



Appeal Decision

Site visit made on 1 October 2024

by B Astley-Serougi BA(Hons) LL.M MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/J1860/W/24/3346628

Land at (OS 7117 7200), Clows Top

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for permission in principle.
 - The appeal is made by SEI Holdings Ltd against Malvern Hills District Council.
 - The application Ref is M/24/00378/PIP.
 - The development proposed is permission in principle for the construction of up to 3no. self-build dwellings.
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Decision

1. The appeal is dismissed.

Procedural 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 two 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 two 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.
4. The revised National Planning Policy Framework (the Framework) was published in December 2024. The parties have been provided with the opportunity to comment on the implications of the revisions to their cases. I have taken account of the revised Framework, and any comments made, in my determination of the appeal as necessary.
5. Since the publication of the revised Framework the Council have updated its Addendum to the South Worcestershire Councils' Five Year Housing Land Supply Report in January 2025. The appellant has been given the opportunity to comment and I have had regard to any comments made in my determination of the appeal as necessary.

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

Main Issues

6. 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

Location

7. The appeal site is located near to the established settlement boundary of the village of Clows Top. Adjacent to the appeal site is a small building used as a church as well as highways access to farm buildings. Notwithstanding the proximity of these developments the appeal site is classed as 'open countryside'.
8. Policy SWDP2 of the South Worcestershire Development Plan 2016 (SWDP) outlines how and where growth will be managed within the district and the established settlement boundaries. The aim of this policy is to control development so as to ensure, amongst other things, that new development contributes to the districts housing needs whilst safeguarding and where possible enhancing the open countryside. SWDP2(c) outlines exceptions for development in the open countryside. The appeal site does not meet any of the exceptions and therefore it does not comply with this development plan policy.
9. Moreover, SWDP4 of the SWDP requires that new development minimises the reliance upon travel and accordingly provide sustainable travel options. Clows Top is classified as a category 2 village in Annex D of the SWDP Hierarchy of Settlements. The village provides limited access to local amenities such as a post office, garage and village hall. The site can be accessed easily by foot via the pavement along the highway. However, due to the limited services in the village, it is likely that future occupants would need to travel to larger settlements for services such as a supermarket. My attention has been drawn to a local bus service however the frequency is limited. Consequently, it is likely that future occupants would be reliant upon private vehicles to travel to larger settlements.
10. My attention has been drawn to land adjacent to Highbrae in Clows Top which has been allocated for 17 new dwellings as outlined in Policy SWDP60/4. I do not have the details of the allocation and therefore cannot be certain that the sites are wholly comparable. Nevertheless, each case is determined on its own merits.
11. Given the above, the appeal site would not be a suitable location for the proposed development and would result in harm to the open countryside as well as the overall aim to promote sustainable travel. Therefore, it would conflict with Policies, SWDP1, SWDP2 and SWDP4 of the SWDP insofar that these policies seek to ensure sustainable development principles and to control development in the countryside whilst minimising demand for travel.

Land Use and Amount of Development

12. The site is bounded by substantial hedgerows which screen the site from the highway. There is a small building used as a church in close proximity to the

site and a small single-track road along the boundary of the site which leads to farm buildings. The overall character of the appeal site is rural in nature.

13. The appeal site is classified as 'Timbered Plateau Farmlands' in the Worcestershire County Council Landscape Character Assessment which are mixed farming landscapes such as hedged fields and where the landform is dominant over the pattern of tree cover and fields. The loss of hedgerows and trees is highlighted as a significant issue with regard to these landscapes.
14. The appeal scheme would introduce up to three self-build dwellings and change the existing agricultural greenfield use to residential. Consequently, the further urbanised sprawl resulting from the appeal scheme would result in harm to the character of the open countryside irrespective of the design and form. Moreover, this would be the case if it was for just one dwelling. Accordingly, the appeal scheme conflicts with SWDP2(f) which requires, amongst other things, that development should be of an appropriate scale and type with regard to the size of the settlement and local landscape scheme.
15. Access to the site and parking are matters that are dealt with at the Technical Details Consent stage. There is an existing access point for the site which may be used to access the site. However, the possible size of any future visibility splays and consequently the possible impact upon the existing hedgerow is not a matter which can be dealt with at this stage of the permission in principle process as stated by the Council's Highways Officer and is therefore not determinative for this appeal.
16. In conclusion, the proposed land use and amount of development would conflict with Policies SWDP21 and SWDP25 of the SWDP insofar as they seek, amongst other things, to ensure development integrates effectively in terms of form and function as well as the character of the landscape setting.
17. Policy SWDP5 relates to housing development proposals and the provision of green infrastructure. This is a matter which would be dealt with at the technical details stage and consequently is not determinative for this appeal.

Other Matters

18. A previous appeal decision relating to Brookfield, Shoulton Lane, Hallow² and an appeal decision relating to Land at Cleeve Road³ have been brought to my attention. I do not have the full details of the appeal decisions before me. Accordingly, I cannot be certain that these sites are wholly comparable to the appeal before me. However, Cleeve Road was for up to nine dwellings and referred to the setting of a listed building. The Inspector in the Hallow decision refers to the site contributing to the openness of the countryside which I have found not to be the case in this appeal due to the context of the site. Nevertheless, each case is determined on its own merits and I have determined this appeal accordingly.
19. The Council have stated they are able to demonstrate a 2.06 year housing land supply given the revised Framework and update to the aforementioned addendum published in January 2025. This is considerably below the supply they are expected to deliver in line with the Framework. Whilst the proposal would only deliver up to three units this would nonetheless be valuable in

² Planning Appeal Decision Ref: APP/J1860/W/3340042

³ Planning Appeal Decision Ref: APP/H1840/W/3335286

boosting the housing stock in circumstances where there is significant shortfall.

Planning Balance

20. The proposal would deliver up to three additional housing units in a District that is falling below the level of housing supply required by national policy. They would make a modest but important contribution as indicated by paragraph 73 of the Framework. There would be modest economic and social benefits because of the construction of the development, and at the technical details stage a contribution toward the provision of affordable housing would be obtained. However, I have found that the appeal scheme would conflict with the development plan.
21. Consequently, when assessed against the policies in the Framework taken as a whole, the conflict I have identified above with the development plan significantly and demonstrably outweighs the benefits of additional homes and the modest economic and social benefits. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR