



Appeal Decision

Site visit made on 28 March 2024

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 April 2024

Appeal Ref: APP/J1860/W/23/3332645

The Homestead, Crown East Lane, Lower Broadheath, Worcester WR2 6RH

- 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 LLP Developments Ltd against the decision of Malvern Hills District Council.
 - The application Ref is M/23/00693/PIP.
 - The development proposed is Permission in Principle for up to 4 no. dwellings - comprising subdivision of existing property into 2 no. dwellings, convert and extend existing garage to 1 no. dwelling and erection of 2 no. new self-build dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 4 dwellings at The Homestead, Crown East Lane, Lower Broadheath, Worcester WR2 6RH in accordance with the terms of the application, Ref M/23/00693/PIP.

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 (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 two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. 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.

Main Issue

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

Reasons

5. The appeal site is located within the village of Upper Broadheath, a relatively small settlement with very limited services and facilities. The village is identified as a Category 3 village by the settlement hierarchy contained within

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Annex D of the South Worcestershire Development Plan, February 2016 (LP). However, Upper Broadheath does not have a defined settlement boundary and LP Policy SWDP2 seeks to prevent residential development outside of boundaries unless specific criteria are met. In this instance, the proposed development does not accord with any of the criteria listed in Part C of the policy and so there is a clear conflict with the Council's spatial strategy.

6. Given the limited services that exist in the village, it would be necessary for future occupiers to travel to nearby settlements. Limited facilities are available within a reasonable walking distance in Lower Broadheath. However, in order to access other facilities that are required for everyday living, such as secondary schools and supermarkets, occupiers would need to travel to Worcester. While there is a bus stop close to the appeal site, services are relatively infrequent. Cycling into Worcester could be possible, although doing so is unlikely to be an attractive option, particularly in adverse weather or during the hours of darkness.
7. Taking all of this into account, I consider that the use of sustainable modes of transport would be relatively unattractive for future occupiers in this location, and as such, it is highly likely that the majority of trips to access services and facilities would be undertaken by private car.
8. I therefore conclude that the proposed development would not be in a suitable location, taking into account the Council's spatial strategy and access to services and facilities. As a result, the proposal conflicts with LP Policies SWDP2, SWDP4 and SWDP21. Taken together, the relevant aspects of these policies seek to ensure that development is directed to sustainable locations, where the use of sustainable modes of transport can be encouraged and where services and facilities are accessible.

Planning Balance

9. There is no dispute between the parties that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing, and I have no evidence before me to suggest that this position is likely to improve in the short-term. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that 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 as a whole.
10. In this instance, the benefits of the proposal include the provision of up to four dwellings, including two possible self-build plots. There would also be some economic benefits associated with the scheme. Despite the shortfall in housing land supply, I only afford limited weight to these benefits given that the proposal is relatively minor in nature.
11. I have concluded that there would be material harm in relation to the suitability of the site's location. The support for the principle of development within the Framework, including the development of previously developed land, is countered by the importance it places on the provision of development that encourages the use of sustainable modes of transport. In this instance, the proposed development would be located very close to a significant range of services and facilities in Worcester. As such, while future occupiers would be largely reliant on the private car to access these facilities, the majority of trips

are likely to be very short. Furthermore, given that the proposal is only for a maximum of four dwellings, the number of journeys would be relatively few. I am also satisfied that the site is of a suitable size to provide up to four homes. As a result, the associated harm would be limited and therefore, when assessed against the policies in the Framework taken as a whole, the adverse impacts would not significantly and demonstrably outweigh the benefits.

Other Matters

12. Several local residents have objected to the proposal. While I have had regard to these comments, I have already set out that a permission in principle is not a planning permission in itself and my consideration of the case is limited to very specific matters. As such, issues such as character and appearance, detailed access arrangements and sewerage capacity among of other things, must be considered at the subsequent Technical Details Consent stage.
13. The site is located within a defined Strategic Gap. However, the proposed development would be limited in scale and would relate well to existing dwellings in the village. I am therefore satisfied that the proposal would not harm the overall integrity or purposes of the Strategic Gap.
14. The Council has referred to an appeal that was dismissed in 2018². However, at that time the Council was able to demonstrate a 5-year supply and so the two cases are not directly comparable.

Conditions

15. As set out within the PPG, it is not possible for conditions to be attached to a grant of permission in principle.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole. However, there are material considerations, notably the provisions of the Framework, that indicate that the decision should be taken other than in accordance with the development plan. The appeal is therefore allowed.

C Butcher

INSPECTOR

² Reference: APP/J1860/W/19/3224257