



Appeal Decision

Site visit made on 23 May 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/H1840/W/23/3326877

**Land at White Lodge, High Park, Ombersley Road, Droitwich,
Worcestershire WR9 0AG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant Planning Permission in Principle.
 - The appeal is made by Mr Garry Martin against the decision of Wychavon District Council.
 - The application Ref is W/23/01101/PIP.
 - The development proposed is application for Permission in Principle for 1 No. Self-Build Dwelling.
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Decision

1. The appeal is dismissed.

Preliminary 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 PIP and the technical details are approved. This appeal relates to the first of these two stages. The PIP application is for a self-build dwelling 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.

Reasons

Location and amount of development

5. The appeal site comprises part of the garden to a detached dwelling (White Lodge) located in an area known as 'High Park.'

6. It is not a matter in dispute between the main parties that the site is located outside of the settlement boundary of Droitwich Spa. Under Policy SWDP2 of the South Worcestershire Development Plan (February 2016) ('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).
7. 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.
8. Policy SWDP 4 of the SWDP, requires that proposals minimise demand for travel and offer genuinely sustainable travel choices.
9. 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.
10. The appeal site lies about 1 mile from the outskirts of Droitwich Spa which is listed as a 'Main Town' under Policy SWDP2 of the SWDP and has a comprehensive range of shops, facilities and employment services. However, Droitwich Spa can only be reached by travelling along a busy A-road with limited footpaths and lighting. The development would therefore not be within a suitable and safe walking distance to local amenities and there is very limited public transport available from near the appeal site.
11. The appellant advises that cycling routes into Droitwich Spa are available from the appeal site, via the A4133 exit or via the bridleway that skirts the appeal site and joins National Route 46 of the National Cycle Network. The appellant's evidence also suggests that a number of services and facilities including access to a bus stop would be accessible via cycling and most of these are within 2km of the appeal site. The nearest train station accessible by cycle is about 2.6km away and provides services on routes to Worcester and Birmingham and beyond.
12. Even so, I have limited details of the quality of these cycle routes. Moreover, the most direct would be along the A4133, which is particularly busy and is a journey only likely to be undertaken by competent cyclists. Also, cycling would not be suitable for those with mobility issues. I am also not persuaded that occupiers would prefer cycle-bus and cycle-train travel options, over the convenience of vehicle related trips. In particular, for day to day requirements.
13. The definition of 'sustainable transport modes' in the Framework, includes ultra-low and zero emission vehicles. I am advised that the use of electric

vehicles is likely to grow in the District. Also, the appellant has owned a zero-emission electric vehicle for some time, and to promote the use of this is planning to install two electric vehicle chargers. Nevertheless, at this stage I am unable to condition this and there is no certainty that future occupiers of the dwelling would continue to use such vehicles.

14. Most notably, given the site's poor accessibility, visitors to the proposed dwelling are also likely to be largely reliant on private motor vehicles. Therefore, the location of the appeal site would not minimise demand for travel.
15. Based on the submissions, the likely scale or design of the development is unknown at this stage. Despite this, the Council is of the view that the erection of a single dwelling at the appeal site would be relatively low density, which would not be harmful to the character of the area. I have no reason to disagree.
16. Nonetheless, even when taking account of the Framework, which acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the location of the appeal site does not offer genuinely sustainable travel choices to a range of nearby shops, facilities and services. As such, the proposed dwelling would be largely reliant on private car travel, even if journeys are likely to be relatively short and in association with a small scale rural development.

Land use

17. Because the appeal site forms part of the garden of an existing dwelling and there are other dwellings nearby, the proposed land use would be compatible with the area.
18. Drawing on the above reasons, insofar as these are relevant to considering PIP, the location of the appeal site, would be contrary to Policy SWDP 2 of the SWDP regarding the spatial strategy of the development plan. Furthermore, the proposal would prejudice the overall aims of Policy SWDP 4 of the SWDP, for minimising demand for travel and offering genuinely sustainable travel choices. I attach significant weight to the conflict with these development plan policies, which align with the Framework and undermine its aims for creating accessible places and minimising pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Other Matters

19. Although there is disagreement between the main parties as to whether the proposal needs to make provision for affordable housing, this would need to be dealt with at the TDC stage, subject to this appeal succeeding.
20. The appellant has referred me to a number of appeal decisions. I note that unlike the scheme before me, in the 'Littleton Auction' appeal, the Inspector found that there was a bus stop within walking distance of the appeal site and facilities in the area were 'reasonably limited' which suggests there were some facilities nearby. As such, the circumstances of this appeal are not directly comparable to the proposal before me.
21. The other appeal decisions highlight the importance of self-build housing and the weight afforded to this, which I have noted.

22. The appellant has also referred me to the assessment by Officers of other proposals. Even so, I am not bound by these decisions. Irrespective, each proposal is considered on its own merits as is the case here. It is for the decision maker in each case to undertake the planning balancing exercise. Overall, I see nothing in these decisions and reports that leads me to a different view.

Other Considerations

23. Based on the submissions before me, the Council cannot currently demonstrate a 5 year housing land supply, which is about 3.81 year. Consequently, Paragraph 11d) ii of the Framework applies.
24. Subject to the grant of TDC consent, the proposal would provide a new dwelling, 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 and would be a social benefit.
25. The Self Build and Custom Housebuilding Act 2015 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.
26. The Framework also supports small sites to come forward for community-led development for housing and self-build and custom-build housing.
27. Based on the most recent evidence before me, the Council advise that its Self-Build and Custom-Build supply is 82 plots with planning consent. This compares to a cumulative total of 83 plots required to be granted consent by 30 October 2024 representing a shortfall of 1 unit. Even though the Council has until October 2024 to achieve the required number of approved Self-Build/Custom Build plots, the proposal would contribute towards this limited shortfall. This is an important factor which weighs in favour of the proposal.
28. Although the appellant intends to pursue a Passivhaus Plus design, which is likely to include a home office, with access to Ultrafast broadband services, at this stage these requirements cannot be secured. As such, there is no certainty to this. Therefore, this and any associated environmental benefits attract limited weight.
29. There would also be jobs created during construction of the development. Given the availability of services and facilities in Droitwich Spa, when complete the new dwelling and its occupiers would support these and contribute to the economy. As such, there would be some economic benefits.
30. Whilst the site is previously developed land, due to its open countryside location and constraints to accessibility, its development is not supported by the development strategy for the area.

Planning balance and Conclusion

31. 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. Conflict with this policy amounts to harm. Even though the Council's development strategy is currently failing to deliver sufficient homes to meet its five year housing land supply, this broadly aligns with the Framework. Accordingly, and when accounting for these factors, I still attach more than moderate weight to such harm.
32. The proposal aims to provide a single dwelling. In light of the self-build nature of the proposal and the Council's housing land supply position, I attach significant importance to this. However, given the small scale of the proposal (1 dwelling). This, and the benefits associated with it only attract limited weight.
33. As a result, when assessed against the policies in the Framework, the adverse impacts associated with the proposal in principle, would significantly and demonstrably outweigh the benefits arising from this. Consequently, the presumption in favour of sustainable development does not apply and this indicates that the appeal should be dismissed.

M Aqbal

INSPECTOR