



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: 13 May 2024

Appeal Ref: APP/J1860/W/23/3335297

Parkside, Main Road, Hallow, Worcestershire WR2 6PH

- 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 C Douglas, CDC Bespoke Properties Limited against the decision of Malvern Hills District Council.
 - The application Ref is M/23/01202/PIP.
 - The development proposed is permission in principle for proposed 4 no. dwellings (including demolition of existing property)
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Decision

1. The appeal is allowed and permission in principle is granted for proposed 4 no. dwellings (including demolition of existing property) at Parkside, Main Road, Hallow, Worcestershire WR2 6PH in accordance with the terms of the application, Ref W/23/01202/PIP, dated 16 August 2023.

Preliminary 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 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. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. In this case, permission is sought for four dwellings, a gain of three. 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 submitted, which I have treated as being illustrative.
4. A revised version of the National Planning Policy Framework (the Framework) was published after the appeal was lodged. Furthermore, the Hallow Neighbourhood Plan Review (HNPR) is currently emerging. The submission draft has been published and is currently awaiting Examination. The parties have been able to comment on these matters and I have determined the appeal accordingly.

Main Issues

5. The main issues are:

- whether the proposal would comply with the spatial strategy of the Development Plan for the distribution of housing, having regard to its effect on the character and appearance of the area, and
- the accessibility of the proposal to services and facilities.

Reasons

Spatial Strategy, Character and Appearance

6. Policy SWDP2 of the South Worcestershire Development Plan (DP), adopted February 2016, sets out the spatial strategy for new development in the area. It seeks to safeguard the open countryside, including the appeal site, to maintain its high quality. As such, it strictly controls new development to certain types, which do not include the proposal. For similar reasons, emerging HNPR Policy HAL3 only supports new windfall housing outside the Development Boundary in certain circumstances. These do not apply to the proposal. Consequently, it would conflict with DP Policy SWDP2 and emerging HNPR Policy HAL3.
7. The site lies within an identified Strategic Gap. Policy SWDP2 seeks to retain its open character and to prevent the coalescence of Worcester city with Hallow village. Parkside is a detached dwelling set within a large garden and surrounded by tall, dense trees and hedgerows. The pattern of development in the area is varied. This includes detached properties such as Melbourne, and dwellings of differing sizes along Parkfield Lane. Opposite the site is historic parkland including Parkfield itself, and South Lodge and North Lodge.
8. Immediately adjacent to the site is a short linear row of dwellings with broadly similar designs, building lines and plot sizes. The appeal site terminates this row with a plot of substantially larger size. As a result, the site forms something of a transition between the urban ribbon of development leading from Worcester, and the semi-rural area beyond. The illustrative site plan suggests that dwellings could be positioned in a tandem arrangement on the site, some much closer to the roadside than currently. This would significantly increase the built coverage on the site, increasing its prominence with limited opportunity to soften its effects.
9. However, the appeal site is already in domestic use including a garage and outbuildings, rather than consisting of for example undeveloped countryside. Furthermore, there is dense vegetation on the site boundaries, which is proposed to be enhanced. As such, the site does not have a particularly open character, limiting its contribution to the Strategic Gap.
10. Permission for four dwellings is sought, but their layout, form and design are matters for TDC. Given the large size of the plot, it is possible that a less dense arrangement to that shown illustratively could emerge, with a smaller site coverage. On this basis, it is possible that a proposal for four dwellings would not demonstrably harm the character and appearance of the countryside landscape or undermine the aims of the Strategic Gap.

11. For the reasons given above, 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 have also found that it would not necessarily harm the character and appearance of the area. I therefore give only moderate negative weight to the conflict with Policy SWDP2. I have also found that the proposal would not comply with emerging HNPR Policy HAL3. Having regard to its current status and the guidance of Framework Paragraph 48, I give additional, moderate negative weight to this emerging policy and the conflict with it.
12. In light of my findings, the proposal would not conflict with DP policies SWDP21 and SWDP25, which require settlement identity and character to be safeguarded, and integration with the landscape. I have also had regard to the Hallow Neighbourhood Development Plan (NP), made July 2021, and the comments of another Inspector at Church Lane, Hallow¹. The NP implies that housing development outside the Development Boundary is unacceptable in principle. Nevertheless, it contains no specific policy to this effect. Accordingly, I find no conflict with the NP in respect of spatial strategy.

