

Appeal Decision

Site visit made on 15 January 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 January 2025

Appeal Ref: APP/H1840/W/24/3350993

Land off Blacksmiths Lane, Beckford, Easting 397520 Northing 234933.

- 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 Angela Organ against the decision of Wychavon District Council.
 - The application Ref is W/24/00704/PIP.
 - The development proposed is 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 Blacksmiths Lane, Beckford, Easting 397520 Northing 234933, in accordance with the terms of the application, Ref W/24/00704/PIP, dated 11 April 2024.

Procedural Matters

2. The proposal is for permission in principle. The 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 permitted, as set out in the PPG. 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.
4. On 12 December 2024, a revised version of the National Planning Policy Framework (the Framework) was published and so I have had regard to this in reaching my decision. The main parties were given opportunity to comment on the updated Framework and I have had regard to such comments.

Background and Main Issues

5. The Council refused permission in principle on the basis that the site is within the open countryside in an unsustainable location, which would result in future occupants being reliant on the private car to access facilities and services. Also, due to the location of the appeal site, the Council considers the proposal would be detrimental to the character and appearance of the area.

6. In view of the above, the main issues in this appeal are whether or not the location and land use, and amount of development is suitable, having regard to policies within the development plan for the location of new development and the effect on the character and appearance of the surrounding area.

Reasons

Location

7. The appeal site lies outside the defined settlement boundary of Beckford, within the open countryside. Also, as undisputed by the main parties, the proposed development is not for a category of development which may be acceptable in the open countryside and so, the proposal conflicts with part C of Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) (February 2016). As a consequence of such, the proposal would also conflict with the overarching sustainable development principles, as set out in Policy SWDP 1 of the SWDP.
8. While the appeal site is outside the settlement of Beckford, Beckford is identified as a Category 2 village, where Policy SWDP 2 of the SWDP sets out such villages provide varying ranges of local services and facilities. It is asserted by the appellant that the appeal site is within a reasonable walking distance of the main part of Beckford, which includes some, limited facilities. However, from the evidence before me and my site observations, such facilities would not be so easily and safely accessed from the appeal site. This is due to the need to cross the busy main road/A46 and then travel along a part unlit country lane, which does not have footways part of the way.
9. Also, even though there are some bus stops nearby along the A46, these do not provide a frequent bus service, which would appropriately support all the daily needs of occupants of the proposed dwellings in terms of access to services and facilities. In view of such, occupants of the new dwellings would be predominately reliant on private vehicles to access services and facilities, and so the proposal would not offer genuinely sustainable travel choices.
10. A proposal on a nearby site, ref W/23/01725/FUL for residential development, lies within the defined settlement boundary of Beckford, where infill developments is acceptable in principle under Policy SWDP 2, subject to more detailed Plan policies. Whereas the appeal site is within the open countryside and not within the settlement of Beckford. Therefore, even if there was some inconsistency of approach by the Council in assessing the accessibility to services and facilities, when comparing the location of this nearby site example and the appeal site, the policy position is different, due to its location inside as opposed to outside the settlement.
11. For the reasons set out above, the proposal would conflict with Policy SWDP 2 and SWDP 1 of the SWDP in terms of the location and land use outside the settlement in open countryside. Also, due to its location, the proposal would conflict with Policy SWDP 4 of the SWDP, which requires, amongst other matters that proposals offer genuinely sustainable travel choices.

Character and appearance

12. The appeal site is surrounded on three sides by dwellings and their garden areas, with existing boundary treatments around neighbouring gardens, including fencing

and hedgerows to such boundaries. It is indicated that the site would be accessed via an existing private driveway leading from Blacksmiths Lane, which serves a few existing dwellings, including a dwelling that is situated behind others fronting onto Blacksmiths Lane. Also, there is another nearby parallel private driveway at Blacksmith Close, which has a number of dwellings served by it, set along its length. The existing dwellings in Blacksmith Close back onto the rear gardens of properties fronting Cheltenham Road.

13. Therefore, while the proposed dwellings would be set back from Blacksmiths Lane, behind other existing dwellings, the proposed position and arrangement of new dwellings within the appeal site would not be significantly different to the context of other existing development found in the local area.
14. The number of dwellings proposed would equate to an appropriate density, comparable to that of surrounding dwellings and, would be aligned with the provisions of Policy SWDP 13 of the SWDP, which sets out that outside town centres, new development should be provided at an average net density of 30 dwellings/ha and be relevant to their locality and the character of the built and natural context.
15. Notwithstanding that the site is principally undeveloped grassland and the proposed dwellings would not front directly onto a road and consequently, lack direct street presence. Having regard to the surrounding context and that the proposal is for up to 2 units, appropriately designed dwellings, details of such would be considered at the technical details consent stage, could fit within the existing local grain and form of surrounding development, without harming the character and appearance of the area.
16. In view of the above, the location, land use and amount of development proposed would not have a harmful effect on the character and appearance of the area. Therefore, there would be no conflict with Policies SWDP 21 and SWDP 25, which, amongst other matters, require the settlement character to be safeguarded and that development proposals integrate with the character of the landscape setting.

