



Appeal Decision

Site visit made on 8 May 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal Ref: APP/H1840/W/24/3336448

**Land off Brickyard Lane, Drakes Broughton, Pershore, Worcestershire
WR10 2AH**

- 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 Rodway against the decision of Wychavon District Council.
 - The application Ref is W/23/01973/PIP.
 - The development proposed is Permission in Principle for a minimum of 6no. dwellings and a maximum of 8no. dwellings.
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Decision

1. The appeal is allowed, and planning permission is granted for Permission in Principle for a minimum of 6no. dwellings and a maximum of 8no. dwellings at Land off Brickyard Lane, Pershore, Worcestershire WR10 2AH in accordance with the terms of the application, Ref W/23/01973/PIP.

Applications for costs

2. An application for an award of costs was made by Mr Rodway against Wychavon District Council. This application will be the subject of a separate decision.

Preliminary Matters

3. 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. 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.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. 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.
5. 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 between six and eight dwellings on the appeal site. A layout plan has been submitted, which is clearly marked as illustrative. I have therefore considered this as such.

6. 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 in September 2023 and therefore the SWDPR, and the policies therein, are a material consideration in the determination of planning applications. However, I cannot be certain if any policies are to be modified or when it is likely to be adopted. I, therefore, have considered the appeal against the adopted development plan policies.

Main Issue

7. 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

8. A decision on whether to grant permission in principle must be made in accordance with the relevant policies in the development plan unless material considerations indicate otherwise. The site lies outside of any of the defined development boundaries set out in the South Worcestershire Development Plan, adopted 2016 (SWDP) and is considered to be within the countryside. Policy SWDP 2 of the SWDP sets out the development strategy and seeks to ensure the delivery of sufficient houses; to safeguard and, wherever possible, enhance the open countryside; and to focus development on the urban areas. Part C of the policy seeks to strictly control new development in the countryside.
9. Drakes Broughton is classed as a Category 2 Village and is a suitable location for new development and it benefits from a number of services and facilities to meet residents' day to day needs. These services and facilities are directly accessible from the site by foot and motor vehicle. I accept that the village does not have any health services and that residents would need to go to larger settlements for these and other services. The bus stop is within walking distance of the development, albeit the shortest journey is along a narrow, unsurfaced, and unlit footpath. A longer route is available along the footways and roads in the village, and I walked to the bus stop and back during my visit. The site is accessible to the village services and facilities, even if they are limited in size and capacity as noted by interested parties.
10. Nevertheless, as the development would be located beyond the settlement boundary of Drakes Broughton 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.
11. The appeal site also lies within the Landscape Type Principle Timbered Farmlands (PTF), as defined in the Worcestershire County Landscape Character Assessment (LCA). The LCA defines landscape types for the whole of the County. The Landscape Type Advice Sheet describes the PTF as small scale wooded, agricultural landscape of irregular shaped woodlands, winding lanes, and frequent wayside dwellings. It also notes a lack of strong settlement nuclei. However, the LCA washes over settlements and the PTF includes the settlement of Drakes Broughton, along with other settlements in the area.
12. The key characteristics include hedgerow boundaries, ancient wooded character, rolling lowland, mixed farming, and dispersed settlements. The

principal concern noted in the advice sheet relates to the decline and fragmentation of tree cover, hedgerow trees and the loss of the small field patterns into larger, arable, fields.

13. Albeit defined as open countryside and described as PTF, the site is wholly enclosed by residential gardens. It comprises a parcel of land accessed via an existing field gate off Brickyard Lane, adjacent to a set of three recently developed bungalows. The site, at the time of my visit, was grass but had not been grazed recently. It is enclosed by hedges along the roadside, south and east boundaries and the rear gardens of the houses on Brickyard Lane and on Walcot Lane.
14. The existing housing along the same side of Brickyard Lane as the appeal site is road fronting, set back along a fairly well-defined building line. The houses on Walcot Lane, which back onto the site are also road fronting. Beyond the appeal site, away from the village, the housing is more sparse and comprises individual houses and farms in large gardens. Beyond the appeal site the landscape and views over the countryside are more open.
15. The main part of the village is denser development and other recent developments in Drakes Broughton have been in clustered groups, not limited to frontage development. These include the recent nearby development on Hollyblue Close which, from the evidence before me, also lies within the PTF.
16. Although on the edge of the settlement there are houses and gardens all around the appeal site. The site currently contributes to the character of the edge of the village by being open grassland. However, the significance of this contribution is limited because the site is wholly enclosed. Moreover, the appeal site would not extend development any further out into the countryside than the recent development on Hollyblue Close, or the group of houses accessed from the opposite side of Brickyard Lane.
17. Furthermore, the group of three bungalows immediately adjacent to the appeal site and the houses on Walcot Lane are not separated from the appeal site other than by garden boundaries. The appeal site would relate well to, and be seen as a continuation of, these existing developments. It would also not, as the Council seeks to assert, result in encroachment beyond the existing well defined field boundary and would retain the established hedge boundaries to the gardens and open countryside beyond the site.
18. The proposed development would result in loss of a parcel of land that is defined as open countryside and contributes to its character. However, the development of the appeal site would be read as part of the village. There are no long-distance views of the appeal site that would be harmed from the development as the site would be viewed alongside the existing village. The amount of development proposed on the appeal site is of a low density and would relate to other recent developments in the immediate area.
19. The development would not result in the loss of any of the field patterns and the hedgerows and trees could be retained to protect the key characteristics of the PTF landscape type. The proposal would maintain the settlement pattern within the PTF, albeit increasing the size of Drakes Broughton. However, the village is already a settlement within the PTF and already has an impact on the key characteristics of the landscape area. Moreover, I have no substantive

