
Appeal Decision

Site visit made on 18 February 2025

by A O'Neill BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

Appeal Ref: APP/H1840/W/24/3354870

Land Adjacent The Old Coalyard, Windmill Lane, Stoulton WR7 4RP

- 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 J Marshall against the decision of Wychavon District Council.
 - The application Ref is W/24/01065/PIP.
 - The development proposed is described as: Permission in Principle for the construction of 1no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle (PiP). 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 PiP) establishes whether a site is suitable in principle, and the second, technical details consent (TDC), stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted.
4. The site address in the banner heading above is taken from the PiP application form. This differs from the address on the appeal form and decision notice, but I consider it accurately represents the site's location.

Main Issue

5. The main issue is the effect of the proposal on the Council's supply of employment land.

Reasons

6. The appeal site is located in a rural area, outside of any development boundaries defined in the South Worcestershire Development Plan 2016 (DP). To the left of the appeal site is a commercial premises which is owned and operated by the appellant as a joinery workshop. To the right of the appeal site is a short row of residential properties.
7. DP Policy SWDP 12 seeks to protect existing employment sites in rural areas. The policy requires proposals to change the use of such sites to any non-employment

generating purpose to demonstrate the site has been actively marketed for a period of 12 months. The policy also requires demonstration that the site is no longer viable for an employment-generating use.

8. Drakes Broughton and Wadborough with Pirton Neighbourhood Plan 2017 (NP) Policy DWBP12 also seeks to protect sources of local employment. The policy sets out a number of exceptions for when proposals to redevelop existing employment uses to other uses would be supported.
9. There are currently two sheds on the appeal site, which would be demolished and replaced by the proposed dwelling. The appellant states that the appeal site should not be subject to the requirements of Policy SWDP 12 because the sheds currently on the appeal site are used for domestic storage purposes.
10. From what I observed on my site visit, the area where the proposed dwelling would be located is part of the wider commercial site. There is no physical separation between the appeal site and the adjoining commercial premises. There is only one access to the whole site from Windmill Lane in front of the existing sheds. The use of the sheds on site for storage, regardless of what items are stored, is also an employment related use identified by Policy SWDP 12. In my view, there is a physical and functional connection between the appeal site and the adjoining commercial premises, and I consider it to be a single planning unit.
11. This is consistent with section 4 of the PiP application form which describes the existing use as “Commercial joinery”. The Planning Statement and the appellant’s Written Statement of Appeal also describe the appeal site as being part of the existing commercial premises. I therefore conclude the appeal site is an existing employment site and Policy SWDP 12 and NP Policy DWBP12 apply to the appeal proposal.
12. The appellant has not submitted evidence of marketing nor demonstrated the appeal site is no longer viable for an employment-generating use. Moreover, no case has been made for any of the exceptions in NP Policy DWBP12. As such, the proposal conflicts with DP Policy SWDP 12 and NP Policy DWBP12 and it would result in harm to the Council’s supply of employment land. It would also conflict with the National Planning Policy Framework which seeks to support a prosperous rural economy.

Other Matters

13. According to the appellant, benefits of the appeal proposal include that the principal of housing in this location is acceptable, and it would represent the sustainable reuse of a brownfield site. The Council has not objected to the use of the site for residential development based on its the location, and I have no reason to conclude otherwise. However, this does not outweigh the harm I have found in relation to the main issue for this appeal, which is the effect of the proposal on the supply of employment land.
14. It is suggested that the proposal would also bring sustainability related benefits as the proposed dwelling would be occupied by the appellant, who works at the adjacent workshop, meaning they would not need to drive to work each day. However, there is no suggested mechanism to secure specific occupation, and it is not possible to attach conditions to PiP consents. In any event, this would not justify the appeal development in light of the harm I have found.
15. My attention has been drawn to a planning consent for residential development on a site adjacent to the appeal site, as well as PiP consents for residential developments

on other sites in the area. However, I have not been provided with full details of these cases and I am unable to draw any direct comparisons with the scheme before me. As such, I have found that they do not influence my consideration of this appeal proposal, which I have determined on its own merits.

16. The appellant refers to an emerging development plan policy and proposed employment allocation near to the appeal site. They suggest this could provide an alternative location for commercial operators. However, I do not have the full details of this proposed allocation, nor the status of the emerging plan before me. Moreover, the policies I have been referred to do not make provision for existing employment land to be replaced on alternative sites.

Planning balance

17. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with DP Policy SWDP 12 and NP Policy DWBP12. For this reason, the development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
18. It is common ground between the parties that the Council cannot currently demonstrate a five year supply of deliverable housing sites. The Council's evidence identifies a supply of 2.78 years at the time the planning application was determined. The appellant suggests the supply is reduced to 1.09 years following the publication of the revised Framework.
19. Paragraph 11 d) of the Framework explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
20. The Framework seeks to significantly boost the supply of homes. The proposal would make a positive contribution to housing supply. However, even if I took the appellant's lower supply figure of 1.09 years, given just one dwelling is proposed, the benefits of meeting housing need would be limited, and I therefore attribute this limited weight.
21. In this case, I have concluded that the effect on the Council's supply of rural employment sites, conflicts with policies of the Framework. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

22. For the reasons given above, the proposal conflicts with the development plan overall and there are no material considerations that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

A O'Neill

INSPECTOR