



Appeal Decision

Site visit made on 22 May 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2024

Appeal Ref: APP/H1840/W/23/3322093

Land off Hinton Road, Childswickham WR12 7HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Karl Lockley of Lockley Homes against the decision of Wychavon District Council.
 - The application Ref is W/23/00109/OUT.
 - The development proposed is outline application for 4no. self/custom build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for outline permission with access and layout applied for, appearance, landscaping and scale are reserved for later determination. The submitted plans comprise a plot layout plan and a plot parameters plan which define four plots to the east and south of the appeal site. I have based my assessment on these plans. Submitted plans also include an indicative site plan and a street scene. A Design Code has also been submitted which sets out a framework for reserved matters applications for four custom build plots. I have considered these plans and document as indicative only.
3. Whilst one of the reasons for refusal relates to insufficient information regarding archaeology, the Council accept that the submitted Geophysical Survey Report addresses this matter in so far as the Council's Archaeological Planning Advisor confirms that any impact on the historic environment could be off-set by the imposition of a condition. The Council therefore no longer contends this reason for refusal.
4. An executed Section 106 agreement has been submitted in relation to affordable housing contribution and self-build and custom housebuilding.

Main Issues

5. The main issues are: -
 - whether the appeal site is a suitable location for housing having regard to the policies of the development plan and the National Planning Policy Framework¹; and

¹ Department for Levelling Up, Housing & Communities - National Planning Policy Framework, December 2023 (the Framework).

- whether the proposal would make effective and efficient use of land and provide adequate affordable housing.

Reasons

Location

6. The appeal site comprises just under a hectare of open agricultural land on the edge of Childswickham. Policy SWDP 2 of the South Worcestershire Development Plan² sets out a strategy for development and a settlement hierarchy. Amongst other things, it seeks to safeguard and wherever possible, enhance the open countryside. Thus, development in the open countryside is strictly controlled. Dwellings are limited to those for rural workers, replacement dwellings, house extensions and development specifically permitted by other development plan policies. The proposal would not fall within any of these.
7. The site is on the edge of the settlement which comprises mainly of residential properties with limited services. The few quoted include the Childswickham Inn and Brasserie and the Childswickham Memorial Hall. There is a bus service but this only provides a relatively infrequent service. This means that future occupiers would need to rely on the use of a private car to reach larger settlements for most of their day to day needs.
8. This would be inconsistent with the aims of Policy SWDP 4 which seeks to minimise the demand for travel and offer genuinely sustainable travel choices. Likewise, it would also conflict with the aims of the Framework as set out in paragraphs 109 and 114³. These promote sustainable transport and support development that limits the need to travel whilst recognising that sustainable transport solutions will vary between urban and rural areas.
9. Consequently, the appeal site is not in a suitable location for housing having regard to the policies of the development plan and the National Planning Policy Framework.

Effective/Efficient Use of Land / Affordable Housing

10. The proposal would comprise a low density development that the Council claim fails to make effective and efficient use of the land and subsequently fails to make sufficient provision for affordable housing. However, the appellant explains that the site is located within a Major Hazard Site/Pipeline Area and therefore a large part of it cannot be developed. This is reflected in the proportion of the site laid out for housing with the remainder shown on the indicative plans as providing communal space.
11. The layout has been designed to preserve the surrounding landscape character and to enable the scheme to integrate into the surrounding characteristics of the site. Through design and landscaping, it provides an opportunity to enhance an entrance point to the village.
12. However, the four plots would each provide substantial space to accommodate a single dwelling. The plots differ in size and shape and although no figure has been specified as to the density of the proposed development, it is evident that

² South Worcestershire Development Plan, Adopted February 2016.

³ The Council refer to paragraphs 105 and 110 of the Framework. These are reproduced paragraphs as 109 and 114 of the December 2023 version of the Framework.

the four dwellings would be generous in terms of their size and the land accompanying them.

13. Notwithstanding my conclusion on my first issue, the proposal would not make the most effective or efficient use of the site. Policy SWDP 13 requires housing developments in south Worcestershire to make effective and efficient use of land whilst ensuring that housing density is designed to enhance the character and quality of the local area. The Framework also promotes the effective use of land in Chapter 11. The proposal would conflict with Policy SWDP 13 and the Framework.
14. The proposal would not provide on-site affordable homes but it would be consistent with Policy SWDP 15. This requires developments of less than 5 dwellings to make a financial contribution towards local affordable housing – equivalent in value to 20% of the units. The Council's Affordable Housing SPD⁴ expands on the interpretation and implementation of the development plan policies. An executed Section 106 has been submitted to secure this contribution, therefore, the proposal would not conflict with Policy SWDP 15 or the SPD.
15. However, although this contribution would represent a positive public benefit, it would be a modest contribution to affordable housing in the District and would be less than could be achieved for a larger development. The proposal represents a missed opportunity to make more efficient use of land and make a greater contribution towards affordable housing. For this reason, the proposal would fail to make effective or efficient use of land or make adequate provision for affordable housing thereby conflicting with Policy SWDP13.

Other Matters

16. Legislation places a duty on Local Planning Authorities to keep a register of people seeking to purchase serviced plots of land in the authority's area. Further they are required to grant sufficient permissions to meet demand for custom and self-build housing⁵. The Council state that it has exceeded its target for the period up to October 2023.
17. The Planning Practice Guidance (PPG) indicates that self-build or custom build helps diversify the housing market and increase consumer choice⁶. The Framework⁷ also promotes the mix of sites for housing including self-build and custom housing. The provision of four self-build/custom build dwellings would have economic benefits during their construction and social benefits in terms of the contributions future occupiers could make to the area. These would amount to public benefits but given that there is no substantive evidence that there is a shortfall in this particular type of housing, I have afforded it only moderate weight.

Planning Balance

18. The Framework establishes a presumption in favour of sustainable development and Paragraph 11 d) indicates that where there is no up to date development plan, development should be permitted. The Council cannot

⁴ Affordable Housing Supplementary Planning Document – Malvern Hills District Council, Worcester City Council, Wychavon District Council, Adopted October 2016 (SPD).

⁵ Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016).

⁶ Planning Practice Guidance Paragraph: 16a Reference ID:016a-20210208.

⁷ Paragraph 70 b).

demonstrate a five year supply of housing land as required by the Framework. It states that it has a 3.81 years supply based on the South Worcester Five Year Housing Land Supply Report April 2023. Therefore, Policy SWDP 2 is out of date and Paragraph 11 d) of the Framework is engaged.

19. Paragraph 70 of the Framework acknowledges that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. It also states that opportunities should be sought for self-build and custom build housing to come forward. The proposal would therefore make a contribution in these respects. Furthermore, the proposal would make a modest contribution towards the provision of affordable homes through the requirements of the submitted Section 106.
20. Furthermore, no highway, flooding or drainage objections have been raised. Some hedgerow would be removed to form the access to the proposed development but any harm in this respect can be mitigated and dealt with by a suitably worded condition. Likewise, matters of archaeology can be addressed through a condition.
21. However, notwithstanding these matters and the public benefits outlined above, the harms I have identified significantly and demonstrably outweigh the benefits when assessed against the development plan and the Framework taken as a whole.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

J D Clark

INSPECTOR