



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: 24 June 2024

Appeal A Ref: APP/H1840/W/23/3331154

Land off Radford Road, Flyford Flavell

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal of Permission in Principle.
 - The appeal is made by Mark Bennett against the decision of Wychavon District Council.
 - The application Ref is W/23/01628/PIP.
 - The development proposed is Permission in Principle for up to 2 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for up to 2 dwellings at Land off Radford Road, Flyford Flavell in accordance with the terms of the application, Ref. W/23/01628/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 (as amended). 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 permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
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. It is not a matter in dispute between the main parties that the site is located outside of the settlement boundary of Flyford Flavell. Under Policy SWDP2 of the South Worcestershire Development Plan ('SWDP') it therefore comprises open countryside where development is to be strictly controlled. The proposal would not comprise a rural worker dwelling, rural employment development, rural exception site, building for agriculture and forestry, replacement dwelling, house extension, replacement building or renewable energy project. Further, it

is not submitted as one that would be specifically permitted by other SWDP policies. Therefore it would not meet any of the exceptions to development within open countryside (Policy SWDP2 criterion C).

6. The supporting text to the above Policy, 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, requires that proposals minimise demand for travel and offer genuinely sustainable travel choices.
8. These policies are broadly consistent with the National Planning Policy Framework ('the Framework'), which states that to promote sustainable development in the rural areas housing should be located where it will enhance or maintain the vitality of rural communities; seek opportunities to promote walking, cycling and public transport; limit the need to travel, and offer a genuine choice of transport modes.
9. The appeal site comprises a small field measuring about 0.2 hectares along the northern side of Radford Road. The public right of way 501(B) ('PRoW') runs through the western part of the site.
10. Within Annexe D of the SWDP, Flyford Flavell is identified as a Category 2 village for the purposes of the settlement hierarchy. These settlements are identified as having at least two key services including a shop and have access to daily services for employment and shopping purposes.
11. On the information before me, over the years the village has suffered a loss to its local services. Furthermore, within the emerging South Worcestershire Development Plan Review, which is at Regulation 19 stage, Flyford Flavell is proposed to be categorised as a lower order Category 3 village. Even so, given that the Development Plan Review is at an early stage, I afford this only limited weight.
12. Notwithstanding the above, there is a primary school towards the centre of the village in walking distance of the appeal site (approximately 250m). The Boot Inn public house, village green (including play area) and a bus stop with services to Pershore are located just beyond the school. The Flyford Arms public house is located approximately 180m to the north. This, along with two bus stops on the A422 with services to Redditch and Worcester could be accessed by walking along the PRoW.
13. There are no footpaths or street lighting for the majority of the walk into the village, and no lighting along the PRoW which would provide the most direct route to the Flyford Arms and the bus stops along the A422. Even so, given that the travel distances are fairly short and generally likely to be undertaken during the day, I do not consider such an arrangement to be unacceptable in a rural context.
14. Therefore, residents of the proposed scheme would be able to access the existing, albeit limited village facilities on foot or by bicycle. Whilst the services from some nearby bus stops are relatively infrequent, these would still allow access to some additional shops and facilities.

15. Nevertheless, I acknowledge that future residents of the appeal scheme would need to leave the village in order to access work, education beyond primary school and many other routine health and retail facilities that are only available in larger settlements. As such, this may require the use of private cars. Even so, the Framework advises that opportunities to maximise sustainable transport solutions will vary between areas.
16. Therefore, the location of the appeal site would offer some sustainable travel choices and would not be contrary to the aims of Policy SWDP 4 of the SWDP, which amongst other things require that proposals offer genuinely sustainable travel choices.
17. The appeal site is free of any development and adjoins a larger field. As such, this is not an uncharacteristic feature of open countryside. Therefore, the proposal for the construction of up to 2 dwellings, would result in some encroachment of development within the countryside. Therefore, development here would fail to safeguard the countryside.
18. The appeal site lies within the Landscape Type ('LT') 'Village Claylands Landscape Type,' as identified in the County Landscape Character Assessment ('LCA'). The LCA identifies this LT as having a 'Nucleated settlement pattern of usually small, rural villages.' The LCA advises that 'The pastoral land use is one of the key elements of this landscape, together with the pattern of settlement' The Planning and Development Landscape Type Advice Sheet, advises 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.'
19. Development in Flyford Flavell is largely nucleated along a north-south axis. Notwithstanding this, there are some dwellings west along Radford Road. Indeed, the field access to the appeal site is broadly located between existing dwellings. One of these dwellings along with another are located directly south of the appeal site. There are also dwellings along Old Hill, to the immediate east of the appeal site.
20. Therefore, given the appeal site's location relative to existing development, any new dwelling(s) would be near to established development in Flyford Flavell. Furthermore, the extent of existing landscape at the site would afford the appeal site a degree of containment from the adjoining larger field to the north.
21. As such, and because the exact quantum, layout, design and landscaping is not before me, there is no certainty that development at the appeal site cannot be designed to reflect the areas settlement pattern and landscape character. Accordingly, at this stage, in so far as the location of the site is concerned, I find no conflict with the overarching design and landscape aims of Policies SWDP 21 and SWDP 25.
22. However, a more detailed assessment of the proposal against SWDP Policies SWDP 21 and SWDP 25, which include concerns raised by the Council in respect of the areas rural setting and effects of development on the nearby PRoW would be considered as part of any subsequent TDC application.
23. Because of the overall size of the appeal site, the requirement for Green Infrastructure under Policy SWDP 5 of the SWDP is unlikely to apply.

