



# Appeal Decision

Site visit made on 2 October 2024

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

**an Inspector appointed by the Secretary of State**

**Decision date: 11 November 2024**

---

**Appeal Ref: APP/H1840/W/23/3329778**

**Land off Holt Fleet Lane, Holt Fleet WR6 6NW.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to determine an application for Permission in Principle.
  - The appeal is made by Mr A Ramsbottem against the decision of Wychavon District Council.
  - The application Ref is W/23/00892/PIP.
  - The development proposed is Permission in Principle for up to 4 self-build dwellings.
- 

## Decision

1. The appeal is allowed and permission in principle is granted for up to 4 self-build dwellings at Land off Holt Fleet Lane, Holt Fleet WR6 6NW, in accordance with the terms of the application, Ref. W/23/00892/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. Although there is no formal decision from the Council, it has offered putative reasons for refusal. Based on these, 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. The appeal site comprises an enclosed parcel of land with an irregular footprint, which is located beyond any settlement boundary. 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. Whilst the appeal site is within a countryside location, it is located about 1km from a Category 3 settlement (Holt Heath) and about 1.6km from Ombersley, a Category 1 settlement. Category 3 settlements have at least one key service and have access within the settlement to at least daily bus services to a 'designated town'. As identified in Annexe D of the DP Category 1 Settlements have at least four key services and they have access to all daytime journey types. Therefore, these settlements both offer a range of sustainable transport methods and a range of services and facilities.
10. The above settlements are linked to the appeal site via the A4133 and there is footpath along this. Even so, lighting along these routes is limited and this carries considerable vehicular traffic. Therefore, I do not consider this to be particularly safe.
11. Nonetheless, the main parties agree that there are some reasonably accessible services nearby including: a local shop; two public houses; a farm shop with café and a post office/shop. Residents of the proposed scheme would be able to access some of these nearby facilities on foot or by bicycle. Therefore, the location of the appeal site does offer some sustainable travel choices.
12. A community bus service is also in operation, which stops near the local shop, and this may offer connecting services to other areas. However, the frequency of services associated with this bus service are limited.
13. Therefore, to access a range of health, education and employment areas, occupiers of the proposed dwellings and visitors to these dwellings are also likely to be largely reliant on private motor vehicles. Therefore, the location of the appeal site would not minimise demand for travel.

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. Nevertheless, this Policy also says that housing density should be designed to enhance the character and quality of the local area.
15. The appeal site is about 0.2ha in area. However, parts of the site are within Flood Zone 3. As such, these areas would be undevelopable unless it can be demonstrated at the TDC stage that the sequential test is met. Green infrastructure at about 20% would also need to be delivered as part of any future site layout. As a result, the developable site area would be less than 0.2ha. Even so, the quantum of the development is for up to four dwellinghouses. Therefore, a scheme could come forward which proposes less than four dwellings. Moreover, matters relating to the site layout and the effect of the proposal on the character of the area, including an assessment of such issues against the relevant development plan policies, would be dealt with at the TDC stage if this appeal succeeds.
16. As such, at this stage, because the exact quantum, layout, design, and landscaping is not before me, there is no certainty that development at the appeal site cannot be designed to reflect the areas character.
17. As already stated, the appeal site is an enclosed parcel of land. However, this is largely surrounded by development, which includes residential uses. As such, the proposed land use would be compatible with the area.
18. Drawing on the above reasons, as far 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.
19. The appeal site is also covered by the Ombersley and Doverdale Neighbourhood Plan 'Made' 13 October 2021 ('NP'). Together, Policies TOAD 1 and TOAD 2 of the NP support a mix of dwellings that meet the latest assessment of local needs. At this stage, the exact mix of the proposed development is unknown, and these policies do not preclude self-build housing. Also, on the information before me, there is nothing to suggest that the proposed development would not meet local community needs. As such, in considering the PIP, I find no conflict with these policies.
20. Nevertheless, 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. The proposal also conflicts with part of the aims of Policy SWDP 4 of the DP, for minimising demand for travel.

*Other considerations*

21. On the information before me, the Council's housing land supply stands at about 2.65 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.

22. I have also had regard to Paragraph 14 of the Framework, which says that where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided: a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
23. In this case the NP became part of the development plan five years or less before the date of my decision and does include policies and an allocation for housing. Even so, at this stage, I find no conflict with its policies.
24. Subject to the grant of TDC, the proposal could provide up to 4 new self-build dwellings, which would contribute towards the provision of housing in the district.
25. Based on the Council's evidence, it does not have a shortfall of self-build plots to meet its requirement of about 83 units. Even so, the provision of 4 new self-build dwellings would offer a further choice of self-build plots and in any event, this accords 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 some nearby shops and facilities. As such, there would be some economic benefits arising from the proposal.

### **Other Matters**

27. As already set out above, as this is an application for PIP, my consideration of this appeal is limited to specific matters. Therefore, issues relating to highway safety and flooding would be assessed at the TDC stage if this appeal succeeds.

### **Planning balance and conclusion**

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. However, 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 facilities would be accessible from the appeal site on foot or by bicycle. Accordingly, and based on the scale of the scheme (up to 4 additional dwellings), 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 4 self-build dwellings. Considering 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 also afford these more than moderate weight.

30. As a result, when assessed against the policies in the Framework, the adverse impacts associated with the proposal in principle, do not 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