



Appeal Decision

Site visit made on 11 April 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2024

Appeal Ref: APP/J1860/W/23/3330800

Land off Stourport Road, Great Witley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for Permission in Principle.
 - The appeal is made by Karl Lockley, Lockley Homes against the decision of Malvern Hills District Council.
 - The application Ref is M/23/00625/PIP.
 - The development proposed is Permission in Principle for up to 9 carbon neutral self/custom 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 9 carbon neutral self/custom build dwellings, at land off Stourport Road, Great Witley, in accordance with the terms of the application Ref M/23/00625/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 PIP and the technical details are approved. This appeal relates to the first of these two stages. The PIP application is for up to 9 carbon neutral self/custom build dwellings and I have determined the appeal on this basis.
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. The appeal site comprises part of a larger field. For planning purposes, this is located beyond any defined development boundary and as such is within the open countryside in accordance with 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. 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 National Planning Policy Framework ('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.'
8. The appeal site lies outside but opposite the defined development boundary of Great Witley. This is recognised as a category 1 settlement within the SWDP. Category 1 settlements have at least four key services and score at least 16 points in the Village Facilities Survey. In addition they have access to all daytime journey types. On the information before me Great Witley incorporates a post office, convenience store, primary school, village hall and a doctor's surgery. There are also two bus stops near the site's field access and a pedestrian footpath along Stourport Road on both sides.
9. For the above reasons, the location of the appeal site does offer sustainable travel choices to a range of nearby shops, facilities 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.
10. However, the appeal site is free of development and as already stated forms part of a larger field. A further notable characteristic is its planted boundary hedge which is contiguous with Stourport Road. Despite this hedge, because the appeal site slopes up from the road it is highly visible and prominent within the street scene. As such, the appeal site has an open and verdant appearance and is characteristic of the open countryside.
11. Because of its location, nature and topography, the appeal site comprises a significant and prominent roadside gap which positively contributes to Great Witley's loose pattern of development and rural character i.e., housing not lining both sides of the street and agricultural operations present in and amongst the existing houses. The appeal site is also broadly representative of the surrounding area's landscape character type 'wooded estatelands' which includes rolling topography (with occasional steep-sided hills and low escarpments).

12. The proposal would involve the erection of up to 9 dwellings, together with the paraphernalia associated with residential uses such as parked cars, along with leisure and play equipment in gardens. As a result of the additional built form and domestication that would result from the proposal, the countryside formed by the appeal site would be developed and so would not be safeguarded.
13. Because part of the larger field is to be retained, this would separate the appeal site from development to the west. Also, the appeal site is separated from development to the east by an access track. As such, development at the appeal could introduce a detached form of development. Nevertheless, because the submitted scheme is illustrative at this stage and the exact quantum, layout, design and landscaping is not before me, there is no certainty that this cannot be designed to reflect the areas settlement pattern and landscape character.

Land use

14. Because the appeal site is part of a field, its land use is typical of that associated with a countryside location. Nevertheless, beyond an existing access and track to the east of the appeal site, there is residential development. Whilst the more recent development to the west has arisen from the redevelopment of a brownfield site, this now also contributes to the areas character. There is also residential development on the other side of the road. Therefore, the proposed land use would have a degree of compatibility with the area.
15. 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.
16. Nonetheless, development of the appeal site would be contrary to Policy SWDP 2 of the SWDP regarding the spatial strategy of the development plan, which would result in encroachment of the countryside and therefore would fail to safeguard this.

Other Matters

17. The Council has also referred me to SWDP policies SWDP 21 and SWDP 25. These relate to matters of design and landscaping. The assessment of the proposal against these policies and the effect of the development on the character and appearance of the area, including the Council's concerns in respect of the effects of any proposed access, how the appeal site and development would relate to established field boundaries, and the implications of the topography of the site for the design and appearance of the scheme, would be considered as part of any TDC application.
18. 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.

Other Considerations

19. Based on the submissions before me, the Council has about a 3.7 year housing land supply and cannot therefore currently demonstrate a 5 year housing land supply. Consequently, Paragraph 11d) ii of the Framework applies.

20. Subject to the grant of TDC consent, the proposal would provide up to 9 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 and would be a social benefit.
21. Whilst carbon neutral dwellings are welcomed, The Self Build and Custom Housebuilding Act 2015 ('the Act') requires local planning authorities to establish and publicise a local register of custom-builders who wish to acquire suitable land to build their own home. 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.
22. The Council has confirmed that there is a significant undersupply in the delivery of self-build dwellings to which great weight needs to be attached.
23. However, and subject to PIP being granted, due to the nature of self/custom builds, the first occupier (the self/custom builder) will need to have input into the design. Based on the PPG, separate technical details consent applications for different phases of development cannot be made. As such, whilst I note the Council's concerns about the coordination and the of agreeing matters of detail under the TDC, there is nothing to suggest that these could not be resolved through the use of planning conditions and/or legal agreements, which can be secured at the TDC stage. Irrespective, this is not a matter before me at the PIP stage and would depend to some extent on the technical details submitted. Therefore, this would be a matter for the decision maker at that time.
24. Given the appeal site's relative accessibility, 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

25. 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.
26. 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, 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.
27. The proposal aims to provide up to 9 dwellings. In light of the Council's housing land supply position, I give the proposed housing significant importance. In particular, given the scale and nature of the proposal (up to 9 self/custom build dwellings). This and the benefits associated with it, weigh in favour of the proposal, and I afford them more than moderate weight.
28. 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 the appeal should be allowed and PIP be granted.

M Aqbal

INSPECTOR