



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/24/3340045

Land off Station Road, Bretforton (Easting: 408455, Northing: 244468)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by Clive Harris against the decision of Wychavon District Council.
 - The application Ref is W/23/02152/PIP.
 - The development proposed is Permission in Principle for up to 4 dwellings.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising 4 dwellings at Land off Station Road, Bretforton (Easting: 408455, Northing: 244468) in accordance with the terms of the application, Ref W/23/02152/PIP dated 19 October 2023.

Preliminary 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') (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The appeal follows the Council's failure to determine the application within the prescribed period. For the appeal, the Council have submitted a delegated officer report which recommends refusal had they determined the application. I have had regard to this in so far that it provides clarity in terms of the reasons why the Council would have refused permission in principle had it been able to do so.
4. 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.
5. A site layout and street scene plan has been submitted. I have treated these as illustrative only.
6. 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 4 and maximum of 4 dwellings which have been specified in the application form.

Main Issue

7. 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

Location and land use

8. 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.
9. The appeal site is a parcel of agricultural land. The site is adjoined on the west by an agricultural barn which has had permission for residential conversion and to the east is a parcel of land that has recently had technical details consent granted following permission in principle for 4 dwellings. This neighbouring parcel of land faces ribbon development on Station Road. However, directly opposite the appeal site this ribbon development ceases and there are agricultural fields.
10. The appellant contends the proposal would represent infill given the approved permissions either side of the development. However, given that a gap would remain between the agricultural building and the edge of the development site, it would not directly adjoin built form. I thus consider that it would not represent infill, which is commonly seen as a gap in between an otherwise continuously built up frontage.
11. The proposal would introduce development, regardless of the layout, that would extend out beyond the existing ribbon development on the opposite side of Station Road. This would result in development encroaching into the open countryside. In this regard, there would be further conflict with Policy SWDP2 as it would not safeguard the open countryside as set out in part 2 of Policy SWDP2.
12. However, the proposal would appear contiguous with the scheme that has had technical consent approved and would also be viewed against the agricultural building to the west. The development would therefore not appear isolated or seen as a significant encroachment into undeveloped green space given the above context. Thus, the magnitude of harm identified by the conflict with this policy would be limited.
13. I have been supplied an illustrative layout plan which suggests a linear form of development. However, layout is a matter for consideration at the TDC stage and the Councils specific concerns regarding a linear layout would be for consideration at this stage.

14. The appeal site is located a relatively short distance from the village centre. Bretforton has several facilities including a school, pub and community shop. There is also a bus stop a short distance from the appeal site on the opposite side of the road and a regular bus service to the larger settlement of Evesham. Whilst these services could be accessed by walking, future occupants would need to walk a short distance on the road to access the pavement on the opposite side, where there is no street lighting. This would not represent favourable conditions on a relatively narrow part of the road, particularly during adverse conditions. I note the adjacent site that has had technical details consent approved is also on the same side of the road as the appeal site with no footway. However, it is located directly opposite the pavement on the opposite side and would not require walking along Station Road where there is no footway. Therefore, I find the location of the appeal site would conflict with Policy SWDP4 of the SWDP. This, amongst other matters requires development to minimise the demand for travel and offer genuinely sustainable travel choices.
15. However, I am mindful that paragraph 109 of the Framework sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Furthermore, highways raised no objection on highway safety grounds, the distance that would be needed to walk on the road would also be very short. Therefore, the magnitude of harm arising from this conflict would be minor.

Amount

16. The proposal would provide 4 dwellings. Taking into account the provision of green infrastructure, the density would be approximately half of 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 figure is expressed as a broad indication only and the policy sets out in part B that the density should be designed to enhance the character of the area. Furthermore, as the site has not been identified in the development plan, then Part F of the policy in relation to windfall sites is also applicable. This states that windfall housing development should be assessed against the density criteria relevant to their locality and the character of the built and natural environment context. The supporting text further states that proposals need to demonstrate how the density of the surrounding area informs the scheme design.
17. The Council have stated that as the appellant owns land surrounding the site, they have limited the development to 4 dwellings so as to remain under the threshold which would trigger a requirement to provide an affordable dwelling and balanced market mix. I have no substantive evidence before me that this is the case.
18. Whilst I am mindful of Paragraph 129 of the Framework which seeks to avoid homes being built at low densities, the approved technical consent proposal adjoining the site and nearby dwellings would be of a similar density to the proposal. Due to the lower density of dwellings nearby, a higher density development may not be appropriate. I find the proposed density of dwellings would be acceptable considering the character of the surroundings and thus would be in accordance with Policy SWDP13.

Planning Balance

19. The main parties agree that the Council does not have a housing land supply that is Framework compliant, with a supply of 2.65 years. This is significantly below Government expectations. Accordingly, 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.
20. There is conflict with the objectives of the spatial strategy under Policy SWDP2 as the site lies outside a defined settlement boundary and it would not safeguard the open countryside. I have also found conflict with Policy SWDP4. Consequently, I consider the scheme would conflict with the development plan as a whole. However, for the reasons set out in the report I attach limited weight to the conflict with these policies.
21. The proposal would deliver 4 units. Whilst limited in number, this would nonetheless be valuable in boosting the housing supply where there is currently a significant shortfall in the District's housing land supply. I am also mindful that paragraph 70 of the Framework recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. In the context of the shortfall, I attach significant weight to this benefit.
22. There would be benefits for the local economy both short term through the construction process and longer term through future occupants council tax and spending in the local economy, supporting services and facilities. This attracts modest weight.
23. I have found that the harm arising from the conflicts with the development plan to be limited and consequently 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 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 and permission in principle granted.

T Bennett

INSPECTOR