeal site. I have determined the appeal accordingly.

Main Issues

4. The main issues are;
 - whether the site is a suitable location for residential development;
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would be an efficient use of land.

Reasons

Location

5. The appeal site is located outside the development boundary of Offenham. Policy SWDP2 of the South Worcestershire Development Plan (2016) (DP) states that it would therefore comprise open countryside where development is to be strictly controlled. The proposal would not comprise a rural worker dwelling, rural employment development, rural exception site, building for agriculture and forestry, replacement dwelling, house extension, replacement building or renewable energy project. Further, it is not submitted as one that would be specifically permitted by other DP policies. It would not, therefore, meet any of the exceptions to development within open countryside listed in LP Policy SWDP2.
6. Offenham has a limited range of services, which includes a shop, pubs, and village hall. Whilst there may be some opportunity for employment in the locality, occupants of the appeal scheme would likely need to travel to other settlements for employment and to meet their day-to-day needs. An access lane and pavement connect the appeal site with the services within Offenham. The pavements are well made however there is limited lighting which may reduce their use in hours of darkness. Bus stops are located within walking distance from the appeal site; however, these would be accessed via the aforementioned pavements. Given the limited services within Offenham, and the lack of lighting, an increase in travel by private car remains a likely consequence of the appeal scheme.
7. Due to its open countryside location and accessibility constraints, the proposed development would be contrary to the development strategy for the area. As such, it would conflict with DP Policy SWDP2 which seeks, amongst other things, to focus development on urban areas where housing needs and accessibility to public services are greatest.

Character and Appearance

8. The appeal site forms part of the front garden area of a large, detached house located to the rear of properties that front on to Laurels Road. The host property differs to the surrounding area in that it is well set back from the highway and located behind dwellings. The front garden is large and provides a buffer between it and the properties on Laurels Road. Dwellings along Laurels Road have developed over time and have a range of styles and sizes, however there is a general consistency in terms of materials, building line and properties facing the highway. Gaps in built form along Laurels Road allows for views into the open countryside and surrounding agricultural fields giving the area a rural characteristic.
9. The appeal site, whilst being a residential garden, is open and flat and offers glimpses of the surrounding countryside, particularly when travelling along Laurels Road towards the centre of Offenham. The indicative plans show three dwellings taking up a substantial part of the front garden area of the host property, thereby introducing a form of back land development that would be at odds with the orderly manner of development described above. The result would be a residential development that would not integrate well with their surrounding context. Whilst Sparrows Cottage is located to the rear of

properties due to its set back, the proposed dwellings would be more visually linked with the buildings on Laurels Road.

10. Whilst the details of the specific design of the dwellings would be dealt with at technical details consent, their positioning to the rear of the dwellings on Laurels Road and absence of any positive street frontage would result in a discordant form of development that fails to reflect the spatial characteristics and prevailing pattern of development of the surrounding area. Furthermore, the loss of a significant area of garden would erode the rural characteristics of the area.
11. The appellant has drawn my attention to a recent development of housing at Cedars Walk. Whilst I have not been provided with full details, from the information provided this appears to be part of a housing estate development with all housing fronting a highway or open space. As such the exemplified and the appeal proposal are not directly comparable. In any event, I have determined the appeal on its own merits.
12. As such, the proposal would be contrary to DP Policy SWDP2 which seeks, amongst other things, to safeguard and (wherever possible) enhance the open countryside. The proposal would also not comply with paragraph 135 of the National Planning Policy Framework (the Framework) which seeks good design sympathetic to local character.

Efficient Use of Land

13. DP Policy SWDP13 specifically relates to the effective use of land and considers, amongst other things, housing density. This policy states that within villages, and on sites of less than 100 dwellings, new development should be provided at a net density of thirty dwellings/ha. The policy also states that windfall housing development should be assessed against the density criteria relevant to their locality and the character of the built and natural environment context.
14. Paragraph 129 of the Framework advises that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities, and that developments make optimal use of the potential of each site.
15. The Council have advised, and the appellant has not disputed their calculation, that the proposal would achieve approximately 13-14 dwellings per hectare. This would be significantly lower than the Council's policy which seeks to achieve thirty dwellings per hectare. The appellant has asserted that nearby development is a lower density and the proposal, being on the edge of a settlement would be viewed as a stepping down of densities.
16. Whilst Sparrows Cottage is a much lower density, the proposal, located to the rear of dwellings fronting Laurels Road, would be both visually and spatially linked with the denser development to its north. As the proposal would be viewed with the denser development a lower density development would not be necessary.
17. Consequently, the proposal would not be an efficient use of land in an area where there is a shortage of housing. The proposal would therefore be contrary to DP Policy SWDP13 which seeks to make the most effective and sustainable

use of land. The proposal would also not comply with Paragraph 129 of the Framework that seeks to avoid homes being built at low densities.

Other Matters

18. The Framework indicates that planning decisions should apply a presumption of sustainable development. For decision taking, where development plan policies which are the most important for determining the application are deemed to be out of date, 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. It is common ground that the Council cannot demonstrate a deliverable five-year supply of housing and I have no reason to disagree with that view.
19. In this case, I have found that the proposal would not be in a sustainable location, would harm the character and appearance of the area and would be an inefficient use of land. To my mind, these weigh very heavily against allowing the proposed development. The proposal would deliver three dwellings. In addition, the proposed development would bring social benefits as a result of additional dwellings and economic benefits from the construction process together with the ongoing occupation of the dwellings. However, in my view, these benefits would be limited due to the scale of the proposal.
20. The description of development states that the proposal is for three self build dwellings. No evidence or information pertaining to its self-build nature has been submitted with the appeal and no legal agreement securing it as such has been provided. As such, I can only give this limited weight.
21. Taking all of the above factors into account, I consider that the harm I have identified relating to the location of the development, the character and appearance of the area and inefficient use of land significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework when taken as a whole. The proposal cannot therefore be considered to be sustainable development.

Conclusion

22. For the above reasons, there are no relevant material considerations, including the approach of the Framework, which would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR