



Appeal Decision

Site visit made on 23 April 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 May 2024

Appeal Ref: APP/H1840/W/23/3334107

Land at Windmill Hill, Stoulton, Worcestershire WR7 4RW

- 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 Peter Vint against the decision of Wychavon District Council.
 - The application Ref is W/23/01924/PIP.
 - The development proposed is Permission in Principle for the construction of up to 2no. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of up to 2 no. dwellings at Land at Windmill Hill, Stoulton, Worcestershire WR7 4RW in accordance with the terms of the application, Ref W/23/01924/PIP, dated 19 September 2023.

Procedural Matters

2. The proposal is for Permission in Principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. This has two stages. The first stage for Permission in Principle establishes whether a site is suitable for the proposal in principle. The second stage, for Technical Details Consent (TDC), is when the detailed development proposals are assessed. This appeal relates to the first stage.
3. The scope of the considerations at this stage is limited to location, land use and the amount of development permitted. All other matters would be considered as part of a subsequent TDC application. In this case, permission is sought for two dwellings. I have determined the appeal on this basis, having regard to the relevant legislation and the PPG. A plan showing the possible layout of the proposal has been provided, which I have treated as being illustrative.

Main Issues

4. The main issues are (1) whether the proposal would accord with the spatial strategy of the Development Plan for the distribution of housing, including its effect on the character and appearance of the area, and (2) the accessibility of the site to services and facilities.

Reasons

Spatial Strategy, Character and Appearance

5. The appeal site consists of a small field and timber barn. It lies outside of any development boundary in the South Worcestershire Development Plan (DP),

adopted February 2016. It is therefore in the open countryside and indeed has this appearance, albeit with a loose ribbon of dwellings and their gardens adjoining the site. DP Policy SWDP2 seeks to safeguard the countryside, to maintain its high quality. As such, it strictly controls development to certain types, which do not include the proposal.

6. The precise form of the proposal is a matter for TDC. Nevertheless, it would inevitably result in permanent built form on the site, together with associated hard surfacing and residential paraphernalia. As a result, the proposal would urbanise the site, thus failing to safeguard the countryside. These effects would be visible from the road and from a nearby public footpath.
7. However, the surrounding landscape is identified by the County Landscape Character Assessment (LCA), 2018 as being within the Principal Timbered Farmlands Landscape Type. This is typified by a landscape that includes winding lanes and frequent wayside dwellings. It has a mosaic of agricultural land that has resulted in a lack of strong settlement nuclei and a dispersed settlement pattern. Close to the appeal site are dwellings positioned in a linear row, as well as others in small clusters or as single wayside houses.
8. In erecting two dwellings, the proposal could continue the adjacent loose row of properties, facing the road. As such, it would not create a nucleated cluster as suggested by the Council but would reflect the existing dispersed settlement pattern of the area, a key characteristic identified by the LCA. The visual effects of the proposal could be filtered and minimised by frontage landscaping, as illustrated on the proposed plans, as well as new native planting.
9. For the above reasons, I conclude that the proposal would not accord with the spatial strategy of the Development Plan for the distribution of housing, conflicting with DP Policy SWDP2. However, I also find that the proposal would have an acceptable effect on the character and appearance of the area and so would accord with DP policies SWDP21 and SWDP25. These require proposals to take into account the LCA, and conserve and integrate with the landscape and its surroundings.
10. For similar reasons, the proposal would accord with the requirement of the National Planning Policy Framework (the Framework) that development is sympathetic to its surroundings. I therefore give the conflict with DP Policy SWDP2 moderate negative weight in the planning balance.

Accessibility to Services and Facilities

11. The DP aims to focus new development largely within urban areas and settlements with good access to local services, to limit car use and carbon emissions. The site is broadly equidistant between Drakes Broughton and Stoulton villages. Drakes Broughton is identified in the DP as a Category 2 village and has some facilities, such as a school. Stoulton has few facilities and so is a Category 4B settlement.
12. However, although not suitable at night or in inclement weather, access to Drakes Broughton can be achieved using public footpaths. Despite the absence of street lighting, it can also be reached by walking along the B4084, which has continuous footway from the site, albeit overgrown and narrow in places. Other facilities, such as a public house and farm shop, are close by. The proposal would not be far from bus stops on the B4084, which provide a reasonable

public transport option to access wider services within Worcester, as well as other locations.

13. Furthermore, the advice of Framework Paragraph 109 is that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In that context, the site is only a short car journey away from facilities and services in the area, including in Drakes Broughton, Pershore and other settlements, thus limiting car use.
14. I am mindful too that the emerging South Worcestershire Development Plan Review proposes an allocation for a new settlement and growth area at Worcestershire Parkway, which would extend close to the site. Given its early stage, having regard to Framework Paragraph 48, I give this only limited positive weight. However, even if this allocation is not forthcoming, the site is already only a few miles from the existing Worcestershire Parkway railway station, with its connections to destinations further afield.
15. For these reasons, I conclude that the site would have reasonable accessibility to services and facilities. It would therefore comply with DP Policy SWDP4, which requires proposals to minimise demand for travel and offer genuinely sustainable travel choices. For the reasons already stated, it would also accord with the Framework. Consequently, this matter is neutral in the planning balance.

Other Considerations

16. Despite recent development nearby, the Council accepts that it cannot currently demonstrate an adequate supply of housing land. As such, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing additional dwellings to assist the Council in addressing its undersupply, as set out in paragraph 11 of the Framework. DP Policy SWDP1 makes a similar requirement.
17. I have found conflict with DP Policy SWDP2 that carries moderate weight. Against that, the proposal would contribute to the supply of housing in the area, by the addition of a further two dwellings. I give this benefit significant positive weight.
18. I am also mindful that the Framework seeks to promote sustainable development in rural areas. Construction of the proposal would provide economic benefits, for example to the building industry, albeit for a relatively short period. Its future occupants would also make social and economic contributions to the area. I therefore give further limited positive weight to these benefits.

Other Matters and Conditions

19. From my visit, I was able to see the adjacent dwellings, in particular 2 Windmill Cottage, its garden and low surrounding fence. However, the proposal could be designed to avoid any undue overlooking, for example by using typical boundary treatments and careful positioning of windows. It could also be sited to avoid unacceptable loss of light or outlook.
20. The location is currently quiet and peaceful. Even so, I have no reason to believe that noise generated from the proposal would be greater than normally

expected for residential uses or at harmful levels. The effects of construction work including noise could be minimised by controls imposed at TDC stage. The loss of private countryside views is not a matter protected by the planning system in the public interest.

21. Details of surface water and sewage drainage, necessary to avoid adverse effects to neighbouring properties, are matters for TDC. So too is the effect on ecology, including any species within the existing barn. I have little reason to believe that the traffic movements generated by the proposal would be excessive, or that adequate highway visibility could not be achieved. The amount of farmland lost would be small. As such, these matters do not change my overall conclusions. Planning conditions cannot be attached to a grant of permission in principle, as confirmed by the PPG.

Planning Balance and Conclusion

22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
23. The proposal benefits from the presumption of sustainable development as outlined in Framework Paragraph 11 and DP Policy SWDP1. For the reasons given, I have found that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken in the round. Therefore, despite the conflict with the Development Plan when read as a whole, material considerations indicate that Permission in Principle should be granted. I therefore allow the appeal.

O Marigold

INSPECTOR