



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/23/3331148

Land adjacent to Flyford Arms, A422, 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/23/01596/PIP.
 - The development proposed is Permission in Principle for up to 6 dwellings.
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Decision

1. The appeal is dismissed.

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 (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).

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 part of a larger field located to the side and rear of the Flyford Arms Pub. The site slopes upwards away from the pub. The site benefits from existing post and rail fencing along the common boundary of the pub with hedging along the road frontage and western boundary. The public right of way 501(B) ('PRoW') runs along the eastern boundary 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, the appeal site adjoins the boundary of the Flyford Arms Pub and just beyond this are two bus stops on the A422 with services to Redditch and Worcester and these could be accessed by walking north along the PRoW. Travelling south the PRoW leads to Radford Road, from here along a relatively short walk to the centre of village, there is a primary school in and just beyond this are The Boot Inn public house, a village green (including a play area) and a bus stop with services to Pershore.
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 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 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 would 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 does 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 forms part of a larger field which adjoins neighbouring fields. As such, this is a characteristic feature of open countryside. Therefore, the proposal for the construction of up to 6 dwellings, would result in encroachment of development within the countryside. As such, this 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, such as the existing dwellings along Old Hill.
20. The appeal site is located to the north west of the settlement with open countryside to the west and south. The closest dwellings are to the east along Old Hill, which mainly face the highway and are arranged in a linear form leading into the centre of the village.
21. The appellant advises that the proposed layout of the scheme would focus development around the existing pub. However, the buildings associated with the pub are near the A422 and separated from the appeal site by the pubs extensive parking area. Most notably, development along Old Hill to the east is separated from the appeal site by an intervening field. Consequently, because of its location, new development at the appeal site would be divorced from the prevailing settlement pattern. Also, this would extend the village in westerly direction in a currently open field beyond Old Hill. Thereby, diluting the strong north-south pattern that currently exists. This would clearly be apparent from along the PRoW.
22. Because the appeal scheme proposes up to 6 dwellings, given the overall size of the site I see no reason why this quantum of development could not be designed to deliver the Green Infrastructure requirements of SWDP Policy

SWDP5 and a density which is reflective of the site's rural location, as per SWDP Policy SWDP 13.

23. Nevertheless, the introduction of residential development in the proposed location irrespective of its quantum and form, would not respect the existing pattern of the settlement and would not integrate with its landscape character, contrary to the guidelines within the LCA.
24. I have noted that the land adjacent Meadowcroft has been supported for residential development by the Council. However, development at this site would be located between existing development and therefore is not comparable to the appeal scheme.
25. As such, the location for the proposal would be contrary to Policies SWDP 21 and SWDP 25 of the SWDP. These policies, amongst other matters, require that development proposals must complement the character of the area, that the distinct identity and character of settlements should be safeguarded, and that they conserve, and where appropriate, enhance the primary characteristics defined in character assessments. Accordingly, I also find conflict with the similar aims of part F of SWDP Policy SWDP 2. The aims of these policies are consistent with the Framework for safeguarding the countryside and ensuring that developments are located to reflect local character.

Land use

26. As already stated, the appeal site is part of a field. With the exception of the Flavel Arms, the majority of the land which bounds the appeal site comprises fields. As such, the proposed residential use would not be wholly compatible with the area.
27. 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.
28. Nevertheless, development in the location of the appeal site, would be contrary to the development plan, which seeks to direct new development towards sustainable areas within development boundaries. This would also result in encroachment of the countryside. Moreover, because of its location, development at the appeal site would not respect the existing pattern of the settlement and would fail to integrate with its landscape character.
29. For the above reasons, the appeal site is not a suitable location for residential development. 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 Considerations

30. 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. However, the appellant advises that this is now reduced to about a 2.65 years. Irrespective, Paragraph 11d) ii of the Framework applies.

31. Subject to the grant of TDC consent, the proposal would provide up to 6 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. This would be a social benefit arising from the proposal.
32. 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 some infrequent bus services from here, such support would be limited. Nevertheless, there would be some economic benefits.

Planning balance and Conclusion

33. 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. 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.
34. However, the proposal would result in encroachment into the open countryside. Moreover, development at the proposed location would harm the settlement pattern and landscape character of the area and this also conflicts with the development plan and the aims of the Framework. I, therefore, attach substantial weight to this harm.
35. The proposal aims to provide up to 6 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. In light of the relatively modest scale of the proposal (up to 6 dwellings). I afford these more than moderate weight.
36. 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 PIP should not be granted and the appeal dismissed.

M Aqbal

INSPECTOR