



Appeal Decision

Site visit made on 3 September 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2024

Appeal Ref: APP/H1840/W/24/3340406

Land at Perrins Farm, Broadway Road, Childswickham WR12 7HP

- 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 Phil Smith against the decision of Wychavon District Council.
- The application Ref is W/23/01297/PIP.
- The development proposed is permission in principle for up to 9 dwellings.

Decision

1. The appeal is allowed for Permission in Principle for up to 9 dwellings at Land at Perrins Farm, Broadway Road, Childswickham, WR12 7HP in accordance with the terms of the application, W/23/01297/PIP.

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 two 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 two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. 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. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for up to nine dwellings.
5. Both main parties have referred to the South Worcestershire Development Plan Review (SWDPR). The Council has advised that the plan was submitted to the Planning Inspectorate for examination in September 2023 and therefore the SWDPR, and the policies therein, is a material consideration in the determination of planning applications. However, I cannot be certain if any policies are to be modified or when it is likely to be adopted. I, therefore, only give limited weight to the emerging policies.

¹ Planning Practice Guidance (PPG) Paragraph: 012 Reference ID: 58-012-20180615; Revision date: 15 06 2018

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, with particular regard to the development strategy for the area, the character of the area, and access to services and facilities.

Reasons

Development strategy

7. The appeal site is part of a larger agricultural field. It is situated between other parcels of agricultural land on the opposite side of the road from the main nucleus of Childswickham. However, I have no substantive evidence that the field is good quality agricultural land as asserted by the Parish Council.
8. A decision on whether to grant permission in principle must be made in accordance with the relevant policies in the development plan. The site lies outside of, but adjacent to, the settlement boundary for Childswickham as identified in the South Worcestershire Development Plan, adopted 2016, (the SWDP) and is, for planning purposes, considered to be within open countryside. Policy SWDP 2 of the SWDP seeks to safeguard the open countryside and part C of the policy seeks to strictly control new development. Paragraph 4 of the reasoned justification to Policy SWDP 2 advises that the high quality of the open countryside is an important attribute of the area.
9. The proposal would not fall within any of the limited forms of development set out as exceptions to Policy SWDP 2. The location and land use of the proposal would, therefore, be contrary to the development strategy for the area.
10. I have not been made aware of any policies within the SWDPR that would support the proposed development and, based on the evidence before me, the site would continue to be outside the settlement boundary. Consequently, it would also fail to comply with the SWDPR.

Character and appearance

11. The appeal site is a broadly rectangular parcel of a larger agricultural field, located along Broadway Road. The site is only enclosed along the roadside with a hedge, it is currently open to the three other sides. However, it is also prominent in the views along Broadway Road as an open, agricultural, field. Other agricultural fields are situated around the other three sides of the site with Perrins Farm and a converted agricultural building, stable buildings, and a public right of way in the immediate vicinity. The character of the area along this side of the road is of open countryside and agricultural fields between dispersed groups of houses. The appeal site currently contributes positively to this character.
12. The appeal site is also located within the Landscape Type - Principal Village Farmlands, as identified in the Council's Landscape Character Assessment. The Primary Key Characteristics of this Landscape Type are 'nucleated patterns of expanded rural villages' and 'arable/cropping land use.' The appeal site forms part of the arable/cropping land outside of the nucleated village.
13. Albeit that there is other residential development on this side of Broadway Road and on Murcot Road and Hinton Road, in the main Childswickham is a

nucleated settlement on the opposite side of the road. The other housing on this side of Broadway Road has not changed the principal characteristic of the village, as a whole, or resulted in the village becoming linear. The fields provide the undeveloped rural setting for the village and reinforce its nucleated pattern.

14. My attention has been drawn to an appeal² for a similar scale of development on part of the same field. That development would sit close to, but not immediately adjoin, the site proposed within this appeal. There would be a narrow gap between the two sites. That appeal was allowed, in part, as the layout proposed would reflect the linear pattern of development along Broadway Road, would assimilate with the existing built development, and that the front hedgerow would be mainly retained.
15. The appeal before me, albeit for permission in principle, is for a similar scale of development and, due to the size and shape of the proposed plot, would encourage a layout that would be road-fronting houses. Consequently, the appeal before me would also reflect the linear pattern of development along Broadway Road. I have no reason to doubt that the nearby appeal scheme would not be developed and the appeal before me would be a continuation of the development along the road.
16. Nevertheless, as with the other appeal, the proposal would result in encroachment into the countryside and the urbanisation of a currently undeveloped agricultural field. The introduction of development on the opposite side of Broadway Road from the main built form of Childswickham, albeit that there are other groups of houses along this side of the road, would serve to dilute the nucleated settlement pattern and harm the open countryside. The appeal proposal would fail to integrate with the character and settlement pattern of Childswickham. The proposal would, therefore, be intrusive in the wider landscape and would be prominent in views along Broadway Road and from the public right of way near the site.
17. For the above reasons, the location and land use would, in principle, be unacceptable, having regard to the character and appearance of the area. The development would be contrary to Policies SWDP 2 and SWDP 25 of the SWDP which, taken together, seek to safeguard and enhance the open countryside and strictly control development, ensure that development integrates with its surroundings, complements the character of the area, and enhances the overall quality of the built environment.
18. The proposal would also be contrary to Chapter 15 of the National Planning Policy Framework (the Framework) which requires development to contribute to and enhance the natural and local environment and recognises the intrinsic character and beauty of the countryside.

Location of development

19. Childswickham is defined in Annex D of the SWDP as a category 4a village, which is a lower order settlement with regard to facilities and access to services. I saw two public houses, a church, and a community hall at the time of my visit. These are all situated within the nucleus of the settlement, on the opposite side of Broadway Road. However, the village facilities would be within a comfortable walking distance from the appeal site. Furthermore, the layout of

² APP/H1840/W/23/3336003

the front of the site could be designed to provide a safe point for pedestrians to cross the road to the footway on the opposite side of the road and to the village services.

20. Nevertheless, future occupants of the development would need to leave Childswickham to access shopping, education and higher order services and facilities such as health and medical facilities, and some places of employment or for certain leisure activities.
21. Other day to day services and amenities are available within the village of Broadway. Although there is a footway from near the appeal site to Broadway the distance is such that it would discourage regularly walking from the appeal site. Moreover, the footway is not lit and is narrow in places. The walk from the appeal site to Broadway would be unappealing to pedestrians, especially in the dark or during inclement weather.
22. Whilst Broadway is within the accepted 5km cycling distance for short/medium trips, there is no offroad cycle infrastructure and the lack of street lighting means cycling along the highway would not be comfortable, especially by less experienced or novice cyclists. Furthermore, I cannot be certain that the roads are safe for cyclists.
23. There is a bus stop within walking distance from the site. However, from the evidence before me the bus service is limited with no service before 9am on a weekday. This would not provide a reasonable alternative to the private car to access day to day facilities, education, or employment. The public transport provision is limited and would not represent a realistic choice of modes of transport for future residents of the properties. That the scheme would include the provision of electric charging points at each dwelling would not provide any certainty that future occupiers would use electric vehicles. Visitors to the development are also likely to be largely reliant on private motor vehicles.
24. Therefore, and even when taking account that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the location of the appeal site would not offer genuinely sustainable travel choices to a range of nearby facilities and services. As such, occupiers of the proposed dwellings would be largely reliant on private vehicles.
25. For the above reasons, the proposal would not be an appropriate location or land use, having regard to access to services and facilities, it would, therefore, conflict with Policies SWDP 2 and SWDP 4 of the SWDP which, taken together, seek to minimise the demand for travel, offer genuinely sustainable travel choices, and seek to maximise opportunities for pedestrian and cycle linkages to the surrounding area.
26. For the same reasons, I also find that the proposal would not comply with the guidance within the Framework and specifically paragraphs 83, 109 and 114 which, taken together, seek to promote sustainable development in rural areas, manage patterns of growth and ensure that appropriate opportunities can, or have been, taken to promote sustainable transport modes.

Other Matters

27. The Parish Council and other interested parties have also raised concerns about the effect of the development on, amongst other matters, flooding, sewerage capacity, highway safety, the existing hedge, archaeology, wildlife, views and

the living conditions of existing residents with regard to overlooking and overshadowing. However, these matters are all issues which would be considered as part of the second stage of the permission in principle process. Whilst I have taken account of these concerns, they are not matters which would fall within the scope of consideration for the first stage of the permission in principle route.

28. The Council retains control over the design, layout, access, and drainage of the development through the technical details consent and the matters raised by the parish council and interested parties would need to be addressed at that stage. However, there is no guarantee that allowing the appeal for the first stage of permission in principle will automatically mean that technical details approval will follow. It takes approval of both stages for planning permission to be secured.
29. The technical details stage would also provide the opportunity to ensure that the development provides a policy compliant level of green infrastructure within the site and would also be subject to any legal agreement necessary to secure the required level of affordable housing.

Planning Balance

30. Both main parties agree that the Council cannot currently demonstrate a five-year housing land supply. As the Council's emerging Local Plan is now at Regulation 19 Stage, the latest revisions to the Framework require a four-year housing land supply. However, given the substantial shortfall, of between 2.65 and 2.78 years, I find that the Council would not be able to demonstrate a four-year housing land supply. Paragraph 11d) of the Framework therefore applies.
31. Policies SWDP 2 and SWDP 4 of the SWDP are the most relevant in considering the proposal. Contrary to the appellant's assertions, the trigger of paragraph 11d) does not mean that the policies carry no weight. SWDP 2 takes a more restrictive approach to development in the countryside than the Framework. However, it is broadly consistent with the Framework as a whole in seeking to enhance the natural and local environment and recognising the intrinsic character and beauty of the countryside. Policy SWDP 4 is also broadly consistent with the Framework in seeking to ensure that development offers genuine sustainable travel choices. As such I have given the conflict with these policies significant weight in this appeal. The proposed development would conflict with the development plan as a whole and I attribute considerable weight to this harm in the overall balance.
32. The proposal would also harm the character of the area and not reflect the nucleated settlement pattern. However, it would be possible to design a scheme at the technical details stage that would reflect the other developments along this side of the road, including the recently approved scheme on the nearby site. The visual harm of the proposal would, therefore, be localised and reduced by it being a continuation of other built development. Consequently, the harm to the character and appearance of the area would be limited.
33. In that regard the appeal before me is materially different to the Wood Lane appeal³ which, albeit with similar issues regarding the access to services and

³ APP/H1840/W/23/3331078

facilities, was within the Green Belt and would not have been able to be developed in a layout that would respect the character of the area.

34. The proposal would accord with paragraphs 60, 70 and 83 of the Framework which seek to boost the supply of housing, recognises the contribution small sites can make to meeting the housing requirement of an area, and supports the rural economy. Moreover, the proposal would also provide economic benefits both during and post construction. I afford significant weight to the provision of these new houses. However, as only up to nine dwellings are proposed the benefit is limited when weighing the merits of the scheme. I therefore afford significant weight to the limited benefit the development would make to addressing the housing shortfall. The proposal would also provide biodiversity and ecology improvements to which I give moderate weight in favour of the development.
35. Although the proposal would not accord with the Framework's aim of promoting sustainable patterns of development, including promoting development in rural areas where it would enhance or maintain the vitality of communities, or genuinely offer an alternative to the private car, I find that this harm would moderate. Although this is different to the Inspector's decision in the Van Der Hills Nurseries appeal⁴, which I accept was also for permission in principle and was on the edge of a category 3 village, the Inspector noted less services and facilities within Pendock and only an 'on demand' bus service.
36. For the above reasons, I find that the harm from the conflict with the development plan and the harm to the character of the area and to the access to services and facilities would not significantly and demonstrably outweigh the benefits that would arise from the development, when assessed against the policies in the Framework, taken as a whole. Accordingly, there are material considerations, which indicate a decision should be taken other than in accordance with the development plan.

Conditions

37. The PPG makes it 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, type, and amount of development. Therefore, I have not imposed any conditions.

Conclusion

38. For the reasons given above the appeal should be allowed.

K Townsend

INSPECTOR

⁴ APP/H1840/W/23/3323212