



Appeal Decision

Site visit made on 29 July 2024

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th August 2024

Appeal Ref: APP/H1840/W/24/3337635

Land off Evesham Road, Upper Moor WR10 2JR

- 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 Thomas Daw against the decision of Wychavon District Council.
- The application Ref is W/23/02341/PIP.
- The development proposed is described as 'Permission in Principle for up to 3 dwellings.'

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 3 dwellings at land off Evesham Road, Upper Moor WR10 2JR in accordance with the terms of the application, Ref W/23/02341/PIP dated 15 November 2023.

Preliminary Matters

2. The appeal site address detailed on the application form contained no postcode. For accuracy I have taken the postcode from the decision notice which also matches that in the appeal form.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted.¹ All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
5. The description of development in the banner heading is taken from the description of development in the application form which has also been used on the decision notice. The permission in principle procedure requires the minimum and maximum number of dwellings to be specified. I have therefore amended the description of development in my formal decision to have regard to the minimum of 1 and maximum of 3 dwellings which is specified in the application form.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. Part C of Policy SWDP2 of the South Worcestershire Development Plan (2016) (SWDP) outlines that permission for development in the open countryside, beyond any development boundary will be strictly controlled with limited exceptions. It is common ground between the parties that the site lies outside of a defined settlement boundary, therefore within the open countryside. As the appeal site does not fall under any of the exceptions set out in Policy SWDP2, there is conflict with this policy.
8. Despite the conflict with Policy SWDP2, there is no disagreement between the main parties that the site is in an accessible location, with the Council siting no policy conflict in this regard.
9. While the adjacent small villages of Wyre Piddle and Lower Moor may offer a very limited range of services and facilities, the nearby larger settlement of Pershore with a wider range of facilities would be accessible via a short cycle journey. There is also a lit footpath and a segregated cycle path which commences a short distance along Evesham Road from the site, towards Pershore. Additionally, there is a bus stop located in very close proximity to the site providing a bus service to the larger settlements. Whilst this bus service appears to offer a limited service, in the context of a rural location there are a range of adequate sustainable travel modes which would mean future occupants would not be wholly reliant on the use of private car. In this regard, I concur with the views of the Council that the site is in an accessible location.
10. The appeal site forms part of an existing garden associated with Robin Hood House. The site fronts a vehicle access path and Public Right of Way, accessed from Evesham Road with an agricultural field between the road and appeal site. The site is contained at the side and rear by mature trees, vegetation and Robin Hood House, with clusters of residential dwellings located in close proximity to the west and east. Agricultural land surrounds the dwellings and villages either side of the appeal site.
11. The site is located within the Principal Village Farmlands landscape area, as set out in South Worcestershire's Landscape Character Assessment (LCA). The LCA outlines this landscape area as an open, rolling landscape characterised by a nucleated pattern of rural villages surrounded by arable fields. The LCA goes on to state that it is important to try and retain the notable contrast between the concentrations of dwellings and farmsteads in the villages and the relatively unsettled land between them.
12. The proposal would be visible from Evesham Road. However, the site is well contained with mature trees and vegetation screening the site from views south of the appeal site. Any dwellings would not be viewed in isolation or appear disconnected, but would be viewed in a domesticated setting alongside existing domestic built form, therefore any increased domestication would not appear incongruous.

13. Even though the site is visible from Evesham Road at the north, it is set well back behind the agricultural field which fronts the appeal site and lies adjacent to Evesham Road. I note the Council's concern that the proposal could join up the appeal site with the development to the east. However, there is a gap between the edge of the site and the built form to the east, with the site tapering away from these properties. Therefore, even if built form were to span the width of the site, a gap would still remain providing a small visual break between the village settlements. The extensive mature vegetation along the site boundary also adds to this visual break. Moreover, in my view, the agricultural field between the application site and Evesham Road provides the main visual separation and notable contrast between the villages either side of the appeal site on Evesham Road, and this would remain.
14. Taking the above points together, I am satisfied that the proposal, in so far as the principle of development is concerned, would not appear incongruous or visually intrusive and would not result in an adverse impact on the wider Principal Village Farmlands landscape, retaining the contrast between the villages and land between them. Notwithstanding the above, matters such as siting, design and layout would be considered at the technical details stage.
15. In conclusion, I find the site would be suitable for residential development, having regard to its location, the proposed land use and the amount of development. While there would be conflict with Policy SWDP2 of the SWDP in respect of part C, I consider the harm caused by the conflict would be minor given the accessible location. It would accord with the National Planning Policy Frameworks (the Framework) aim of enhancing the vitality of rural communities, promoting walking, cycling and public transport and thus limiting the need to travel. Furthermore, in so far as the principle of residential development is concerned, given the site context, the proposal for up to 3 dwellings would not cause harm to the open countryside and thus would accord with the aims of part A iii of Policy SWDP2 which seeks to ensure the open countryside is safeguarded.
16. The proposal would also comply with Policies SWDP21 and SWDP25 of the SWDP which, amongst other things, requires development proposals to be appropriate to and integrate with the character of the area and landscape setting. Accordingly, I find it would not conflict with the LCA. The proposal would also accord with the Framework which seeks to ensure development is sympathetic to local character.

Planning Balance

17. The main parties agree that the Council does not have a housing land supply that is Framework compliant. The Council in their delegated report, state they have a supply of 3.81 years, however the appellant states this is now 2.65 years based on the most recent housing land supply report which I have been supplied a copy of. The Council have not disputed this figure.
18. As the housing land supply position is not Framework compliant, because of the provisions of footnote 8, paragraph 11 d)ii. of the Framework is engaged. This sets out 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 of the Framework taken as a whole.

19. There is clear conflict with the objectives of the spatial strategy under Policy SWDP2 as the site lies outside a defined settlement boundary, this weighs against the proposal. However, given the surrounding site context and as the appeal site is within a reasonably accessible location, while the scheme would conflict with the development plan as a whole, I only attach limited weight to this conflict.
20. I have found that the proposal would accord with Policies SWDP21 and SWDP25 and would not adversely affect the character of the landscape setting of the Principle Village Farmlands. However, an absence of harm is of neutral weight in this planning balance.
21. The proposal would provide up to 3 dwellings and whilst of a limited number this would nonetheless be valuable in boosting the housing stock in circumstances where there is a significant shortfall in the District's housing land supply. Paragraph 70 of the Framework recognises that small sites can make an important contribution to meeting the housing requirements of an area, and area often built out relatively quickly. Considering the shortfall, I attach significant weight to the provision of the dwellings, as the Council has done.
22. There would be short term economic and social benefits during the construction phase and longer term economic and social benefits with household expenditure in the local economy and supporting surrounding services and facilities. Given the limited number of dwellings these benefits attract modest weight.
23. Drawing the above points together, I find that the harm arising from the conflicts with the development plan to be limited and the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development applies and this indicates that permission in principle should be granted.
24. The Council have suggested a condition specifying when the technical details consent application should be submitted. However, the PPG makes clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, the type and amount of development. Furthermore, the PPG sets out that where permission in principle is granted, the default duration of that permission is three years.

Conclusion

25. 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, I conclude that the appeal should be allowed.

T Bennett

INSPECTOR