



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: 15th August 2024

Appeal Ref: APP/H1840/W/24/3339489

Land adjacent Brooklands, Station Road, Fladbury WR10 2QP

- 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 Messrs Day and Reynolds against the decision of Wychavon District Council.
 - The application Ref is W/23/02055/PIP.
 - The development proposed is Permission in Principle for the construction of up to 4no. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 3 and a maximum of 4 dwellings at land adjacent Brooklands, Station Road, Fladbury WR10 2QP in accordance with the terms of the application, Ref W/23/02055/PIP dated 6 October 2023.

Procedural Matters

2. 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.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. 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.
4. A site layout has been submitted, I have treated this as illustrative only.
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 3 and maximum number of dwellings which have been specified in the application form.

Main Issue

6. The Council have raised no concern with the land use, therefore the main issue in this appeal is whether the site is suitable for residential development, having specific regard to its location and the amount of development.

Reasons

Location

7. The appeal site is an enclosed parcel of land, bordered by hedging and trees. It is located a short distance north of the village of Fladbury, with a property opposite the site and several large properties in spacious plots south of the appeal site. Evesham golf course surrounds the site to the north and east.
8. Although not cited on the decision notice, it is clear from the officer report that Policy SWDP2 of the South Worcestershire Development Plan (2016) (SWDP) is relevant to this appeal. This 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, and the appellant acknowledges the proposal would represent a departure from this policy. As the appeal site does not fall under any of the exceptions set out in Policy SWDP2, there is conflict with this policy.
9. In respect of the location of the proposed development, the Councils concern is focussed on the accessibility of the site and availability of sustainable transport options to access facilities. Station Road fronting the appeal site, is a 30mph road and has a partially lit footpath into Fladbury where there are a modest number of services and facilities. These include a school, village hall, church, two pubs and a butchers/pie shop and sports pitches. Given the relatively short distance, these can be easily reached on foot, without the reliance on the use of a car. A bicycle could also be used, although I observed no dedicated cycle path.
10. Whilst there is an opportunity to use some sustainable means of travel to access facilities in the local village, Fladbury no longer has a bus service and therefore future occupiers would be reliant on the use of a private vehicle to access wider facilities and employment in surrounding larger settlements. Consequently, I find that in absence of public transport, I conclude that the proposal would lead to conflict with Policy SWDP4 of the SWDP which requires proposals to minimise demand for travel and offer genuinely sustainable travel choices.
11. However, I am mindful that whilst paragraph 114 of the Framework seeks to ensure developments are provided with appropriate opportunities for sustainable transport, paragraph 109 also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making. Considering this, and the relatively close proximity of the site to the village, there are still opportunities to use some sustainable transport means, such as walking. I therefore consider the conflict with Policy SWDP4 to be limited. I shall return to this matter in the planning balance.

Amount

12. The proposal would provide for a minimum of 3 and maximum of 4 dwellings. This would fall below the average density of 30 dwellings per hectare for new development in rural areas set out in part E of Policy SWDP13 of the SWDP. However, this is expressed as a broad indication only and the policy also sets out in part B that the density should be designed to enhance the character of the area. The supporting text further states that proposals need to demonstrate how the density of the surrounding area informs the scheme design.
13. While the proposed density does not meet the Council's aspiration, I must also have regard to the surrounds of the site. There is a low density of properties north of Fladbury in the vicinity of the appeal site, with properties set in large plots. This is in contrast to Fladbury village where development is denser. As the proposed range of dwellings would be reflective of the density of the surrounding built environment, I find the density to be acceptable. Accordingly, having regard to the character requirements of Policy SWDP13 I conclude that the proposal would accord with this policy.

Other Matters

14. Interested parties have raised a number of concerns related to traffic, light pollution, drainage issues and flooding. However, there is no compelling evidence before me to indicate that these matters would make the principle of development unacceptable based on the location, land use and the amount of development. These matters would be more appropriately considered as part of the Technical Details Consent (TDC) stage, and there can be no guarantee that just because the permission in principle has been granted, that the TDC *will* follow. It takes approval of both stages for a planning permission to be secured.
15. A third party has stated that there is no viable requirement or need for this development, however currently the Council has a shortfall in its housing land supply.
16. Concern has been expressed by a third party that the proposal would have a detrimental effect on the entrance to the village from Evesham Road. Given the contained nature of the site and its location, adjacent to and also opposite built form, the proposal in terms of its location and land use would not appear incongruous. It would be at the TDC stage where an appropriate design and layout would be considered to ensure the proposal would not adversely affect the character and appearance of the area in respect of these matters.
17. Concern was also raised regarding loss of Green Belt and pasture/grazing land. The appeal site is not located within the Green Belt. No policy conflict has been cited or concerns raised by the Council in respect of the loss of pasture land. Furthermore, I have been provided with no substantive evidence that the development would have an adverse effect on the availability of pasture land in the area which would justify the refusal of permission in principle in this case.
18. Concerns have been expressed that the development will set a precedent for future development. However, each application and appeal is determined on its own individual merits. The approval of housing at Farm Street, of which I have been provided no further information on, does not alter my findings.

Planning Balance

19. In respect of location, I have found that there is conflict with the objectives of the spatial strategy under Policy SWDP2 as the site lies outside a defined settlement boundary, added to this I have found conflict with Policy SWDP4. These conflicts draw the proposal into conflict with the development plan as a whole. However, Policy SWDP2 was not cited as a reason for refusal. In respect of location the Council identified the harm resulted from the conflict with Policy SWDP4. For the reasons already set out in my report I consider the conflict with this policy to be limited and as such I attach limited weight to the conflict with Policy SWDP4.
20. I have found no conflict with Policy SWDP13 in relation to the amount of proposed development. This is neutral factor in the planning balance.
21. The main parties agree that the Council does not have a housing land supply that is Framework compliant. The appellant refers to a current housing land supply of 2.65 years, this is not disputed by the Council. Accordingly, because of the provisions of footnote 8, paragraph 11 d)ii. of the Framework is engaged. In these circumstances the Framework 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.
22. The proposal would make a small contribution to the supply of housing and whilst of a limited number this would still boost the supply of homes in an area which is not currently meeting its housing need. Paragraph 70 of the Framework recognises that small sites can make an important contribution to meeting the housing requirements of an area, and can often built out relatively quickly. Considering the housing shortfall, I attach significant weight to this.
23. There would be economic and social benefits during the construction phase, providing direct jobs as well as indirectly through the supply chain. There would also be longer term economic and social benefits with household expenditure in the local economy and supporting facilities in Fladbury and surrounding villages. There would be some positive contribution to the vitality of the village as a rural community, thus in this regard it would accord with Paragraph 83 of the Framework. Given the number of dwellings, these benefits attract moderate weight.
24. In conclusion, drawing all of the above points together, I find that the harm arising from the conflict with the development plan to be limited and the adverse impact of a minimum of 3 and maximum of 4 new dwellings would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Consequently, the presumption in favour of sustainable development applies and this indicates permission in principle should be granted.

Conditions

25. The Council have suggested two conditions, these relate to time limits and drawings. The PPG indicates 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, type, and amount of development. Therefore, I have not imposed any conditions. Without having to specify such by way of a condition, the default

duration of permission in principle is 3 years, with any TDC to be determined during this period.

Conclusion

26. 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