



Appeal Decision

Site visit made on 26 July 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16th August 2024

Appeal Ref: APP/H1840/W/24/3341735

Land at Stonebow Road, Drakes Broughton, Worcestershire WR10 2AP

- 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 Vint against the decision of Wychavon District Council.
 - The application Ref is W/23/02102/PIP.
 - The development proposed is permission in principle for the construction of up to 3No. dwellings
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Decision

1. The appeal is allowed and permission in principle is granted for the construction of up to 3No. dwellings at Land at Stonebow Road, Drakes Broughton, Worcestershire WR10 2AP in accordance with the terms of the application, Ref W/23/02102/PIP.

Preliminary Matters

2. During the application stage, the proposal changed from the construction of up to four dwellings to the construction of up to three. Consequently, it has been necessary to amend the description of development from that included on the application form to that included on the refusal notice to reflect the proposed development more accurately.
3. 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.
4. 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

5. 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 and whether or not it would result in the loss of the best and most versatile agricultural land.

Reasons

Whether or not an appropriate location

6. The appeal site comprises agricultural land adjacent to Stonebow Road. There are residential dwellings on either side of the appeal site and on the opposite side of the road, but there is agricultural land to the rear. The proposal would involve the erection of up to three dwellings.
7. It is common ground between the main parties that the appeal site is located adjacent to, but 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. Similarly, Policy DBWP3 of the Drakes Broughton and Wadborough with Pirton Neighbourhood Plan 2015-2030 adopted in April 2017 (DBWPNP) sets out that proposals for housing development outside the development boundary for Drakes Broughton will only be supported where they meet certain circumstances.
8. The appeal site does not meet any of the specific limited types of development set out in SWDP 2 of the SWDP or with any of the circumstances set out in DBWP3 of DBWPNP. As a result, relevant development plan policies do not support the introduction of a dwelling at the appeal site.
9. However, the appeal site is located just outside the village of Drakes Broughton, which contains a convenience store, a nursery and first and middle schools. As recognised by the Officer's Planning Committee Report (the Committee Report), future residents would be able to viably access a range of local facilities on foot. I agree.
10. The Committee Report also sets out that the village has good transport connectivity with regular bus services to Pershore, Evesham and Worcester. Although bus stops are further than the recommended 400m walking distance, I agree with the Committee Report that the bus services could offer alternative methods of transport outside of the village and future residents would be able to access services and facilities without complete reliance on a private vehicle.
11. 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.
12. Accordingly, although the proposal would conflict with Policy SWDP 2 of the SWDP and Policy DBWP3 of the DBWPNP, as the appeal site is located outside the defined development boundary of Drakes Broughton, the appeal site is well located to services and facilities to meet day-to-day needs, including a shop, a nursery and schools serving different age groups, 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 of the SWDP seeks to strictly control development and Policy DBWP3 of the DBWPNP does not support the proposed development. However, any harm caused by the conflict would be modest 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 moderate weight in the determination of the appeal.

Character and appearance

14. As outlined above, the appeal property comprises agricultural land adjacent to Stonebow Road. It forms part of a much larger parcel which provides a green and open gap between the existing residential dwellings that line the road. There is an existing public footpath that runs along the edge of the appeal site that connect Stonebow Road to the countryside beyond.
15. There are residential dwellings on either side of the appeal site and on the opposite side of the road. As a result, residential development is not uncharacteristic of the area surrounding the appeal site.
16. Given the existence of dwellings on either side and opposite the appeal site, and 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. Residential dwellings on the appeal site would introduce dwellings into the existing gap between residential dwellings within the settlement and would diminish the existing green open gap. However, open agricultural fields would remain behind the appeal site and the existing public footpath would be retained. Given these factors the introduction of up to three residential dwellings on the appeal site would not result in the loss of the entire open field and would not result in unacceptable visual harm to users of the public right of way.
18. 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 for people using the public right of way or adversely impact the existing character and appearance of the area.
19. The refusal notice set out that the proposal would result in the potential loss of the best and most versatile agricultural land. There is limited information to support that view. The Committee Report provides no information on this matter. I note that according to the minutes of the relevant planning meeting a Councillor questioned the use of the field as good agricultural land. However, there does not appear to be detailed and compelling evidence to indicate that the appeal site comprises the best and most versatile agricultural land. That said, even if I accept this point on face value, most of the existing field would be retained and the loss of the small portion that would not extend beyond the

residential plots on either side would not result in such harm in terms of the loss of such land as to justify dismissing the appeal.

20. 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, would not result in harmful visual intrusion for people using the public right of way and would not result in the unacceptable loss of best and most versatile agricultural land.
21. Consequently, it would not conflict with Policies 25 of the SWDP or with Policy DBWP6 of the DBWPNP which among other things seek to ensure new development integrates effectively with its surroundings and maintains and does not disrupt the existing network of paths, fields and other green infrastructure features. The proposal would also accord with the Framework which seeks to ensure development is sympathetic to local character.
22. The relevant refusal notice refers to Policy DBWP1 of the DBWPNP. However, that policy deals with proposals for new housing within the development boundary for Drakes Broughton. Given the appeal site is outside the development boundary that policy is not directly relevant to the appeal proposal.

Other Matters

23. I turn now to consider housing supply. The Committee Report sets out that the Council cannot demonstrate a 5-year supply of housing and accept that they can only demonstrate 2.65 years of housing land supply. This is well below Government expectations. However, the provision of only up to three new dwellings tempers the benefits associated with the proposal.
24. Notwithstanding that interested parties have indicated that further houses are not needed in the village, 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 Drakes Broughton. Overall, I afford the provision of up to three dwellings moderate weight in the determination of the appeal.
25. I have taken account of the concern about the number of accesses proposed onto Stonebow Road. However, this appeal relates to the principle of development and the detailed provision of sight lines is a matter that will be considered at the TDC stage. I note that the Highways Authority have reviewed the proposal and had no concerns in this regard. I also have no concerns in relation to highway safety matters at this stage.
26. As well as matters already covered, concern has also been expressed by interested parties about sewage and drainage concerns and disruption during construction. Again, drainage and sewerage will be matters dealt with at the TDC stage. Bearing in mind the scope of the consideration for a PIP is limited to location, land use and the amount of development permitted, I am not persuaded that these matters prevent permission being granted in principle for up to three dwellings. I accept that there could be some disruption during

construction of dwellings on the appeal site, however this would be for a transitory period and does not justify dismissing the appeal.

Planning Balance

27. 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.
28. I have afforded some matters weight as outlined above and I afford the totality of the benefits moderate 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 and Policy DBWP3 of the DBWPNP which seek to strictly control development in such a location. However, for the reasons set out above I have also afforded that issue moderate weight.
29. As outlined, the Council confirm that it cannot demonstrate an adequate 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.
30. Whilst the proposal would conflict with some relevant policies of the development plan, taking account of the material considerations I have outlined above, including guidance within the Framework, the adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits. 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

31. In the Committee Report, the Council suggested some conditions to define the permission and specifying when the technical details consent application should be submitted. However, the PPG sets out that it is not possible for conditions to be attached to a grant of permission in principle. Moreover, the default duration of any 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 no conditions will be attached.

Conclusion

32. 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