



Appeal Decision

Site visit made on 12 March 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal Ref: APP/H1840/W/23/3331078

21 Wood Lane, New End, Astwood Bank, Redditch B96 6NN

- 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 Appletree Developments against the decision of Wychavon District Council.
 - The application Ref is W/23/01733/PIP.
 - The development proposed is Permission in Principle for the demolition of 21 Wood Lane and the construction of up to 6 self-build plots.
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Decision

1. The appeal is dismissed.

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.
4. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for up to six dwellings on the appeal site. A layout plan has been submitted, which is clearly marked as indicative. I have therefore considered this as such.
5. Both main parties have referred to the South Worcestershire Development Plan Review (SWDPR). The Council has advised that the plan was submitted to the Planning Inspectorate for examination on 27 September 2023 and therefore the SWDPR, and the policies therein, is a material consideration in the determination of planning applications. I agree, however I cannot be certain if any policies are to be modified or when it is likely to be adopted. I, therefore, only give limited weight to the emerging policies.

¹ Planning Practice Guidance (PPG) Paragraph: 012 Reference ID: 58-012-20180615; Revision date: 15 06 2018

Main Issues

6. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development; and
- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

7. The appeal site comprises the existing detached, single storey, dwelling at 21 Wood Lane (No. 21), and the associated garden which extends behind the dwelling, widening out twice to encompass land beyond the gardens of 19 and 23 Wood Lane. The appeal site is made up of three sections, the existing house, its immediate gardens to the front and rear, and the area to the rear of the main garden, where the garden widens out twice. The site is located within the Green Belt and, although the existing dwelling is within the settlement boundary, the rear part of the site is situated outside of it.
8. Paragraph 154 of the Framework sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain criteria. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages. Policy SWDP 2 of the South Worcestershire Development Plan, adopted 2016, (SWDP) reflects Paragraph 154 of the Framework.
9. The existing housing along Wood Lane is street fronting, set back along a fairly well-defined building line with long gardens behind. The part of the site that contains the existing dwelling and its immediate gardens to the front and rear is between existing housing. However, the site widens out at the rear. This rear part of the site is enclosed by hedges and has gardens, paddocks and fields surrounding it. Although there is still a large greenhouse building on the Ridgeway Nurseries site, there are green spaces to three sides of the rear section of the appeal site. Taken as a whole site the appeal site it is not, therefore, surrounded by existing residential or commercial development.
10. Infilling within the Green Belt does not have to be within defined development boundaries, as detailed in the New Longton appeal². However, that appeal, which was for two dwellings in a modest gap between existing development, is materially different to the proposal before me. The appeal in the Royal Borough of Windsor and Maidenhead³ is also materially different as, in that case, both main parties agreed that the development would constitute limited infilling, albeit not in a village.

² Appeal reference APP/F2360/W/22/3306867

³ Appeal Decisions APP/T0355/W/22/3309281 and APP/T0355/W/23/3314990

11. The Ridgeway Nurseries re-development⁴ has been carried out and forms a development of four houses fronting The Ridgeway. The original dwelling has been retained along with some of the nursery buildings, including the large greenhouse near to the appeal site. The Ridgeway Nurseries re-development is materially different to the appeal before me as it forms an infill development scheme, following the building line of the houses along The Ridgeway. Moreover, that scheme was redevelopment of previously developed land.
12. There is no national definition of infill and I have not been provided with any local definition of infill. However, the above infill developments were all proposals built within a gap in an otherwise built-up frontage and followed the built context of the area. The appeal before me, albeit as a permission in principle, proposes up to six dwellings. To accommodate up to six houses would include the use of the wider part of the site at the rear. Given the shape and extent of the site it is highly likely that the majority of the development would be to the rear of the site and behind the built form and context of Wood Lane. In my judgement the proposal, even if for less than six dwellings, would not represent infill development.
13. My attention has been drawn to the site at the rear of 40 Wood Lane⁵ (No. 40). From the information provided by the Council they are minded to approve the development of the site at the rear of No. 40, subject to a legal agreement to secure the development as affordable housing. Although the development would result in houses to the rear of the existing road-fronting houses on Wood Lane, the officer report for No. 40 advises that there were structures on this land. Therefore, the site was considered to be previously developed land. Furthermore, the proposal is for an affordable housing exception site. The development at No. 40 would, therefore, be materially different to the appeal before me.
14. Consequently, the proposed development, of up to six dwellings, would not constitute limited infilling in a village and would comprise inappropriate development in the Green Belt when assessed against Policy SWDP 2 of the SWDP and paragraph 154 of the Framework.

Openness of the Green Belt

15. The appeal site is currently open, except for the existing house and two outbuildings. The existing dwelling is in keeping with the built form along Wood Lane and the gardens are green and open. The majority of the appeal site would sit behind the houses on Wood Lane and the houses on The Ridgeway and, although the front part of the site is within the settlement boundary, the rear part of the site currently forms part of the open countryside. As undeveloped garden land, which is within an area of similar uses, the site currently contributes positively to the openness of the Green Belt.
16. Although the appeal proposal would not be readily seen from public vantage points, it would be seen from the neighbouring properties. The visual impact of the development would be limited but would still result in adverse visual harm to the openness of the Green Belt.
17. Openness also has a spatial aspect which is an absence of development, rather than an absence of a view. The appeal proposal would introduce development

⁴ Council planning reference 21/01369/FUL, 21/02396/FUL & 23/00366/FUL

⁵ Council planning reference 20/01350/FUL

in a site where there is currently limited development and would, therefore, have a significant spatial impact on the openness of the Green Belt. The limited views of the appeal proposal do not alter the spatial harm.

18. The Ridgeway Nurseries development was for infill within an existing built-up frontage. The new houses built on the nurseries site follow the built form along The Ridgeway and are read alongside the other houses on that road. It was found by the Council that the development would not result in a greater effect on openness than the existing structures on the site. Moreover, whatever the impact on openness of that development would not justify further harm from the appeal proposal.
19. As set out above, the proposal would have both a spatial and a visual impact which would result in a significant loss of the openness of the Green Belt. This would be contrary to Paragraph 142 of the Framework which identifies the essential characteristics of Green Belts as their openness and their permanence.

Whether the site is suitable for residential development

20. A decision on whether to grant permission in principle must be made in accordance with the relevant policies in the development plan. The appeal site lies partially within and partially outside the settlement boundary and is, therefore, considered to be, in part, within open countryside. Only the area to the front of the appeal site, between the existing houses on Wood Lane, would be within the development boundary. Policy SWDP 2 of the SWDP seeks to safeguard the open countryside and part C of the policy seeks to strictly control new development. The proposal would not fall within any of the limited forms of development set out in Policy SWDP 2. The location and land use of the proposal would, therefore, be contrary to this policy.
21. The settlement boundary which includes the houses along Wood Lane is combined with the settlement of Cookhill and identified as a category 4b village, the lowest on the settlement hierarchy. The area is defined as having a low to medium level of public transport, services, and facilities. During my visit I saw the bus stop, public house, village hall and church were all within walking distance. However, there is no pavement along Wood Lane and the pavement along The Ridgeway is narrow and unlit. There are limited services and facilities in the immediate area.
22. Furthermore, although there is a bus stop within walking distance, I do not have sufficient evidence that the bus service provides a reasonable alternative to the private car to access day to day facilities and employment. I am not aware that the bus provides an evening service from the area to the nearby towns, and the evidence indicates that there is no service at weekends. The public transport provision is limited and would not represent a realistic choice of modes of transport for future residents of the properties.
23. Even though the proposal would not result in significant development, it should still be located where it would enhance or maintain the vitality of rural communities and should be focused on offering a genuine choice of transport modes, to comply with the Framework. Considering the rural area and the limited opportunities for sustainable transport modes, the proposal would rely heavily on the private car, or home deliveries. As such the scheme would not

promote sustainable modes of transport or contribute towards reducing carbon emissions and would not support the sustainability of the rural area.

24. Although the principle of residential development in the Wood Lane area would be acceptable, the amount of development proposed, for up to six houses, five of which would be to the rear of the existing built development, would also be out of keeping with the character and appearance of the area and result in an incongruous form of development in the open countryside.
25. For the above reasons, the location, the proposed land use, and the amount of development, would be, in principle, unacceptable. The development, even as permission in principle, would be contrary to Policies SWDP 2, SWDP 4, SWDP 21 and SWDP 25 of the SWDP which, taken together, seek to safeguard and enhance the open countryside by restricting development to certain forms, focuses development in urban areas where accessibility to public services are greatest, minimises the demand for travel and requires development to offer genuinely sustainable travel choices, and ensure that it integrates with its surroundings and complements the character of the area.

Other considerations

26. The proposal would provide six additional self-build plots. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
27. Both main parties have provided updates on the self-build position within the district, following the changes made through the Levelling Up and Regeneration Act. The appellant has queried whether the supply figure in the Wychavon District Self-Build and Custom Housebuilding Register Progress Report November 2023 (the progress report) has been calculated correctly. This is based on the figure in Table 1 of the progress report indicating a delivery of 24 units for period five. However, the Council has provided evidence to show 32 self/custom-build units were granted planning permission during base period five. It appears that the figure for period five, in Table 1 of the progress report, is incorrect, rather than the cumulative provision.
28. Consequently, based on the most recent evidence, the Council's cumulative supply is 81 units. The number of permissions given for self/custom-builds is only two below the identified demand and, therefore, this represents only a small shortfall. However, the provision is not a maximum and I accept that the demand figure will increase over the next two base periods. Moreover, there is little evidence that the permissions would all be built out. The provision of six additional units of this type would accord with Paragraph 63 of the Framework through providing housing for different groups in the community.
29. Unlike the Windsor and Maidenhead appeal decision and the Docking appeal decision⁶, the shortfall in the number of permissions is not substantial and there is not an overriding need for self/custom-build housing. The Docking appeal decision is also materially different to the appeal before me as that site was not within the Green Belt. As such, I have only given the provision of self/custom-build housing limited weight in my decision.

⁶ Appeal Decision APP/V2635/W/23/3320506

30. The development would also have associated social and economic benefits both during and post construction. However, given the small scale of the development these benefits would be limited.

Other Matters

31. Two outbuildings on the appeal site are in use for domestic storage and the land around the buildings is well-maintained gardens. Albeit the larger building may have previously been used for egg production, as asserted by an interested party, the building is no longer in commercial use and the appellant has confirmed that the land is residential garden. Even if the outbuildings were previously used for commercial egg production this is no longer the case and would not justify the proposal before me.

Planning Balance

32. I have found that the proposal would comprise inappropriate development in the Green Belt. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
33. In this case, I have found harm to the Green Belt from the inappropriate development and also to the openness of the Green Belt. I attach substantial weight to these harms, in accordance with paragraph 153 of the Framework. The other harms include the harm to the countryside and the conflict with the spatial strategy. These are matters to which I attach substantial weight. The other considerations only carry limited weight, for the reasons set out above. They do not, therefore, clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
34. I consider that the harm and policy conflict I have identified would be such that the proposal would conflict with the development plan as a whole. An important material consideration is the Framework. In this regard, the Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing land. Its latest information is a supply of only 2.65 years, which is a reasonably substantial shortfall, although this figure is not agreed by the appellant. As the Council's emerging Local Plan is now at Regulation 19 Stage the latest revisions to the Framework require a four-year housing land supply. However, given the shortfall I find that the Council would not be able to demonstrate a four-year housing land supply. Paragraph 11d) of the Framework therefore applies and the 'tilted balance' is engaged.
35. However, as set out at footnote 7, if the policies in the Framework relating to the Green Belt provide a clear reason for refusing the development proposed, then the 'tilted balance' is disengaged. In this case, I have found that the harm to the Green Belt would not be outweighed by the public benefits, and this provides a clear reason for refusing the proposal. Consequently, the presumption in favour of sustainable development as set out in paragraph 11d) of the Framework does not apply.

Conclusion

36. For the reasons given above the appeal should be dismissed.

K Townsend

INSPECTOR