



Appeal Decision

Site visit made on 1 October 2024

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2024

Appeal Ref: APP/H1840/W/24/3342247

Land at (OS 8726 6088) Next to Cyrena, Ladywood Road, Salwarp, WR3 0AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Neil Narrison against the decision of Wychavon District Council.
 - The application Ref is W/23/01180/PIP.
 - The development proposed is for two detached bungalows.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 2 dwellings at land at OS 8726 6088 next to Cyrena, Ladywood Road, Salwarp, WR3 0AJ in accordance with the terms of the application, ref 23/01180PIP.

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') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 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.

Main Issue

4. 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

5. Policy SWDP2 of the South Worcestershire Development Plan (February 2016, the DP) sets out the Council's spatial strategy and settlement hierarchy for new residential development. As part of this, within identified rural villages

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

some small residential development is supported. Outside of any development boundaries is considered by the Council to be open countryside where residential development is more tightly controlled other than where it meets specific exceptions.

6. The appeal site comprises undeveloped land within a cluster of dwellings that is itself within a predominantly rural location. The cluster is located between Droitwich Spa and Fernhill Heath and there are two smaller named settlements nearby, Ladywood and Salwarpe. However, the cluster and appeal site are not part of any of these settlements. Therefore, whilst the proposal would not be isolated development, for the purposes of the above policy, and mindful of Annex D of the DP, the appeal site is outside of any development boundaries and is, therefore, within the open countryside.
7. Given the above, I must therefore consider the exceptions set out under part C of DP Policy SWDP2. Those relevant to residential development are dwellings for rural workers, rural exception sites, and replacement dwellings. The appellant has not provided any evidence to suggest that the proposal would meet any of these exceptions. Although I understand that they intend the dwellings to be suitable for occupiers that are older or have disabilities, this is not sufficient to meet any of the exceptions above.
8. The location of the appeal site would not, therefore, comply with the spatial strategy and hierarchy for new residential development as set out under DP Policy SWDP2. I am mindful that the Council accept they cannot demonstrate a five-year housing land supply and that they have found Policy SWDP2 to be out of date, I have considered this below.
9. Due to the relationship the appeal site has to the settlements identified above; I am content that the neighbouring settlements are of a walking distance from the site. However, I note there are no continuous footpaths or streetlighting between the site and these settlements. Future occupiers would be required to walk or cycle in the carriageway or, where possible, on grass verges. I consider that given the length of the routes, the narrow and winding nature of the roads, and the lack of any street lighting, that such a journey would be dangerous and unattractive for future occupiers. This would be especially so for more vulnerable users, including older or disabled individuals.
10. I cannot be certain that future occupiers would get home deliveries and, even if they were to, these deliveries would not reduce the need to travel for work or education. The appellant has also not demonstrated that electric vehicles would be a suitable sustainable alternative to buses, walking or cycling to reach facilities and services. Similarly, whilst there may be a public right of way nearby, from the information before me I cannot ascertain whether it would provide a viable option.
11. There are no services, facilities or public transport stops within the cluster of dwellings surrounding the appeal site and so future occupiers would be required to travel to these nearby settlements to meet their typical needs. Given the above they would be reliant upon private motor vehicles to reach these in conflict with DP Policy SWDP 4.
12. I noted that the dwellings within the cluster were varied in their scale, relationship to the road and plot size. Although there was a general sense of spaciousness, a number of properties were not served by spacious gaps to

either side. As the scheme is only at the permission in principle stage, I have not been provided with indicative plans, but it is clear that the appeal site would provide a long rectangular space for the proposed two dwellings.

13. It is likely that their plots would be more modest than is typical for the area, but I consider this would not necessarily be so different as to significantly affect the grain and pattern of development in the cluster more broadly. To this extent, and while it would be necessary for additional information to be considered at the technical details consent stage, as far as the amount of development is concerned, there would be no harm to the character and appearance of the wider area.
14. Overall, the location of the appeal site, in the open countryside, would conflict with the Council's spatial strategy for new residential development and would result in development where future occupiers are reliant upon private motor vehicles to reach services and facilities. The proposal would therefore conflict with DP Policies SWDP1, SWDP1 and SWDP4 which collectively and amongst other matters support sustainable development that safeguards the open countryside while also offering genuinely sustainable travel options. They also direct development to built-up areas and strictly control any residential development in the open countryside. The proposal would also conflict with the aims of the National Planning Policy Framework, particularly under Chapters 5 and 9, with regard to rural housing and providing sustainable transport.

Other Matters

15. The appellant has submitted a unilateral undertaking which sets out a list of 7 undertakings that they would agree to should the appeal be allowed. The points relate to the design of the dwellings, restrictions on extensions and the provision of electric bicycles. These matters are directly related to the development. However, points 1 to 6 of the proposed undertaking relate to matters that would be considered under the technical details consent stage and so would not be necessary to make the development acceptable in planning terms at this stage. Regarding point 7, the provision of electric bicycles, I am not convinced from the submissions before me of my findings above that this would be sufficient to lessen future occupiers' reliance upon private motor vehicles.
16. I find that the likely level of traffic associated with the proposed two houses would be fairly modest and no evidence has been provided to demonstrate that the surrounding road network wouldn't be able to accommodate this. Whilst I note concerns about the location of the vehicular access, any highway safety concerns would be dealt with at the technical details consent stage.
17. Although a previous scheme may have been refused, all proposals must be considered on their own merits and so it does not preclude me from finding differently. Similarly, although the site may be suitable for agriculture, this also does not mean another use cannot also be acceptable.
18. I have not been provided with any substantive evidence to demonstrate that the site is at risk of any surface water flooding, and I note the Council did not object on this ground.

Planning Balance and Conclusion

19. There is no dispute that the Council is unable to demonstrate a five-year housing land supply and therefore the presumption in favour of sustainable development set out under Paragraph 11(d) applies. The policies of the Framework do not provide any clear reason for refusing the development proposed and I have therefore considered Paragraph 11(d)(ii) below.
20. The Government's objective is to significantly boost the supply of housing and the proposal would provide two new dwellings and contribute towards the Council's housing land supply. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. I am also mindful that it may likely be built out quicker than larger, allocated schemes. Given the small scale of the proposal these matters at most attract moderate weight.
21. Whilst the proposal may provide a suitable standard of living conditions for future occupiers and not affect those of neighbouring occupiers, this lack of harm is not a benefit in itself. I therefore attach this neutral weight in my considerations.
22. Conversely, the proposal would conflict with the Council's locational strategy and hierarchy for residential development and future occupiers would be reliant upon private motor vehicles. Given the small scale of the proposal I afford these matters moderate weight.
23. Taking everything into account, I consider that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. As a result, the application of Paragraph 11(d) of the Framework indicates that permission should be granted, and in the circumstances of this appeal, the material considerations above justify making a decision other than in accordance with the development plan.
24. Therefore, for the reasons outlined above, I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR