



Appeal Decision

Site visit made on 3 June 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/H1840/W/23/3326919

Land At (Os 9822 5498), Radford Road Flyford Flavell

- 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 SEI Holdings Ltd against Wychavon District Council.
 - The application Ref is W/23/01134/PIP.
 - The development proposed is the construction of up to 5no. dwellings.
-

Decision

1. The appeal is dismissed and the application for Permission in Principle for the construction of up to 5no. dwellings is refused.

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. The permission in principle consent route has 2 stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in principle and the second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. 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.
4. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a maximum of five dwellings at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 and the PPG.
5. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have taken the revised Framework into account as part of the determination of this appeal.
6. This appeal was submitted alongside another appeal¹ that proposes 4 live/work units on the same parcel of land. Whilst the red line boundaries are the same,

¹ Appeal Reference APP/H1840/W/23/3329615

there are differences between the proposals, and they were refused on different grounds. Therefore, I consider it appropriate to write two separate decisions.

7. The main parties have set out the relevant planning history related to the site, which includes an earlier appeal decision² for 4 bungalows on the same site. It was dismissed. I have had regard to this appeal decision insofar as it is relevant to the development before me now.
8. Finally, following the submission of the appeal against non-determination, the Council has submitted a Delegated Decision Report, which provides clarity in terms of the main reasons why the Council would have refused planning permission had it been able to do so. Therefore, the main issues below are taken from this document.

Main Issues

9. The main issues are whether the location, the proposed land use and the amount of development is suitable with particular regard to:
 - whether the principle of the proposed development would provide a suitable location for housing, having regard to the development strategy for the area and to the accessibility of services and facilities; and
 - the effect on the character and appearance of the area.

Reasons

Suitable Location

10. Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) (adopted February 2016) sets out the development strategy and the settlement hierarchy for the area. Criteria C of Policy SWDP 2 sets out that in the open countryside, development will be strictly controlled and will be limited to dwellings in certain circumstances.
11. The appeal site lies outside of any adopted settlement limits as defined by Policy SWDP 2, albeit the settlement boundary of Flyford Flavell lies approximately 90m away. The proposal would therefore be a new dwelling in the open countryside. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside, including the exceptional circumstances set out in Policy SWDP 2. It would not be supported by any other policies in the SWDP. As such, it would be contrary to the development strategy for the area.
12. The appellant has provided a 'Location Sustainability' map which identifies the Primary School, a local shop/petrol station and a pub/restaurant (The Boot Room). I note that the proposal would utilise the pedestrian route through the Flyford Green open space area opposite that joins the existing pedestrian pavements leading to The Boot Inn and the Primary School. However, I also note that the village has lost some local services, including the village shop and church. Furthermore, whilst there is a petrol station with a small convenience shop and a further public house/restaurant, these would both involve walking along Old Hill which has no pavement or street lighting. Therefore, given the limited services and facilities that could be reached safely on foot, combined

² Appeal Reference APP/H1840/W/23/3329178, decision date 15 April 2024

with the lack of street lighting and the lack of a footpath to other services, future occupants of the proposal would be largely reliant on the private vehicle to access day-to-day services and facilities.

13. I note the location of the bus stops. However, whilst the Council have stated that these provide a 'sporadic timetable to Pershore and Inkberrow', I have not been provided with any bus timetables or route details. Therefore, based on the limited evidence before me, I cannot be convinced that the bus service would represent a convenient alternative to the car. The lack of street lighting and a pavement for some of the route to reach the bus stops would also make the use of bus services less attractive to future occupants. This is especially so for the less physically capable, disabled residents, which is pertinent given the appellant suggests that the proposal would likely be bungalows to meet the accommodation needs of the elderly and persons with mobility concerns.
14. Paragraph 109 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. This is reflected in the wording of Policy SWDP 4 of the SWDP. The Council accepted that the housing allocation off Bishampton Road, which has recently been granted Permission in Principle for up to 9 dwellings³ was considered to be 'in a relatively sustainable location'. However, due to the unwelcoming nature of Radford Road to the front of the appeal site, there would be limited sustainable transport solutions, including a lack of public transport, applicable to the appeal site. My findings would differ with the Inspector of the earlier decision on the site⁴. I also note the lack of objection from the Highway Authority on locational sustainability grounds. However, I have considered the proposal on its own merits, and I am not convinced, on the evidence before me now, that the proposal offers any sustainable travel choices.
15. Paragraph 83 of the Framework recognises that 'where there are groups of smaller settlements, development in one village may support services in a village nearby'. However, I am not persuaded on the limited evidence before me, how accessible the appeal site would be to support services in Kington, Radford and Inkberrow, and what services in these villages it would support.
16. Therefore, I conclude that future occupants of the proposal would be largely reliant on the private vehicle to access services and facilities. This lack of accessibility to enable future occupants to carry out day to day activities demonstrates that the site would be an unsuitable location for new housing, having regard to the development strategy for the area and the accessibility of services and facilities. The proposal would be contrary to Policies SWDP 1 and SWDP 2 of the SWDP which set out the overarching development strategy and settlement hierarchy, strictly controlling development in the open countryside. It would also be contrary to Policies SWDP 4 and SWDP 21 of the SWDP which, in combination, seek to ensure that proposals must minimise demand for travel and offer genuinely sustainable travel choices, by maximising opportunities for pedestrian and cycle linkages to the surrounding area.

Character and Appearance

17. The appeal site is a small parcel of land situated on the eastern side of the village, to the north of Radford Road. I observed that the settlement pattern in

³ Application Reference W/23/01778/PIP

⁴ Appeal Reference APP/H1840/W/23/3329178

Flyford Flavell has a strong north-south linear arrangement, along Old Hill, Church Lane and Bishampton Road, with a short section on Radford Road where those roads meet. To the east of the junction of Bishampton Road and Radford Road, there is very limited built form on the northern side of Radford Road, apart from an isolated brick built detached property further to the east. The more prevalent character to the northern side of Radford Road, and one which the appeal site forms part of, is open fields.

18. The site in its current undeveloped form and its relationship with the surrounding open fields, contributes positively towards the established character and landscape setting of Flyford Flavell. In my mind, the appeal site currently has a greater affinity with the surrounding countryside than the built up form of the village. Therefore, whilst the appeal site is enclosed, this does not automatically mean that it does not have an 'open countryside character'. As identified by the Inspector in the earlier appeal, its position adjacent to the highway on the edge of the village makes it particularly sensitive to change.
19. The appeal site falls within the Landscape Type (LT) Village Claylands, as identified in the County Landscape Character Assessment (LCA). The settlement pattern for the 'Village Claylands' is identified as a 'Nucleated settlement pattern of usually small, rural villages'. It goes on to state that 'the pastoral land use is one of the key elements of this landscape, together with the pattern of settlement and hedged fields'. In regard to settlement pattern, it states that 'this Landscape Type is strongly defined by nucleations of settlement. Any development located away from these nuclei will dilute this primary characteristic and so, from a landscape character perspective, new development should be sited within existing villages.' Consequently, the settlement pattern of Flyford Flavell is crucial to the character of the village.
20. Notwithstanding the unknown nature of the final quantum, design and positioning of the proposed dwellings, the proposal would introduce up to 5 dwellings across the appeal site. It would introduce built form of a domestic nature into the open countryside, which would appear incongruous within the rural landscape setting of the village. The introduction of residential development on to the site would harm the character and appearance of the area, permanently eroding the positive contribution the existing site makes towards the established character and landscape setting of Flyford Flavell.
21. By virtue of the open fields to the north, east and west of the appeal site, the proposal would appear as divorced and incongruous to the more established north-south settlement pattern of the village. It would be located away from the village nuclei, which would dilute this key characteristic of Flyford Flavell. I acknowledge the recent development at Flyford Green to the south of Radford Road, which the appellant argues demonstrates the evolution of the village over time. However, although I have limited evidence before me regarding the planning history of the Flyford Green development, from what I observed on site, whilst these dwellings have extended the built form of the village out to the east slightly, it still addresses the north-south routes through the village.
22. Irrespective of the fact that the development would 'not require the removal of any existing significant landscape feature, or significant earthworks', it would still introduce built form on to a site which would be at odds with the character and appearance of the open countryside location. It is acknowledged that 'a full assessment on design and visual impact of the proposed development cannot

be made at this stage' and that 'the scale, height and massing of the proposed dwellings' could be appropriate for the site and surroundings. Nevertheless, alongside the lack of any landscape designations or protection, these matters would not outweigh the harm I have identified above.

23. Notwithstanding the retention of the existing boundary treatments, including additional landscaping that could be provided, the alleged lack of visibility from a particular public view does not outweigh the harm I have found. Moreover, the proposal would be highly visible from the Public Right of Way (PROW) which runs along the east of the site. It would be seen in isolation, and due to either the road or open fields separating them, would not be seen in association with the Flyford Green housing on the opposite side of the road, nor the existing dwelling to the east on the same side of the highway.
24. Therefore, I conclude that the appeal scheme would cause harm to the character and appearance of the area. It would be contrary to Policies SWDP 21 and SWDP 25 of the SWDP. In combination, these policies seek to ensure that development integrates effectively into its surroundings, in terms of form and function, reinforcing local distinctiveness and with development complementing the character of the area. They require development proposals to take in to account the latest Landscape Character Assessment and its guidelines, including conserving, and where appropriate, enhancing, the primary characteristics defined in character assessments. Development should also be appropriate to, and integrate with, the character of the landscape setting.

Planning Balance and Conclusion

25. The main parties agree that the Council is unable to demonstrate a five-year, supply of deliverable housing sites. In July 2023, the Council could only demonstrate 3.81 years supply of housing. The most recent position statement (published in December 2023) confirms that they can only demonstrate 2.65 years supply. Therefore, Paragraph 11 of the Framework is engaged, which states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.
26. The proposal would not provide a suitable location for housing, having regard to the development strategy for the area and to the accessibility of services and facilities. As such it would be contrary to the aims of the Framework in regard to achieving sustainable development, in particular ensuring homes have accessible services and in regard to promoting sustainable transport solutions. The proposed development would also give rise to harm to the character and appearance of the area, which would lead to conflict with elements of the Framework, specifically where it recognises that planning decisions should enhance the natural environment by recognising the intrinsic character and beauty of the countryside. The harms would be significant and long lasting. They would accordingly attract substantial weight.
27. The proposal would make a small contribution towards the provision of both market and affordable housing, consistent with the Government's stated aim in the Framework of significantly boosting the supply of homes. Furthermore, the proposed development could provide bungalows, for which the appellant states there is an identified need for in the district and that would help to reduce the need and burden on existing elderly care facilities. There would also be

economic benefits contributing to building a stronger, responsive and competitive economy, supporting growth with construction and post-construction benefits, in particular supporting a local small housebuilder and associated local supply chains. In addition to this, the proposal would provide a New Homes Bonus contribution to the Council, together with on-going Council Tax revenues. The development would encourage associated economic growth with future occupants contributing to the local economy and continued viability of services in the local area. It would also deliver some environmental benefits in the way of improvements to biodiversity habitats and would not result in the loss of the most versatile agricultural land. Together these benefits carry moderate weight in favour of the development.

28. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
29. Therefore, in conclusion, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, which outweigh that conflict. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Laura Cuthbert

INSPECTOR