



Appeal Decision

Site visit made on 29 January 2025

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

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/J1860/W/24/3352644

Bastonford House, Bastonford, Powick, Worcester WR2 4SL

- 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 Mr David Baddeley against the decision of Malvern Hills District Council.
 - The application Ref is M/24/01055/PIP.
 - The development proposed is for Permission in Principle for the erection of up to 4 no. dwellings (including 2 self-build plots).
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Decision

1. The appeal is dismissed.

Preliminary 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 (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. Indicative site layout plan options have been provided, showing possible layouts for four dwellings on the appeal site. I have dealt with these as indicative only.
5. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024 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 any comments received.

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 lies outside any designated settlement boundary, and so is within the open countryside. The proposed development is not for a category of development that may be acceptable in such areas and so, conflicts with part C of Policy SWDP 2 of the South Worcestershire Development Plan (February 2016) (SWDP).
8. While Powick/Collects Green is identified as a category 2 rural village within the SWDP, where such settlements provide a range of local services and facilities, the appeal site is not within the village settlement. The small hamlet of Bastonford has no services or facilities¹ and even though it is relatively not that far away from the village, there are limited facilities and services within reasonable walking distance of the appeal site, even if there is street lighting and appropriate footways to use along the route.
9. Due to the distances involved, cycling would provide a better option than walking to services in the nearby village, with suitable routes demonstrated thereto. As asserted by the appellant, the Worcestershire Local Travel Plan 4, shows there are proposals to create an Active Travel Corridor along the A449 between Powick and Malvern. Although, cycling is unlikely to be attractive to some, particularly in inclement weather conditions. However, there are bus stops along the A449, within close walking distance of the appeal site, which provide reasonably frequent bus services operating between Malvern and Worcester, passing through the nearby village toward Worcester, which is a short drive away. Therefore, the future occupiers of the proposed development would have accessibility to sustainable travel choices, without the need to be solely reliant on the private car.
10. However, notwithstanding that emerging development plans policy may change the emphasis with regard to sites in the open countryside and that, paragraph 83 of the Framework promotes sustainable development in rural areas, setting out that housing should be located where it will enhance or maintain the vitality of rural communities. Bastonford is a small hamlet outside a defined settlement boundary with no local services and, no significant evidence has been provided to demonstrate the proposed development would help support services in a nearby village either.
11. Also, based on the evidence and my site observations, while part of the site may have been used for car repair/storage, there are no evident permanent structures or areas of hardstanding within the site. This and other considerations, does not lead me to conclude that the site would fall within the definition of previously developed land, as set out in the Framework.
12. While I do not have substantive information to fully compare the appeal proposal with the appeal decision examples at the Homestead (APP/J1860/W/23/3332645) and at Dunley (APP/J1860/W/24/3338781), the appeal site is not within the same location, nor do they share the same site context as these examples. In particular, in the case of Homestead, the site was within a category 3 village and the site was previously developed land.

¹ Other than Halfway House, which is a bed and breakfast hotel.

13. In view of the above, the proposal broadly adheres with Policy SWDP 4 of the SWDP, which, amongst other matters, requires the layout of development to minimise demand for travel and offer genuinely sustainable travel choices. Also, the proposal would not conflict with Policy SWDP 21 of the SWDP in regard to matters of access and connectivity, as the policy sets out, amongst other matters, that design and layouts should maximise opportunities for pedestrian and cycle linkages to the surrounding area and local services and should be generally accessible for all users.
14. However, due to its location outside a settlement in the open countryside, the proposal would not meet the development strategy and settlement hierarchy for the district, in conflict with Policy SWDP 2 of the SWDP, which amongst other matters seeks to safeguard and (wherever possible) enhance the open countryside and focus development on the urban areas, where both housing and accessibility to lower-cost public services are greatest.

Land use and amount of development

15. Although the appeal site is not within any landscape designation or area of protection, it has a particular verdant and overgrown character, with its tree lined embankment road frontage making a positive contribution to the street scene. Also, despite that the appeal site is associated with Bastonford House, may have had other historical uses and, there are residential properties to either side of it and so, it is not particularly isolated, the appeal site has an attractive verdant rural appearance.
16. Furthermore, the trees and landscape appearance of the appeal site and its contribution to the street scene, together with the typically interspersed wayside dwellings within the hamlet, are particular features of the Principal Timbered Farmlands landscape type, within which the site is located.
17. No technical details are required in respect of a permission in principle, although the indicative layout options submitted demonstrate that the development could be served by a singular means of access. The options also show that any dwellings would be set behind the road frontage embankment and vegetation. While having one point of access would afford the retention of some of the frontage trees and vegetation, the access point and driveway would still require the removal of some trees. This would harmfully diminish the strong verdant frontage of the site. Additionally, by virtue of retaining some of the frontage trees, any dwellings would need to be set back from the road frontage. As a consequence, this would not adhere with the prevailing pattern of dispersed wayside dwellings found within the hamlet.
18. The appeal site is large enough to accommodate up to 4 dwellings, while achieving a comparable density to that of other dwellings within the hamlet. Also, the proposed development would infill land between existing dwellings, and so, could be arranged in a linear form. However, this would not ensure the retention of the important verdant character of the site and would result in a form of development that does not follow the prevailing character of the area. Notwithstanding matters that would be considered at the technical details consent stage, the land use and quantum of development, even if only for 1 dwelling or more dwellings with spacing between, would not maintain the attractive rural verdant gap along the road. This would be harmful to the character and appearance of the site and its surroundings.

19. In view of the above, the proposed land use and amount of development would conflict with Policies SWDP 2, SWDP 21 and SWDP 25 of the SWDP, which amongst other matters, require development proposals to integrate within its surroundings and setting, including, but not limited to, that Policy SWDP 2 requires that the open countryside is safeguarded.

Other Considerations

20. While the proposal may provide some opportunities to better manage the overgrown nature of the site and could, as asserted by the appellant, result in some enhancements to biodiversity and wildlife. It has not been demonstrated why such could only be achieved by the proposed development and not by other, less harmful means.
21. The proposal would deliver up to 4 additional, windfall dwellings in an area where there is a demonstrated housing shortfall. Also, there would be some economic and social benefits from the construction and occupation of the dwellings. Albeit such benefits would not be significant having regard to the small scale of the development.
22. In addition, the proposal includes 2 possible self-build plots. Although, even if the Council has a shortfall in the delivery of self-build and custom build plots, the PPG advises that no conditions nor mechanism can be secured by way of a planning obligation on a permission in principle. Therefore, such self-build plots could not be secured as part of the appeal proposal and so, I give limited weight to this consideration.

Planning Balance

23. The proposal would conflict with Policies SWDP 2, SWDP 21 and SWDP25 of the SWDP in terms of its location, land use and amount of development. Therefore, in view of such conflict and as there are no policies which favour this kind of development in this location, there would be conflict with the development plan as a whole.
24. The Council cannot demonstrate a 5 year housing land supply. In such circumstances paragraph 11d) and footnote 8 of the Framework establishes the policies which are most important for determining the application are out-of-date. Consequently, 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. The appeal site is not within a protected or designated site or habitat and is in Flood Zone 1, in an area at low risk of surface water flooding.
25. The Council's latest housing land supply position is demonstrated to be 2.06 years. This is well below the Government's expectations. Therefore, the provision of up to 4 dwellings would make a positive contribution towards meeting the Council's significant housing supply shortfall. However, despite the shortfall in housing land supply and the objective of significantly boosting the supply of homes within the Framework, given the small scale of the proposed development, the benefits would be limited.

26. Consequently, the adverse impacts on the development strategy for the district, together with the harm caused to the rural, verdant character and appearance of the appeal site and its surroundings, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

27. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, the appeal should not succeed.

C Billings

INSPECTOR