

Appeal Decision

Site visit made on 24 September 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2024

Appeal Ref: APP/R1845/W/24/3342856

**Orchard House, Cleobury Road, Far Forest, Kidderminster,
Worcestershire, DY14 9TE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Mr C Frascina against the decision of Wyre Forest District Council.
 - The application Ref 22/0997/OUT was approved on 23 February 2024 and planning permission was granted subject to conditions.
 - The development permitted is described as 'outline application for the erection of four dwellings with access from A4117 with all other matters reserved'.
 - The condition in dispute is No 12 which states that: As part of a future Reserved Matters application a Planning Statement shall be submitted to demonstrate that the proposed housing type and tenure of the development meets local needs as demonstrated through a Parish Housing Needs Survey and/or the Housing Register.
 - The reason given for the condition is: In order to secure a satisfactory development of the site and appropriate housing that meets local need as required by Policy SP.2 of the Wyre Forest District Local Plan.
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Decision

1. The appeal is allowed and the outline planning permission Ref 22/0997/OUT for the erection of four dwellings with access from A4117 with all other matters reserved at Orchard House, Cleobury Road, Far Forest, Kidderminster, Worcestershire, DY14 9TE, granted on 23 February 2024 by Wyre Forest District Council, is varied by deleting condition No 12.

Background and Main Issue

2. An appeal was allowed in March 2022 for this site, granting outline planning permission for the erection of four self or custom build dwellings (Ref APP/R1845/W/21/3284761). In that decision, the Inspector attributed very limited weight to the 2019 housing needs survey by Rock Parish Council on the basis that housing needs were likely to have changed in the intervening period. Also, that there was a low response rate to the survey.

3. This appeal is also for four houses but without reference to those being self or custom build. It is clear from the Council's officer report that this proposal was determined on the basis of the houses being open market dwellings. In addition, Condition 13 of the outline permission requires that the development accords with the submitted plans. This includes the proposed development plan which shows a scheme with 2 No. three-bed bungalows, and 2 No. four-bed, two storey houses.
4. In that context, the main issue is whether condition 12 is reasonable and necessary in the interests of achieving an acceptable housing development, with particular regard to local housing needs.

Reasons

5. Policy DM.2 of the Local Plan supports infill development, subject to certain criteria. Criterion a. is that proposals should meet local needs with reference to parish needs surveys and/or the housing register. As the appeal scheme was submitted on the basis of it being open market dwellings, it is unlikely to be capable of meeting needs on the housing register. No substantive evidence indicates otherwise.
6. In any event, following on from the previous appeal scheme, the main parties agree that even if the 2019 Rock Parish Housing Needs Survey indicates that there is no local requirement for a proposal of this nature, limitations in the survey mean its findings attract limited or very limited weight. Moreover, I have not been made aware of plans for it to be updated in the foreseeable future. Furthermore, no alternative evidence has been provided to justify a requirement to consider alternative housing types and tenure.
7. In addition, as already noted, the outline application specified the proposed house types and number of bedrooms on the proposed development plan. As these details were not clearly marked as illustrative, the house types and number of bedrooms formed part of the approved details within the outline permission. The Planning Practice Guidance is clear that in such circumstances, conditions cannot be used to reserve those details for subsequent approval (Reference ID: 21a-005-20190723). As such, a different mix of house types would be in conflict with the approved plans. Furthermore, no robust evidence is before me to indicate that an amendment to condition 13 would be justified.
8. Therefore, in the circumstances of this site, I find that it would not be appropriate to require reconsideration of the house types and tenure with reference to the parish housing needs survey or housing register at reserved matters stage. Accordingly, for the reasons given, condition 12 is not reasonable and necessary in the interests of achieving an acceptable housing development, with particular regard to local housing needs.

Conclusion

9. Accordingly, I conclude that the appeal should succeed. Therefore, I vary the planning permission by deleting the disputed condition.

Rachel Hall INSPECTOR