Nonetheless, because the scheme proposes a maximum of 2 dwellings, given the overall size of the site and its context, I see no reason why this quantum of development could not be designed to deliver a density which is reflective of the site's rural location, in accordance with SWDP Policy SWDP 13.

Land use

24. As already stated, the appeal site is a field. Therefore, its land use is typical of that associated with a countryside location. Nevertheless, because of the extent of development nearby, the proposed land use would have a degree of compatibility with the area.
25. Drawing on the above reasons, insofar as these are relevant to considering PIP, the location, land use and the amount of 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.
26. Nevertheless, to develop the appeal site as proposed would be contrary to the spatial strategy of the development plan, which seeks to direct new development towards sustainable areas within development boundaries. The proposal also would result in encroachment of the countryside and therefore would fail to safeguard this. As such, the appeal site is not a suitable location for residential development and conflicts with Policy SWDP 2 of the SWDP. Consequently, the proposal would also conflict with SWDP Policy SWDP 1, which amongst other things supports planning applications that accord with the policies in the SWDP.

Other Matters

27. In addition to the above matters, third parties have raised concerns about highway safety, traffic, drainage and biodiversity. Should this appeal succeed, such matters would be considered at the TDC stage. Also, there is no substantive evidence that the proposal would unacceptably affect existing local infrastructure such as schools. The availability and provision of access to utility services would be a matter for the developer to resolve.
28. It is alleged that the appeal site incorporated a ridge and furrow topography which has been purposely altered over recent years, and that the access point shown on to Radford Road was temporary and should have been removed once it was no longer needed. However, these matters and the provision of other new and proposed residential development in Flyford Flavell are outside the remit of my decision.
29. I have been advised that previous applications for development at the appeal site have been refused. Irrespective, I have limited information on these and the proposal before me is for PIP, which I have determined on its merits having regard to the evidence before me.
30. 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. Therefore, it is not necessary to impose a condition specifying a timescale for the PIP, as suggested by the Council.

Other Considerations

31. At the time of the application and based on the Council's evidence, there was a 3.81 year housing land supply. Therefore, the Council cannot currently demonstrate a 5 year housing land supply. The appellant advises that this has subsequently reduced to about a 2.65 years. Irrespective, Paragraph 11d) ii of the Framework applies.
32. Subject to the grant of TDC consent, the proposal would provide up to 2 new dwellings, which would contribute towards the provision of housing in the District. This would accord with the aims of the Framework of boosting significantly the supply of homes. This would be a social benefit arising from the proposal.
33. There would also be jobs created during construction of the development. When complete occupiers of the development would also support local shops and facilities. However, because of the modest facilities in Flyford Flavell and infrequent bus services from here, such support would be limited. Nevertheless, there would be some economic benefits.

Planning balance and Conclusion

34. To develop the appeal site as proposed would be contrary to the development strategy, which seeks to direct new development towards sustainable areas within development boundaries and safeguard the countryside. Conflict with this policy amounts to harm. However, the Council's development strategy is currently failing to deliver sufficient homes to meet its five year housing land supply. Furthermore, given the site's relative accessibility to shops and services and public transport, the aims of the development strategy regarding directing growth to locations depending on their sustainability, would not be unacceptably harmed. Accordingly, these factors reduce the weight to be afforded to this policy conflict. As such, I attribute less than moderate weight to such harm.
35. The proposal aims to provide up to 2 dwellings. In light of the Council's housing land supply position, I give the proposed housing significant importance. This and the benefits associated with it, weigh in favour of the proposal, and I afford them moderate weight given the modest scale of the proposal (up to 2 additional dwellings).
36. 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 this. Consequently, the presumption in favour of sustainable development applies and this indicates that PIP should be granted and the appeal allowed.

M Aqbal

INSPECTOR