- evidence that the development, at technical details stage, would not be designed to complement the character of the area.
20. The proposed development would be visible from the adjacent gardens and properties. However, these are private views, and it is not the purpose of the planning system to protect private views. Public views of the Bredon Hill and the countryside are appreciated from walking down Brickyard Lane. The development of the appeal site would not disrupt these views as the development would not be seen in the foreground of the hill from public viewpoints. The appeal proposal would be read as a natural extension to the village and the use of the road by walkers and others would continue to appreciate the countryside beyond the appeal site.
21. Furthermore, the layout and scale of the proposed development would be a matter for technical details consent. Although the shape and size of the appeal site would not enable the proposed number of houses to be built as roadside fronting development, the development of the site would relate to the village as a whole and relate well to other recent developments in the immediate area.
22. I am satisfied that it would be possible to develop the site for housing without adversely affecting landscape character. Subject to appropriate screening any domestic paraphernalia would not be visually intrusive from outside of the site. The amount of development would not be out of context with the built form of the village, including the lower density of Brickyard Lane. Overall, the proposed development would form and function as part of Drakes Broughton.
23. For these reasons, I find no conflict with Policies SWDP 21 or SWDP 25 which, taken together seek to ensure that all development is of a high design quality, integrates with its surroundings in terms of form and function, reflect the characteristics of the site and area, maintains the identity and character of settlements, takes account of the Landscape Character Assessment, and conserves and enhances the primary characteristics defined in the character assessment.
24. For the same reasons, I find no conflict with the advice set out in the Worcestershire County Council Landscape Character Assessment 2018 and no conflict with the design advice in the National Planning Policy Framework, including at paragraph 180 which seeks to ensure development contributes to and enhances the natural and local environment and recognises the intrinsic character and beauty of the countryside.
25. However, as the development would be located beyond the settlement boundary of Drakes Broughton it would be contrary to Policy SWDP 2 of the SWDP and contrary to the development plan as a whole. For that reason, I find that the site is not suitable for residential development, having regard to its location and the proposed land use.

Other Matters

26. The parish council and interested parties have raised a range of concerns including, but not limited to, the condition of Brickyard Lane, highway and pedestrian safety, noise, the potential effect on the living conditions of neighbouring properties, the effect on biodiversity and wildlife, the capacity of the drainage systems in the area and flooding, and the capacity of the local school and other services. Whilst I have taken account of these matters, they

are not matters which would fall within the scope of consideration for the first stage of the permission in principle route.

27. The Council retains control over the design, layout, access, and drainage of the development through the technical details consent and the matters raised by the parish council and interested parties would need to be addressed at that stage. There is no guarantee that allowing the appeal for the first stage of permission in principle will automatically mean that technical details approval will follow. It takes approval of both stages for planning permission to be secured.

Planning Balance

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
29. There is no dispute between the two main parties that the Council cannot demonstrate a five-year supply of deliverable housing land. Based on the most recent evidence before me the Council can only show 2.65 years housing land supply. This is a significant shortfall below even the four-year housing land supply requirement for Council's that have a planning policy at Regulation 19 stage. Moreover, from the evidence before me the Council's housing land supply is falling. Paragraph 11d) of the Framework therefore applies.
30. In this case, from the evidence before me, there are no specific policies in the Framework relevant to footnote 7 which indicate that development should be restricted. Even though Drakes Broughton has had other recent housing development, increased in size beyond that originally planned, and that local residents consider it has contributed towards the housing supply for the District, this would not outweigh the application of paragraph 11d).
31. Policy SWDP 2 of the SWDP is the most relevant in considering the proposal. Contrary to the appellant's assertions, the trigger of paragraph 11d) does not mean that the policy carries no weight. SWDP 2 takes a more restrictive approach to development in the countryside than the Framework. However, it is broadly consistent with the Framework as a whole in seeking to enhance the natural and local environment and recognising the intrinsic character and beauty of the countryside. As such I have given the conflict with Policy SWDP 2 significant weight in this appeal. Consequently, the proposed development would conflict with the development plans as a whole.
32. The Drakes Broughton and Wadborough with Priton Neighbourhood Plan was made more than five years ago and, therefore, when considered against paragraph 14 of the Framework, the neighbourhood plan does not outweigh the presumption at 11d).
33. The construction of 6 to 8 dwellings would contribute towards the district's housing supply and would accord with the Framework which seeks to significantly boost the supply of housing. Although the site is outside the settlement boundary, it is in a location that is within a reasonable distance of a range of day-to-day services. Future occupants would be able to reach these on foot, providing them with transport choice and not an over-reliance on a car. The development would also accord with the Framework which aims to achieve sustainable development and housing in rural areas where it would

enhance or maintain the vitality of rural communities. The development would, therefore, have economic and social benefits to which I attribute moderate weight.

34. Despite the proposed development not being located within the settlement boundary it would nonetheless be well related to existing built form, rather than isolated or visually intrusive in the countryside or PTF landscape. It would be wholly contained by other residential properties and gardens and would function as, and appear as, part of the village rather than the surrounding countryside. Accordingly, I find the harm to the character of the area, including the PTF, would be neutral.
35. Whilst there would be conflict with the SWDP in respect of the locational requirements set out in Policy SWDP 2, I find that the economic and social benefits of the proposal and the contribution the proposal would make to housing supply, would outweigh the locational disadvantages of the appeal site.
36. I, therefore, find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. Accordingly, there are material considerations, which indicate a decision should be taken other than in accordance with the development plan.

Conditions

37. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, type, and amount of development. Therefore, I have not imposed any conditions.

Conclusion

38. For the reasons given above the appeal should be allowed.

K Townsend

INSPECTOR