



Appeal Decision

Site visit made on 28 August 2024

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/H1840/W/23/3332514

Land off Station Road, Fladbury

- 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 Jane Crisp against the decision of Wychavon District Council.
 - The application Ref is W/23/01939/PIP.
 - The development proposed is for permission in principle for up to 2 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for up to 2 dwellings at Land off Station Road, Fladbury, in accordance with the terms of the application, Ref. W/23/01939/PIP.

Preliminary Matters

2. The application is for permission in principle ('PIP'), as provided for in the Town and Country Planning (Permission in Principle) Order 2017 (as amended). The Planning Practice Guidance ('PPG') advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
3. The PPG sets out that the scope of PIP applications is limited to location, land use and amount of development. All other relevant matters are considered as part of a subsequent Technical Details Consent ('TDC') application if PIP is granted. I have determined the appeal accordingly.

Main Issue

4. The main issue is whether, in principle, the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location and amount of development

5. It is not a matter in dispute between the main parties that the site is located outside of the settlement boundary of Fladbury. Under Policy SWDP 2 of the South Worcestershire Development Plan ('DP') it therefore comprises open countryside where development is to be strictly controlled. The proposal would not comprise a rural worker dwelling, rural employment development, rural exception site, building for agriculture and forestry, replacement dwelling,

- house extension, replacement building or renewable energy project. Further, it is not submitted as one that would be specifically permitted by other DP policies. Therefore, the proposal does not meet any of the exceptions to development within open countryside (Policy SWDP 2 criterion C).
6. The supporting text to the above Policy, recognises that the high quality of the open countryside is an important planning attribute of the area. Adding that, sites beyond development boundaries generally are less sustainable as access to local services and employment opportunities tends to be poorer and therefore it is appropriate that development in the open countryside is restricted to proposals which are supportive of more specific DP policies.
 7. Policy SWDP 4 of the DP requires that proposals minimise demand for travel and offer genuinely sustainable travel choices.
 8. These policies are broadly consistent with the National Planning Policy Framework ('the Framework'), which states that to promote sustainable development in the rural areas housing should be located where it will enhance or maintain the vitality of rural communities; seek opportunities to promote walking, cycling and public transport; limit the need to travel, and offer a genuine choice of transport modes.
 9. The appeal site comprises a field located off Station Road to the north of the village boundary. This field is next to the detached dwelling known as The Orchards. The appeal site is bound by an existing access gate, a post and rail fence with some mature trees and planting along the road frontage. The remaining boundaries are made up of mature hedges.
 10. Within Annex D: Hierarchy of Settlements of the DP, Fladbury is identified as a category 2 settlement, which have at least two key services including a shop and have access to at least daily services for employment and shopping purposes.
 11. There is a footpath running from the appeal site along Station Road and into Fladbury. The footpath is in good order and is partially lit, allowing pedestrians access to local services and amenities within Fladbury. These include a first school, two public houses, church, butchers/pie shop and village hall. Therefore, residents of the proposed scheme would be able to access the existing, albeit limited village facilities on foot or by bicycle.
 12. However, the Council advises that Fladbury has been downgraded to a category 4 settlement in the 2019 Village Facilities and Rural Transport Study. This is because it does not have access to at least a daily bus service to a designated town. As such, future residents of the appeal scheme would need to leave the area in order to access work, education beyond primary school and many other routine health and retail facilities that are only available in larger settlements.
 13. Therefore, the location of the appeal site offers limited sustainable travel choices. Consequently, this is likely to require the use of private cars, which is likely to give rise to adverse environmental impacts through exhaust emissions.
 14. DP Policy SWDP 13 requires development proposals to be designed to make effective use of the land. According to the Council, Part E. iii within Policy SWDP 13, seeks to promote a density of 30 dwellings per hectare ('dph') in rural areas. In this case, the site area is about 0.12ha with a proposal for up to 2 dwellings, this would equate to a density of 17dph which falls below the

recommended standard of 30dph. Nevertheless, this Policy also says that housing density should be designed to enhance the character and quality of the local area.

15. The Council argues that a higher density more in line with SWDP 13 of the DP could be achieved at the site, which would also reflect the character and quality of the area. Whilst any matters relating to character and quality would be dealt with at the TDC stage, the immediate context of the appeal site is lower housing density i.e. large properties within spacious plots. The appeal scheme proposes up to 2 dwellings. Given the overall size of the site, its context and based on the information available at present, I see no reason why the scale of development proposed could not be designed to deliver the density which is reflective of the site's rural location.

Land use

16. As already stated, the appeal site is a field. Therefore, its land use is typical of that associated with a countryside location. Even so, because of the extent of residential development nearby, which includes The Orchards and a dwelling on the opposite side of the road, the proposed land use would have some compatibility with the area.
17. Drawing on the above reasons, insofar as these are relevant to considering PIP, the amount of development proposed would not conflict with the overarching aims of Policy SWDP 13 of the DP, which includes achieving a density which reflects the local context.
18. However, and despite the compatibility of the proposed land use, to develop the appeal site as proposed would be contrary to the spatial strategy of the development plan, which seeks to direct new development towards sustainable areas within development boundaries. Therefore, the appeal site is not a suitable location for residential development and conflicts with Policy SWDP 2 of the DP, which is referenced in the Council's submissions. The proposal, therefore, also conflicts with the overall aims of Policy SWDP 4 of the DP, for minimising demand for travel and offering genuinely sustainable travel choices.

Other Matters

19. The main parties have referred to two appeal decisions for residential schemes allowed on appeal around Fladbury. One of these is for 34 affordable dwellings, the other is for up to 2 self-build dwellings. As such, these are not directly comparable to the scheme before me, which is for up to 2 market dwellings. Moreover, in each case the Inspector was required to undertake a balance between any harm arising from the proposal and its associated benefits. This is different in each case and a matter of judgement for the decision maker.
20. As already set out above, as this is an application for PIP my consideration of this appeal is limited to very specific matters. Therefore, issues relating to character and appearance, the effects of the proposal on highway safety, flood risk and the living conditions of neighbours would all be assessed at the TDC stage if this appeal succeeds.
21. I have noted concerns about the proposal affecting property values. However, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

22. I have assessed the scheme before me on its merits and having regard to the site-specific circumstances. For these reasons, my Decision does not set a precedent. Matters relating to the creation of the existing gated access at the appeal site are outside the remit of my Decision.
23. The PPG makes it clear that it is not possible for conditions to be attached to a grant of PIP, whose terms may only include the site location, the type and amount of development. Furthermore, where PIP is granted by application, the default duration of that permission is 3 years. Therefore, it is not necessary to impose conditions specifying a timescale for the submission of the TDC and any drawings, as suggested by the Council.

Other Considerations

24. On the information before me, the Council's housing land supply stands at about 3.81 years. Consequently, Paragraph 11d) ii of the Framework applies. This states that where relevant policies are out of date, 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.
25. Subject to the grant of TDC consent, the proposal could provide up to 2 new dwellings, which would contribute towards the provision of housing in the District. This would accord with the aims of the Framework of boosting significantly the supply of homes and would be a social benefit.
26. There would also be jobs created during construction of the development. When complete occupiers of the development would also support local shops and facilities. However, because of the modest facilities in Fladbury and the lack of bus services from here, such support would be limited. Nevertheless, there would be some economic benefits.

Planning balance and conclusion

27. I have found that the amount of the proposed development insofar as this relates to PIP would be acceptable. Also, the proposed land use would be compatible with the area. However, to develop the appeal site as proposed would be contrary to the development strategy, which seeks to direct new development towards sustainable areas within development boundaries to minimise demand for travel and offer genuinely sustainable travel choices. Conflict with the relevant policies amounts to harm.
28. The Council's development strategy is currently failing to deliver sufficient homes to meet its housing land supply target. Even so, this broadly aligns with the Framework. Also, paragraph 105 of the Framework 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. In this case, some limited village facilities would be accessible from the appeal site on foot or by bicycle. Accordingly, and based on the modest scale of the scheme, the harm from the likely increase in travel by private car still attracts more than moderate weight.
29. The proposal aims to provide up to 2 dwellings. In light of the Council's housing land supply position, I give the proposed housing significant importance. This and the benefits associated with it, weigh in favour of the proposal, and I afford

them moderate weight given the modest scale of the proposal (up to 2 additional dwellings).

30. As a result, when assessed against the policies in the Framework, the adverse impacts associated with the proposal in principle, outweigh the benefits. Even so, in my judgement, the adverse impacts are not of a level which would significantly and demonstrably outweigh the benefits arising from the proposal. Consequently, the presumption in favour of sustainable development applies and this indicates that PIP should be granted and the appeal allowed.

M Aqbal

INSPECTOR