
Appeal Decision

Site visit made on 5 June 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 03 July 2024

Appeal Ref: APP/H1840/W/24/3338949

The Orchard, Weston Road, Bretforton, WR11 7HW

- 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 Peter Cross against the decision of Wychavon District Council.
 - The application Ref is W/23/02153/PIP.
 - The development proposed is the erection of up to 9 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of up to 9 dwellings at The Orchard, Weston Road, Bretforton in accordance with the terms of the application, Ref W/23/02153/PIP.

Preliminary Matters

2. The proposal is for permission in principle (PIP). The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The PIP consent route has two stages. The first stage establishes whether a site is suitable in-principle (the PIP stage) and the second, Technical Details Consent (TDC) stage is when the detailed development proposal is assessed. This appeal relates to the first of these two stages.
3. The scope of the consideration for a PIP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if the PIP is granted. I have determined the appeal on that basis.

Main Issues

4. The main issues are;
 - whether or not the appeal site is an appropriate location for the proposed development having regard to the settlement strategy and development plan and national policies relating to development within rural areas; and
 - whether or not the site is suitable for residential development having regard to the effect the proposed land use and the amount of development would have on the character and appearance of the area.

Reasons

Whether or not an appropriate location

5. The appeal property comprises overgrown agricultural land adjacent to Weston Road. There are residential dwellings on the opposite side of the road, and on the same side of the road to the south, but there is agricultural land to the north-west and west. The proposal would involve the erection of up to nine dwellings.
6. It is common ground between the main parties that the appeal site is outside the settlement boundary and consequently the appeal site is within the open countryside. Policy SWDP 2 of the South Worcestershire Development Plan adopted February 2016 (SWDP) sets out the development strategy and settlement hierarchy and highlights that within the open countryside development will be strictly controlled and will be limited to certain types of development.
7. The appeal site does not meet any of the specific limited types of development set out in SWDP 2. As a result, relevant development plan policies do not support the introduction of a dwelling at the appeal site.
8. However, the appeal site is located just outside the village of Bretforton which is a Category 2 settlement which is characterised by having at least two key services including a shop and having access to at least daily services for employment and shopping purposes. In fact, Bretforton contains a village school, a community shop and a village hall. There is a footway and streetlighting along Weston Road which as recognised by the Council would allow future occupiers to access these facilities by walking or cycling.
9. The Council also recognise that the village has good transport connectivity with regular bus services to Evesham and Honeybourne with bus stops located about 140 metres from the appeal site which again can be accessed by a footway with streetlighting. As a result, they accept that the appeal site would be served by sustainable transport modes, which would seek to reduce the use of private car journeys, promoting sustainable travel choices.
10. I agree and consequently, the proposal would accord with the National Planning Policy Framework (the Framework) as the bus service, coupled with the range of day-to-day facilities available in the village within walking and cycling distance, would give future residents a genuine choice of sustainable modes of transport, which would in turn help reduce reliance on the private car.
11. This would promote sustainable patterns of development in accordance with the Council's overall development strategy and the Framework. The proposal would also accord with Policy SWDP 4 that seeks, amongst other things, to promote development that will minimise the demand for travel by private cars and offer genuinely sustainable travel choices.
12. Accordingly, although the proposal would conflict with Policy SWDP 2 as the appeal site is located outside the defined development boundary of Bretforton, the site is well located to services and facilities to meet day-to-day needs, including a shop, a primary school and a village hall, all of which are within

comfortable walking or cycling distance. There is also a bus service offering public transport links to larger settlements.

13. I therefore, conclude that the proposed dwellings would be located in the open countryside, where Policy SWDP 2 seeks to strictly control development. However, any harm caused by the conflict would be minor as the proposal would accord with the Framework's aims of promoting sustainable development, enhancing the vitality of rural communities, promoting walking, cycling and public transport and thus limiting the need to travel. Consequently, I afford this issue limited weight in the determination of the appeal.

Character and appearance

14. As outlined above, the appeal site comprises overgrown agricultural land adjacent to Weston Road. Although currently undeveloped, it does not make a significant contribution to the character and appearance of the area. There are residential dwellings on the opposite side of the road, and on the same side of the road to the south, but there is agricultural land to the north-west and west. As a result, there is a mixture of land uses within the area. Certainly, residential development is not an uncommon feature of the area surrounding the appeal site.
15. There is some disagreement between the main parties whether or not the site falls within the 'Principal Timbered Farmlands' (PTF) or the "Bretforton Principal Village Farmlands" (BPVF) landscape type of the Worcestershire Landscape Character Assessment. I note that the Council's decision notice refers to PTF, whereas their delegated report refers to BPVF. However, the distinction is not decisive to my decision.
16. There is a row of dwellings that front the road on the opposite side of the road which the Council describe as a cluster. There is also a row of houses to the south. Bearing in mind, I am only dealing with the principle of residential development, additional dwellings set within this context would not harm the existing character and appearance of the area and would not appear discordant.
17. I appreciate that residential development on the appeal site would introduce dwellings into the existing gap between residential dwellings within the settlement and the row of houses to the south of the appeal site. However, open agricultural fields would remain between Bretforton and the appeal site. Moreover, given the existing dwellings opposite and to the south, the proposal would not result in an unacceptable nucleated cluster of dwellings. Rather, I am satisfied that at the TDC stage a development proposal can be brought forward that would appear entirely compatible within this setting and when combined with other residential developments in the area would not result in harmful visual intrusion or adversely impact the existing landscape character of the area.
18. The Council highlight that although the proposed density would be on the low side, existing development along the road has a density similar to that proposed and so they accept that having a lower density would further integrate the proposal with the surrounding pattern of development. I agree with that analysis. Moreover, given the size of the appeal site and the

maximum number of dwellings proposed, I am satisfied that a layout compatible with this setting could be developed at the TDC stage.

19. I therefore conclude that the appeal site would be capable of being developed for the number of houses proposed in a manner that would not adversely impact the character and appearance of the area including the surrounding countryside. Consequently, it would not conflict with Policies SWDP 21 and 25, of SWDP which among other things seek to ensure new development integrates effectively with its surroundings and responds to the character of the landscape setting. Given that finding, I also do not consider that the proposal would conflict with the Worcestershire County Council Landscape Character Assessment. The proposal would also accord with the Framework which seeks to ensure development is sympathetic to local character. The absence of harm to the character and appearance of the area carries neutral weight in the planning balance.

Other Matters

20. I turn now to consider housing supply. The Council accept that they cannot demonstrate a 4-year supply of housing and in fact, based on a very recent addendum to the five-year housing land supply report for the South Worcestershire Councils they set out that they can only demonstrate 2.78 years of housing land supply. This is well below Government expectations.
21. The proposal would be valuable in boosting housing stock in circumstances where there is an existing shortfall. The proposal would also have modest economic and social benefits. For example, it would provide some jobs and create demand for materials during the construction phase, would broaden the availability of housing in the area and once occupied would support the existing services and facilities in Bretforton. Overall, I afford the provision of up to nine dwellings significant weight in the determination of the appeal.

Planning Balance

22. A decision on whether to grant permission in principle must be made in accordance with the relevant policies in the development plan, unless there are material considerations, such as those in the Framework, which indicate otherwise.
23. I have afforded some matters weight as outlined above and I afford the totality of the benefits significant weight in the determination of the appeal. On the other hand, I have found that the proposed dwellinghouses would be located in the open countryside and would conflict with Policy SWDP 2 of the SWDP which seeks to strictly control development. However, for the reasons set out above I have afforded that issue limited weight.
24. As outlined, the Council confirm that it cannot demonstrate a four-year supply of deliverable housing sites. Thus, paragraph 11(d) of the Framework, is engaged. This means that planning 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.
25. Whilst the proposal would conflict with Policy SWDP 2 of the development plan, the material considerations I have outlined above, including guidance within the Framework, are sufficient to clearly outweigh this conflict. Consequently, the scheme would represent sustainable development within the meaning of

paragraph 11(d) which weighs substantially in favour of the scheme and indicates that planning permission should be granted.

Conditions

26. The Council have suggested a condition specifying when the technical details consent application should be submitted. However, the PPG sets out that where permission in principle is granted, the default duration of that permission is three years. Although it is possible on planning grounds to shorten or extend that period, the Council are not suggesting an amendment and as a result, it is unnecessary to attach such a condition.

Conclusion

27. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. Accordingly, the appeal should be allowed.

S Rawle

INSPECTOR