



Appeal Decision

Site visit made on 11 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/J1860/W/24/3354945

Land rear of High View, Bell Lane, Lower Broadheath, Worcester WR2 6RR

- 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 D Stiff of Boughton Butler Ltd against the decision of Malvern Hills District Council.
- The application Ref is M/24/00474/PIP.
- The development proposed is permission in principle for the proposed construction of up to 5 dwellings.

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 stage ('technical details consent') 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. A proposed illustrative layout plan has been provided, showing a possible layout for five dwellings within the appeal site. I have dealt with this as indicative only.

Main Issues

5. The main issues in this appeal are whether or not the location, proposed land use and amount of development is suitable, having regard to local and national housing development strategy.

Reasons

6. The appeal site comprises a detached bungalow, its garden and land at the rear, which is open grassland, with the appearance of a paddock. The site lies outside the settlement boundary for Lower Broadheath and so, is within the open countryside. Although, it is surrounded on three sides by existing residential

- development, including on one side a modern housing development, which is an allocated housing site.
7. Policy SWDP2 of the South Worcestershire Development Plan (February 2016) (SWDP) strictly controls development in the open countryside. While the site is not in an isolated location for the purposes of the National Planning Policy Framework (the Framework), the proposal would not meet any of the categories permitted in the open countryside and so, would not strictly comply with part C of Policy SWDP2.
 8. However, in terms of its location, the appeal site is close to the existing settlement boundary of Lower Broadheath, which is a category 1 settlement within the SWDP. The settlement has a range of local services and facilities, some of which are only a short walk from the appeal site. Additionally, there is an accessible bus route nearby along the main road. Therefore, as undisputed by the Council, in terms of the development strategy and promotion of sustainable transport options, the proposal would not conflict with Policy SWDP4 of the SWDP.
 9. As asserted by the Council, in view of footnote 2 of Policy SWDP2, the adjacent allocated housing site would in effect form the basis for extending the settlement boundary of the village. This would result in High View and the adjacent allocated site being within the settlement boundary as part of the review of the SWDP. Furthermore, due to the containment of the appeal site by existing development and the limited public views, which are restricted by surrounding development and boundary vegetation, residential development of the site would appear as a logical infill, which would not harm landscape character, nor harmfully extend the built form of the settlement.
 10. Policy SWDP13 of the SWDP requires the effective use of land for housing. The appeal proposal would be windfall housing under part F of Policy SWDP13, which sets out that such proposals should be assessed against the density criteria (parts B, C, D and E) relevant to their locality and character of the built and natural environment context, including heritage assets. Therefore, the criteria in parts B to E inclusive needs to be considered in regard to the appeal proposal. In view of its location, the proposal would be logical infill development, where it would be reasonable and appropriate to consider the requirements of part E iii). Although, the proposed density, even for 5 dwellings, would be significantly less than the average net density of 30 dwellings/ha required by part E iii).
 11. Part B of Policy SWDP13, requires housing density to enhance the character and quality of an area and, part F of Policy SWDP13 requires assessment against the density criteria and¹ the character of the built and natural environment. Therefore, part E iii) should not be considered in isolation in regard to windfall housing developments. In regard to the character of the surrounding area, the appeal site is at a transition point, where there is a higher density on the adjacent allocated housing site, yet a much lower density of development surrounding it on two further sides, fronting onto Bell Lane and Partridge Lane.
 12. While the density is high on the allocated housing site, the density is much lower in respect of dwellings along Partridge Lane and Bell Lane. Therefore, even if the indicative scale of the proposed dwellings and plots sizes vary to that of surrounding development, the proposed development for either 4 or 5 dwellings

¹ My emphasis.

would sit within the density range of the lower density of nearby surrounding dwellings. Therefore, the proposal would be comparable to such existing density of development nearby, and so, would not introduce a new density pattern within the local area.

13. However, the overarching requirement of Policy SWDP13 is to promote the most effective and efficient use of land. This is consistent with chapter 11 of the Framework, which sets out that planning policies and decisions should support development that makes efficient use of land. Furthermore, paragraph 130 of the Framework sets out that, where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In line with the Framework, Policy SWDP13 sets minimum net density standards for different parts of the district depending on the location. Also, as undisputed by the main parties, the Council does not have a 5 year housing land supply, with a demonstrated supply of 2.06 years.
14. The supporting text of Policy SWDP13 acknowledges that a balance has to be struck between higher and low densities, it also sets out that, setting absolute density targets is not likely to be the most appropriate or effective way of achieving the best quality housing in all locations. Therefore, even though the Council may have relied on the density of the allocated housing site in reaching its decision, conversely, it would be necessary to consider the prevailing densities of all development surrounding the appeal site and not just selected parts, where there is a much lower density evident. Consequently, in view of the location and surrounding context of the appeal site, where there is a transition in the density of development surrounding it, it would be appropriate to strike a balance between the density ranges, rather than restrict it to the low density of some nearby dwellings.
15. Even though there are some larger plots and detached dwellings close to the appeal site, including along Partridge Lane, there are also some smaller dwellings and plots toward the end of this lane. Additionally, unlike the appeal site, the dwellings along Partridge Lane do not share the same site context, including that they do not adjoin the allocated housing site, with its higher density.
16. In view of the above, even though the location and land use would be acceptable on the appeal site, the proposed amount of development would not be suitable on the appeal site, as it would not promote the efficient use of land, in conflict with the overarching objectives of Policy SWDP13 of the SWDP and Chapter 11 of the Framework.

Other Matters

17. The appeal proposal would provide up to 4 additional windfall dwellings on land that could, in part, be described as under-utilised in a sustainable location, where there is a demonstrated housing shortfall. It would therefore help to meet identified needs for housing where land supply is constrained. Also, the development would provide other social and economic benefits from the construction and occupation of the dwellings. Albeit, such benefits would not be significant, given the small scale of the development. Therefore, I give moderate weight to these considerations.

18. While there may be some matters of similarity to the appeal proposal and the other appeal decisions I have been referred to², they relate to different development proposals on different sites, in different locations. Furthermore, no substantive information has been provided to allow full comparison with these examples. Therefore, they do not weigh in favour of the proposal.

Planning Balance

19. The proposal would conflict with Policy SWDP13 of the SWDP in terms of the amount of development, as it would fail to make the efficient use of land. I give this significant weight, particularly as it is consistent with the Framework and due to the level of housing need in the area. Therefore, in view of such, there would be conflict with the development plan as a whole.
20. Due to the lack of 5 year housing land supply, paragraph 11d) and footnote 8 of the Framework is engaged. 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 additional dwellings would make a positive contribution towards meeting the Council's significant housing supply shortfall. Although, the proposed net increase of up to 4 dwellings would not be significant and so, I give this moderate weight.
21. The Framework at Chapter 11 requires decisions to promote an effective use of land in meeting the need for homes. Paragraph 130 of the Framework sets out that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. It goes on to set out that in such circumstances, amongst other matters, local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework. Having regard to such, the site context and limited constraints in terms of its development, even with a density lower than that normally required in villages, more efficient use of land could be appropriately achieved on the appeal site. Therefore, I give significant weight to this consideration.
22. Accordingly, despite the shortfall in housing land supply, the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

23. 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. Therefore, the appeal should not succeed.

C Billings

INSPECTOR

² Including ref APP/H1840/W/23/3322093, at land off Hinton Road, Childswickham, ref APP/W2845/W/23/3330420, land West of Prospect Court, Blisworth and ref APP/R3705/W/23/3321566, land to the west of Wulfic Avenue, Austrey.