Accessibility to Services and Facilities

13. To limit car use and carbon emissions, the DP aims to focus new development largely within urban areas and on settlements with good access to local services. The site is close to the edge of Worcester, identified in the DP as the settlement providing the greatest range of services and facilities in South Worcestershire and a sub-regional focus for strategic housing. Hallow is identified in the DP as a Category 1 village providing varying ranges of facilities, and at least four key services.
14. There is continuous pavement opposite the site, leading to both Worcester and Hallow. Walking distances are said to exceed recognised acceptable levels in both directions. However, some facilities within Hallow, such as the church, are not far away on the southern side of the village. Although Worcester city centre is a significant distance away on foot, there is a suburban neighbourhood centre relatively close by, providing some day-to-day services.
15. Use of the pavement from the site would require crossing the A443. The road is unlit hereabouts and no controlled crossing is available. The Highway Authority and others are concerned about people crossing, walking or cycling along the A443, particularly at night or those of limited mobility. However, this road is single carriageway with wide verges here. In the direction of Worcester, the site is close to the 30mph limit and a more densely built-up area. My weekday lunchtime visit represents a snapshot in time, but crossing the road and using the pavement in the area did not feel particularly intimidating.
16. There are bus stops near to the site, albeit without shelters. Although the current service is said to be unsuitable for commuting, buses may nevertheless provide an alternative to the private car for some journeys. Furthermore, Framework Paragraph 109 recognises that opportunities for sustainable transport will vary between urban and rural areas. In that context, the site is only a short journey away from wider facilities and services in the area, thus limiting car use.

¹ APP/J1860/W/22/3312077

17. 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. DP Policy SWDP21 requires proposals to maximise opportunities for pedestrian and cycle linkages through their design and layout. These are matters for TDC and so I find no conflict with this policy either. The accessibility of the site to services and facilities is therefore neutral in the planning balance.

Other Considerations

18. There has been significant recent development in Hallow, exceeding its indicative housing requirement. Nevertheless, it is common ground that the Council 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. No conflict with the made NP has been identified and so Paragraph 14 of the Framework is not engaged.
19. I have found conflict with DP Policy SWDP2 which carries moderate weight. I have also given moderate negative weight to the conflict with emerging HNPR Policy HAL3. Against that, the proposal would make a positive contribution to the supply of housing in the area, by the addition of three dwellings net. I give this benefit significant positive weight.
20. Construction of the proposal would make an economic contribution locally, for instance to the building industry, albeit temporarily. Its future occupiers would also make social and economic contributions and the proposal would make efficient use of land. I therefore give these benefits additional modest positive weight.

Other Matters and Conditions

21. Matters of sewage and drainage provision are for TDC, as are affordable housing contributions. I have little reason to believe that the traffic movements generated by the proposal would risk highway safety, or that adequate visibility of other road users could not be achieved. I note that the Highway Authority did not object on this basis. A proposal could be developed that avoids undue adverse impacts to the living conditions of nearby occupiers, including in terms of light. These matters do not therefore change my conclusions. Planning conditions cannot be attached to a grant of permission in principle, as confirmed by the PPG.
22. The Parkfield Estate opposite the site includes Grade II listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving the buildings or their settings, or any features of special architectural or historic interest. In determining the application, the Council did not identify any harm to the listed buildings or their settings. Given the nature of the appeal site and the proposal, I have no reason to disagree in respect of this matter.

Planning Balance and Conclusion

23. 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.
24. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11 of the Framework. 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 as a whole. Therefore, despite the conflict with the Development Plan, material considerations indicate that planning permission should be granted.
25. For the above reasons, having regard to the Development Plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal should be allowed.

O Marigold

INSPECTOR