Other Matters

17. Concerns have been raised by interested parties regarding various matters of technical details in relation to the proposed development. These include loss of light and privacy, light pollution and noise caused to the occupants of neighbouring dwellings. Highway safety concerns, due to the local road network, including the blind bend nearby. Impact on the natural habitat and wildlife. Flooding concerns related to the nearby stream and that, there are areas at high risk of surface water flooding nearby, including evidence of flooding on local roads and property and that sewage facilities are already overloaded.
18. Having regard to the advice in the PPG, many such technical matters do not fall to be considered at the permission in principle stage of development, and so it is not necessary for me to consider such as part of this appeal. Such matters would be appropriately considered at the second, technical details consent stage, having regard to relevant local and national policy and guidance. Although, no objections have been raised by the Council's drainage engineer and the site is in Flood Zone 1, which is an area at low risk from surface water flooding. Therefore, I have no substantive evidence to suggest there would be any unsurmountable issues in regard to such matters when they are considered at the technical details consent

stage. Therefore, withholding permission in principle on such grounds would not be justified.

19. Whether there may be more suitable brownfield sites fronting Blacksmiths Lane than the appeal site is not a matter before me in considering proposed development solely within the appeal site. Also, I acknowledge the views of interested parties that Beckford should be treated as category 4, as opposed to a category 2 village, due to limited facilities and services and, that there is no demand for new housing in the area. However, I have considered the appeal proposal on the basis of the adopted development plan policy, which refers to the village as category 2. Even though there may be limited local services, the additional future occupiers of the new homes would help sustain and support such services.

Planning Balance

20. While I have found the proposal would conflict with Policies SWDP 1, SWDP 2, SWDP 4 of the SWDP in terms of the proposed location and land use, the Council cannot demonstrate a 5 year housing land supply. The Council sets out that it has a supply of around 1.1 years. In view of such significant housing land supply shortfall paragraph 11d) of the Framework is engaged.
21. In these circumstances, footnote 8 of the Framework establishes that where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, the policies which are most important for determining the application are out-of-date. Accordingly, the presumption of sustainable development applies, unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
22. With regard to footnote 7 of the Framework, there are no specific habitat sites, or habitat, landscape, or heritage designations applicable to the appeal site. Furthermore, while concerns have been raised by interested parties in respect of flooding in the local area, and there is some evidence of nearby properties and roads being at increased risk of surface water flooding. The appeal site is within Flood Zone 1 and so, is in an area identified to be at low risk of surface water flooding. Furthermore, technical drainage matters associated with the appeal site and development therein would be appropriately considered at the technical details consent stage. Therefore, based on the evidence before me, I have no reason to believe that flood risk would provide a clear reason for refusing the permission in principle, having regard to footnote 7 and the relevant Framework policies in this instance.
23. The proposal would deliver additional housing in an area where there is significant housing supply shortfall compared to the level required by national policy. Although the number of dwellings proposed is small, it would still provide benefits towards meeting the Framework objectives for the delivery of housing, which I provide significant weight to. Additionally, the proposed development would provide other social and economic benefits from construction and the occupiers of the development supporting local services and facilities.
24. Balanced against the significant benefits of housing delivery, which is a key aim of the Framework, the harm arising from the proposed development by virtue

of the conflict with Policies SWDP 1, SWDP 2 and Policy SWDP 4 of the SWDP, does not significantly and demonstrably outweigh the benefits, when weighed against the policies of the Framework, as a whole. Consequently, the presumption of sustainable development applies and this indicates that the appeal should be allowed and permission in principle granted.

Conditions

25. The PPG advises that there is a default time limit duration of 3 years for a permission in principle and that, it is not possible for conditions to be attached to a grant of permission in principle. The PPG also advises that the amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings, which are, in principle, permitted. Although, as the proposal is for up to 2 dwellings, it would not be necessary to include a range, as the development could only be 1 or 2 dwellings in any case.

Conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act requires that decisions be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the presumption in favour of sustainable development is a material consideration of significant weight and indicates that a decision contrary to the development plan is justified.
27. I conclude that any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the proposal when weighed against the policies in the Framework as a whole. In view of paragraph 11d) of the Framework, the appeal scheme would represent a sustainable form of development in the terms of the Framework for which there is a presumption in favour. Therefore, the material considerations indicate a decision shall be made other than in accordance with the development plan.
28. Accordingly, the appeal should be allowed.

C Billings

INSPECTOR