



Appeal Decision

Site visit made on 29 February 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/H1840/W/23/3327039

Land adjacent to Thorndon Grove Stables, Stoulton, Worcester WR7 4RP

- 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 D Proctor against the decision of Wychavon District Council.
 - The application Ref is W/23/01133/PIP.
 - The development proposed is Permission in Principle for the construction of up to 6 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 4 and a maximum of 6 dwellings at Land adjacent to Thorndon Grove Stables, Stoulton, Worcester WR7 4RP in accordance with the terms of the application, Ref. W/22/01133/PIP.

Procedural Matters

2. The application is for permission in principle ('PIP'), as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance ('PPG') advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
3. The PPG sets out that the scope of PIP applications is limited to location, land use and amount of development. All other matters are considered as part of a subsequent Technical Details Consent ('TDC') application if PIP is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether, in principle, the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Location and amount of development

5. For planning purposes, the site is beyond any defined development boundary and as such is within the open countryside as defined under Policy SWDP 2 of the South Worcestershire Development Plan ('SWDP'). This Policy sets out the development strategy and site allocations within the plan area and seeks to direct new development towards sustainable areas within development

boundaries. Policy SWDP 2 criterion C sets out that development in the open countryside will be strictly controlled and will be limited to certain exceptions, which includes development specifically permitted by other SWDP policies. Based on the case put forward by the appellant, the proposal would not comply with these criteria.

6. The supporting text to Policy SWDP 2 of the SWDP, recognises that the high quality of the open countryside is an important planning attribute of the area. Adding that, sites beyond development boundaries generally are less sustainable as access to local services and employment opportunities tends to be poorer and therefore it is appropriate that development in the open countryside is restricted to proposals which are supportive of more specific SWDP policies.
7. The appeal site mainly comprises an undeveloped parcel of land. According to the appellant, this is part of underused grazing land associated with Thorndon Grove Stables, which are immediately to the south of the appeal site. The appeal site is bound to the east by an unnamed lane.
8. Policy SWDP 4 of the SWDP, sets out that developments will minimise demand for travel and offer genuinely sustainable travel choices. This position is consistent with the Framework, which says that: 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.'
9. The main parties agree that the settlement of Drakes Broughton is in close proximity of the appeal site, and that this has a range of services and also benefits from local bus stops offering transport choices across the district. I have no reason to dispute this. However, there is no footway between the unnamed lane and the B4084, which leads directly into Drakes Broughton. Nevertheless, the section of the unnamed lane travelling south to the B4084 is largely one way for vehicular traffic and incorporates a bend, which is likely to reduce vehicle speeds. As such, this would be a relatively safe and short route for pedestrians and cyclists to use during the day. There are also public footpaths close to the appeal site which either lead to Drakes Broughton, or to a pavement that leads to a nearby bus stop on the B4084.
10. I acknowledge that the existing footpaths may not be suitable when there is insufficient daylight or during inclement weather, and therefore residents may choose to undertake some journeys by private car. Even so, car related journeys are likely to be short given the modest distance between the appeal site and Drakes Broughton.
11. Most notably, PIP for two dwellings has been approved along the unnamed lane, which the Council found to be acceptable in locational terms. The dwellings subject of the approved PIP would be a similar distance from Drakes Broughton as the appeal site.
12. For the above reasons, the location of the appeal site does offer some sustainable travel choices to a range of nearby shops and services. As such, the occupants of the proposed dwellings would not be entirely reliant on private car travel. This would be consistent with the aims of SWDP 4 of the SWDP.

13. Notwithstanding its size, the appeal site is free of any significant development and forms part of a larger field which adjoins neighbouring fields. A notable feature of the appeal site is a planted boundary which is contiguous with the unnamed lane. As such, the appeal site is not an uncharacteristic feature of open countryside. Therefore, the proposal for the construction of between 4 to 6 dwellings, would result in encroachment of development within the countryside. As such, this would fail to safeguard the countryside.
14. The appeal site lies within the Landscape Type ('LT') Principal Timbered Farmlands, as identified in the County Landscape Character Assessment ('LCA'). The LCA identifies this LT as having a 'dispersed settlement pattern of farmsteads and wayside cottages and lack of strong settlement nuclei.' The LCA advises that 'Although there is pressure for development in some of these landscapes, any concentrations of new development in particular localities would disrupt the inherent pattern of settlement dispersal.' Landscape Guidelines for the LT include 'maintain the historic dispersed settlement pattern.'
15. The historic dispersed settlement pattern in this particular locality is of wayside dwellings to the east of Windmill Lane but also features farmsteads some of which have been converted for residential use.
16. Whilst much of the existing and approved development is located on the eastern side of the unnamed lane, the appeal site is located next to a developed site which includes buildings. The proposed development would also utilise the existing access associated with the adjacent developed site. Because of this context and the overall size of the appeal site, I see no reason why, for example, development here could not be designed to replicate a farmstead.
17. The proposal would add to an existing cluster of development in this locality. Nevertheless, because the proposed scheme is illustrative at this stage and the exact quantum, layout and landscaping is not before me, I cannot be certain that this would undermine the historic dispersed settlement pattern.
18. Policy SWDP 5 of the SWDP says that for greenfield sites of less than 1ha but more than 0.2ha (gross) – 20% Green Infrastructure is required to be provided (Excluding private gardens). The appeal site measures about 0.39ha. As such, development at the appeal site would need to incorporate 20% of Green Infrastructure. Furthermore, SWDP Policy SWDP 13 requires development proposals to be designed to make effective use of land and sets out that densities should be relevant to their locality and the character of the built and natural environment context.
19. Because the appeal scheme proposes a minimum of 4 dwellings, given the overall size of the site and its context, I see no reason why this quantum of development could not be designed to deliver the required Green Infrastructure and a density which is reflective of the site's rural location.

Land use

20. As already stated, the appeal site is part of a field. Therefore, its land use is typical of that associated with a countryside location. Nevertheless, on the other side of the unnamed lane, there is existing residential development and the Council has also approved the conversion of existing buildings for residential use and also allowed the aforementioned PIP for two dwellings.

Therefore, the proposed land use would have a degree of compatibility with the area.

21. Drawing on the above reasons, insofar as these are relevant to considering PIP, the location, land use and the amount of the development, would not prejudice the overall aims of Policy SWDP 4 of the SWDP, for minimising demand for travel and offering genuinely sustainable travel choices.
22. Nevertheless, to develop the appeal site as proposed would be contrary to Policy SWDP 2 of the SWDP regarding the spatial strategy of the development plan, which seeks to direct new development towards sustainable areas within development boundaries. The proposal also would result in encroachment of the countryside and therefore would fail to safeguard this. As such, the appeal site is not in a suitable location for residential development. Consequently, the proposal would also conflict with SWDP Policy SWDP 1, which amongst other things supports planning applications that accord with the policies in the SWDP.

Other Matters

23. The Council's decision also refers to SWDP Policies SWDP 21 and SWDP 25. These relate to matters of design and landscaping. Therefore, the assessment of the proposal against these policies and matters relating to the effect of the development on the character and appearance of the area, which include concerns raised by the Council in respect of the urbanisation of the area, the visual effects of the proposal and whether or not this would acceptably integrate with the character of the landscape setting, would be considered as part of any TDC application.
24. The PPG makes it clear that it is not possible for conditions to be attached to a grant of PIP, whose terms may only include the site location, the type and amount of development. Furthermore, where PIP is granted by application, the default duration of that permission is 3 years. Therefore, it is not necessary to impose a condition specifying a timescale for the PIP, as suggested by the Council.

Other Considerations

25. Based on the Council's evidence, it has a 3.81 year housing land supply and cannot therefore currently demonstrate a 5 year housing land supply. Consequently, Paragraph 11d) ii of the Framework applies.
26. Subject to the grant of TDC consent, the proposal would provide between 4-6 new dwellings, which would contribute towards the provision of housing in the District. This would accord with the aims of Paragraph 60 of the Framework of boosting significantly the supply of homes. This would be a social benefit.
27. Because the appeal site is in a location which is close to shops, services, and public transport links, this would generally reduce reliance on the private car and for minimising traffic and emissions. There would also be jobs created during construction of the development. When complete occupiers of the development would also support local shops and facilities. As such, there would be some environmental and economic benefits.

Planning balance and Conclusion

28. To develop the appeal site as proposed would be contrary to the development strategy of the development plan which seeks to direct new development towards sustainable areas within development boundaries.
29. However, and whilst the proposal would result in encroachment into the open countryside, I have also found that given the site's relative accessibility to shops and services and public transport, the aims of the development strategy regarding directing growth to locations depending on their sustainability, would not be unacceptably harmed. As such, at this stage, I attach less than moderate weight to the overall harm arising from the proposal.
30. The proposal aims to provide 4-6 dwellings. In light of the Council's housing land supply position, I give the proposed housing significant importance. This and the benefits associated with it, weigh in favour of the proposal, and I afford them moderate weight given the modest scale of the proposal (4-6 additional dwellings).
31. As a result, when assessed against the policies in the Framework, the adverse impacts associated with the proposal in principle, do not significantly and demonstrably outweigh the benefits arising from the proposal. Consequently, the presumption in favour of sustainable development applies and this indicates that PIP should be granted.

M Aqbal

INSPECTOR