



Appeal Decision

Site visit made on 11 March 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/H1840/W/23/3329724

Manor Farm, Hadzor, DROITWICH WR9 7DR

- 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 Mrs L Watton against the decision of Wychavon District Council.
 - The application Ref is W/23/01442/PIP.
 - The development proposed is Refusal of Permission in Principle for the construction of 1no. self-build dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal seeks permission in principle. This consent route has 2 stages. The first establishes whether a site is suitable in principle for development and the second is for detailed assessment of the proposals. This appeal relates to the first stage, so the scope of considerations is limited to location, land use and the amount of development proposed. It is undisputed that the site would accord with matters of land use and amount of development proposed. As such, I shall focus on matters of location alone. I have determined the appeal accordingly, treating the submitted drawing as indicative with regards to siting.

Main Issue

3. The main issue is whether the appeal site is an acceptable location for housing having regard to local and national policies.

Reasons

4. The South Worcestershire Development Plan [2016] (DP) establishes the Council's spatial housing strategy. DP policy SWDP2 identifies Droitwich Spa, Evesham and Malvern as Main Towns, with Pershore, Tenbury Wells and Upton-upon-Severn as Other Towns and Category 1, 2 and 3 villages as settlements that provide for a limited range of services. The objective of the policy is to direct most new development to higher category settlements where future occupiers would have access to a range of goods and services. This states that development outside the identified settlements will be strictly controlled and limited to certain forms of development or where development is specifically permitted by other DP policies. Moreover, DP policy SWDP4 requires development to demonstrate that it minimises the demand for travel and offers genuinely sustainable travel choices.

5. The site is outside a settlement boundary, within a hamlet. It is deemed to be in the open countryside for policy purposes and is not particularly well located for access to services and facilities. In accordance with the *Braintree* judgment¹ it is not isolated as it is next to existing houses, but services within Hadzor are limited. The DP identifies that Hadzor has no key services. It is recognised that the site is close to a Golf complex which provides a gym, salon and childcare facilities, although such services may require club membership which may not be available to all members of the public. A public house and restaurant are also located at Hanbury Wharf, although the proximity of these to the site, and pedestrian routes, are not disclosed. Accordingly, local services are limited and would not provide for most day-to-day needs of future occupiers.
6. Nevertheless, the National Planning Policy Framework (the Framework) recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby and that travel opportunities will vary between urban and rural areas. Hadzor has no bus service, but there is a public right of way close to the site, connecting the hamlet to Droitwich Spa. However, this is unlit and would not provide an effective route in poor weather or at night.
7. The development boundary of Droitwich Spa, providing a broad range of goods and services, is around 700 metres from the site. Routes between the site and Droitwich Spa are limited to the use of either public rights of way or narrow country lanes, which lack footpaths. Therefore, although the site is reasonably close to this settlement and two proposed housing allocations, it is in an area that is poorly connected to the town. Therefore, the occupants of the proposed dwelling would be reliant on private cars for travel, with limited options to encourage movement by other means.
8. The proposed development would therefore conflict with the identified aims of DP Policies SWDP1 and SWDP4 and the Framework. These require, when taken together, that decisions should take a positive approach that reflects a presumption in favour of sustainable development and for development to offer access to sustainable travel.

Other Matters

9. The Council cannot demonstrate a 5-year housing land supply and the evidence demonstrates that this is 2.65 years². Where a local planning authority is unable to demonstrate a 5-year supply of deliverable housing sites, footnote 8 of paragraph 11 of the Framework, indicates that relevant policies for the supply of housing should not be considered up-to-date. Paragraph 11 explains that where relevant policies 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.
10. The proposal would be an infill development with an appropriate land use and would retain the existing rural character of the existing landscape, a conclusion shared by the Council. The proposal would not affect ecology, would be highly efficient, would not affect designated heritage assets or Green Infrastructure.

¹ *Braintree District Council v Secretary of State for Communities and Local Government & Ors* [2018] EWCA Civ 610

² South Worcestershire Councils' Five Year Housing Land Supply Report, December 2023

However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.

11. Also, the proposal would deliver economic benefits both during construction and by the spending of future occupiers within the local area. The Appellant advises that the proposal would contribute towards affordable housing in the area. However, the Appellant has offered no mechanism to secure the dwelling as affordable or identified a policy requirement for this. This therefore weighs neither for nor against the proposal. As such, the environmental and economic benefits of the scheme would be modest.
12. The proposal is described as a self-build project, meeting the Appellant's family housing needs by accommodating a family member. The Appellant identifies that the proposed occupiers are on the self-build register. The benefits of custom or self-build housing (CSBH) are recognised by the Planning Practice Guidance finding that it helps to diversify the housing market and increase customer choice. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes. However, based on the submitted evidence I am unable to conclude that the Council is failing to meet its statutory duty with respect to the delivery of plots for CSBH dwellings. As such, the delivery of a self-build dwelling, and the social benefits of the scheme, would be modest benefits only of the proposal.
13. The Council comments that the reliance of the proposed dwellings on private car movement would increase carbon emissions. The Appellant reacts that electric vehicle (EV) demand is increasing year on year and the proposal would include an EV charging point. It is now a requirement, by virtue of Building Regulation approval, for all new dwellings to include an EV charging point. As such, whilst an EV charging point is required to be installed there is no firm commitment that it would be used and thus no guarantee that carbon emissions would be reduced. Furthermore, the Framework's purpose of locating new dwellings in well connected areas is to achieve more than just carbon emission reductions, and this is therefore of limited weight in favour of the proposal.

Planning Balance and Conclusion

14. The proposal would result in substantial harm to the Council's spatial housing policies. I have concluded that the proposal would conflict with DP policies SWDP1 and SWDP4 and the development plan as a whole. However, because of the housing land supply position, paragraph 11 d) of the Framework is relevant.
15. The Framework seeks to boost the supply of housing and highlights the contribution small sites can make. The proposal would provide one dwelling, this would make a minor but useful contribution as indicated by paragraph 70 of the Framework.
16. The proposed dwelling could be delivered relatively quickly, making a rapid positive contribution to the local supply of housing in the area. The proposal would make efficient use of land, and would be a self-build development, which is attributed further weight in support of the proposal. Equally, the identified economic, social and environmental gains of the scheme convey further

benefits. However, given the small scale of the proposal, these benefits would be limited.

17. In contrast, the Framework seeks to promote walking, cycling and public transport and for the planning system to actively manage patterns of growth in support of these objectives. Consequently, even with the shortfall in five-year supply, the adverse impacts of the proposed dwelling on the spatial housing strategy of the Framework would significantly and demonstrably outweigh the benefits, when weighed against the policies of the Framework taken as a whole. Therefore, the maximum weight that could be attached to any benefit through increasing the supply of housing would not be determinative and the presumption in favour of sustainable development does not apply.
18. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

Ben Plenty

INSPECTOR