



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: 24 December 2024

Appeal Ref: APP/H1840/W/23/3332841

Land off Rye Hill Lane, Broughton Hackett WR7 4BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Townsend against the decision of Wychavon District Council.
 - The application Ref is W/23/01403/FUL.
 - The development proposed is described as 'Development to include 3 Cottage Style Dwellings. To change a vacant field that has generally been dis-used over a long period of time into a residential cul-de-sac design, mimicking the development pattern of the opposite housing on Rye Hill Lane. This small development would 'infill' the clear space at the end of the small roadway, whilst retaining a sense of privacy and separation through the retained hedgerow and trees. Each plot will have spacious private amenity space and off road parking. The properties will consist of 3x3 bed properties, of differing designs that are intended to support the short fall in the housing supply. Extensive works have been carried out to ensure the development does not pose a negative impact on the environment and instead would seek to improve and enhance the growth of plant and wildlife via a large nature area to the West side of the plot. This is a sustainable and well thought design, looking to provide high quality homes in an area that struggles for housing variety.'
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework ('the Framework') on 12 December 2024. I have had regard to this in determining this appeal.

Main Issues

3. The main issues are: i) Whether the appeal site is in a suitable location for residential development and ii) Whether the proposal makes adequate provision for affordable housing.

Reasons

Suitability of proposed location for housing

4. The appeal site is located outside but adjacent to the defined development boundary of Broughton Hackett. Therefore, and in accordance with Policy SWDP 2 (C) of the South Worcestershire Development Plan ('Development Plan') it is classed as being within open countryside.
5. Development Plan Policy SWDP 2 sets out a settlement hierarchy, which in the identified villages makes provision for infill development within defined development boundaries only, and the policy details a development strategy encouraging the effective use and re-use of accessible, available, and

environmentally acceptable brownfield land. Criteria C of this Policy also restricts development in the open countryside to certain exceptions. The proposal does not fall within any of the exceptions for allowing development in the countryside as detailed in Policy SWDP 2 of the Development Plan.

6. Under Paragraph 4, the reasoned justification to Policy SWDP 2 of the Development Plan, says that the high quality of the open countryside is an important attribute of the area and that sites beyond development boundaries generally are less sustainable as access to local services tends to be poorer and it is, therefore, appropriate that development in the open countryside is restricted.
7. Policy SWDP 4 of the Development Plan requires that proposals minimise demand for travel and offer genuinely sustainable travel choices.
8. These policies are broadly consistent with the Framework, which says 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. These aims are necessary to support one of the overarching objectives of the Framework for mitigating and adapting to climate change.
9. In accordance with the Development Plan, Broughton Hackett is a category 4A village, which is a lower order settlement with regard to facilities and access to services. Facilities within the village are limited to a public house, church, a community hall, garage and parish hall.
10. Whilst other facilities have been identified, these are located in other settlements. These include Upton Snodsbury and Crowle, Category 2 and 3 settlements respectively. These settlements are about 2km from the appeal site.
11. There are limited footpaths and street lighting within the village. Similarly, the route into Crowle is devoid of footpaths and street lighting and there are no cycle routes linking the site. Therefore, walking and cycling to and from the site would be difficult and especially for the young, the elderly and those with mobility issues. This would be particularly so during the hours of darkness and inclement weather.
12. In terms of travelling to Upton Snodsbury, much of the existing footpath along the A422 is narrow, being less than 1.0m wide, with no street lighting. Hence, walking cannot be considered a particularly attractive proposition for most pedestrians. Cycling to services would require people to cycle along the A422. This is a relatively busy road and only likely to be practical for experienced and confident cyclists.
13. There are bus stops on the A422, about 595m walking distance from the site. The walking route between the site and the bus stops is not of a sufficient quality to encourage residents to use the very limited services available. Whilst the appellant suggests that improvements have been made to local footpaths and cycle routes, I have limited evidence to support this.
14. The appellant has referred to a list of residential developments which they assert have been approved in Category 4 villages in Wychavon. Based on the Council's submissions, the majority of these are within development boundaries, others were part of or near to allocated sites for housing, include self-build schemes and one

was adjacent to a category 3 settlement. Only a limited number of these sites were outside development boundaries and were supported based on other considerations, which is a matter of judgement for the decision maker. Therefore, and on the limited information before me, I am not persuaded that the circumstances of these approved schemes are sufficiently comparable to the scheme before me and its location.

15. The appellant has also provided some comparisons of the appeal site's accessibility to a range of shops, services and facilities, relative to other locations, including higher order settlements. Nevertheless, this only shows distances and there is limited information on the quality of walking routes and public transport services available in these other locations. As such, I attach limited weight to these comparisons.
16. It may be the case that the location of the appeal site is served by a mobile library and delivery services from other businesses. Even so, there is no certainty that future occupiers would use such services. Irrespective, visitors to the development are also likely to be largely reliant on private motor vehicles.
17. Therefore, and even when taking account of the Framework, which acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the location of the appeal site does not offer genuinely sustainable travel choices. As such, occupiers of the proposed dwellings would be largely reliant on private car travel.
18. For the above reasons, the proposal would introduce new development in an unsuitable location with poor access to shops, facilities and services by sustainable modes of travel. This conflicts with Development Plan policies SWDP 2 and SWDP 4. Accordingly, I find conflict with Policy SWDP 1 of the Development Plan, which amongst other things supports the presumption in favour of sustainable development.

Affordable housing

19. Policy SWDP 15 (B) v. of the Development Plan requires that on sites of less than 5 dwellings a financial contribution towards local affordable housing provision should be made, based on the cost of providing the equivalent in value to 20% of the units as affordable housing on site.
20. The Frameworks says that the provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). In this case, the appeal site is in a designated rural area and therefore the proposal is liable for an affordable housing contribution.
21. Although I do not dispute the appellants intention to provide an affordable housing financial contribution, at the time of determining this appeal, no robust mechanism has been provided to secure this. Therefore, the proposal fails to make appropriate provision for affordable housing and conflicts with Policy SWDP 15 of the Development Plan.

Other considerations

22. The Council's housing land supply stands at about 2.78 years. Consequently, Paragraph 11d) ii of the Framework applies, which supports development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
23. The delivery of 3 dwellings would positively contribute towards the Council's housing land supply and this would boost the delivery of homes in accordance with the Framework.
24. The proposal would create employment during the build phase. Thereafter, new residents would enhance or maintain the vitality of rural communities, in accordance with the Framework. The proposed landscaping would secure some environmental and biodiversity enhancements. On the evidence before me, I also acknowledge that the proposed scheme makes effective use of land and would secure a well-designed place.
25. When taking the Council's position on housing land supply, which indicates a housing shortage, I attach significant importance to the provision of new housing and the social, economic and environmental benefits associated with this. Nevertheless, given the modest scale of the development (3 dwellings) and in particular because this fails to include any affordable housing provision, this and the benefits associated with it attract moderate weight.

Planning balance and conclusion

26. To develop the appeal site as proposed would be contrary to the development strategy of the Development Plan for locating development in sustainable locations. Moreover, the proposal does not make any provision for affordable housing. Such requirements are consistent with the aims of the Framework. As such, I attach substantial weight to the harm associated with these.
27. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts, would significantly and demonstrably outweigh the benefits arising from the proposal. Consequently, the conflict with the development plan is not outweighed by other considerations including the Framework. As such, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR