



Appeal Decision

Site visit made on 4 March 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 April 2025

Appeal Ref: APP/H1840/W/24/3355465

Land at Evesham Road, Upper Moor, Worcestershire

Grid Ref Easting: 397764, Grid Ref Northing: 247453

- 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 L Walker against the decision of Wychavon District Council.
 - The application Ref is W/24/00654/PIP.
 - The development proposed is permission in principle for the construction of up to 9no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary 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 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. 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. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for between 5 and 9 dwellings on the appeal site.
5. The Government published a minor revision to the National Planning Policy Framework (the Framework) on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought comments on the minor revision to the Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
6. New evidence was submitted within the appellant's final comments in the form of information on proposed allocations and policy within the South Worcestershire Development Plan review, as well as plan extracts. The submission of new evidence outside the normal limits will usually be disregarded, unless exceptional circumstances exist. The new evidence is not a result of a change that occurred

after relevant appeal timetable dates and no exceptional circumstances have been presented. As such, I have not accepted this new evidence.

Main Issue

7. 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

8. The appeal site lies outside the defined development boundary of Lower Moor and as such is classed to be in the open countryside. Policy SWDP2 of the South Worcestershire Development Plan (SWDP) covers the development strategy and settlement hierarchy of the development plan area. One of the principles that the development strategy and the site allocations in the SWDP is based upon is to safeguard and (wherever possible) enhance the open countryside. Policy SWDP2 is clear that in the open countryside, development will be strictly controlled and will be limited to dwellings for rural workers, employment development in rural areas, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings and renewable energy projects, and development specifically permitted by other SWDP policies.
9. Accordingly, the proposal would not comply with Policy SWDP2 of the SWDP as it represents development in the open countryside that is not covered by the listed exemptions.
10. Policy SWDP21 expects high design quality that integrates effectively with its surroundings. Policy SWDP25 requires that development proposals are appropriate to, and integrate with, the character of the landscape setting.
11. The appeal site is an open field that is positioned between Maytree Road, a residential cul-de-sac in Lower Moor, to the south, and the A44 to the North. The site is highly visible from the slightly elevated A44, and due to the relatively flat nature of the land, there are some far reaching views. The site forms part of a larger field to the immediate west and southwest. To the immediate east is another open field that is delineated from the appeal site by a post and wire fence. From the A44, several buildings within Lower Moor, that back onto the fields, are visible in the background.
12. The proposal would extend built development from the far end of Maytree Road towards the A44 with between 5 and 9 new dwellings. The development would utilise an existing access off the A44 roundabout. Consequently, the proposed development would appear as a very prominent encroachment of built development into the open countryside, with open fields to either side. Moreover, as the access would be via the A44 it would appear visually disconnected from Lower Moor, which turns its back on the appeal site.
13. For the reasons set out above, I conclude that the site is not suitable for residential development with regard to its location and the proposed land use. The proposal would conflict with Policies SWDP2, SWDP21 and SWDP25 of the SWDP, which seek to focus most development on urban areas where housing needs and accessibility to lower-cost public services are greatest, safeguard the open countryside, and require that development proposals are appropriate to, and

integrate with, the surroundings including its landscape setting, amongst other things.

Other Matters

14. I have been referred to the proposed development of up to 31 dwellings adjacent to the appeal site, which the Council has stated that they are looking to support. Very limited information has been provided to support claims of a proposed allocation for 42 dwellings off Blacksmith Lane, as well as the granting of planning permission for up to 5 bungalows on land to the south of the appeal site. In the absence of evidence in respect of these developments, I am unable to make any comparisons between those developments and the proposal.
15. Although the adjacent site is also outside the defined settlement development boundary, I have been provided with little evidence that planning permission is certain to be granted for that proposal. In any case, on the limited evidence presented, there are material differences between the proposals. For example, the adjacent site shares boundaries with existing development to the east, south and partly to the west, and has a good connection to Lower Moor by a public footpath.
16. The other examples of development outside the defined settlement boundary referred to do not therefore give a strong indication that the proposal should be granted permission in principle. However, I note the point made by the appellant that the Council may sometimes grant planning permission locally for development outside the defined settlement boundary, albeit for reasons which have not been clearly made in this appeal.

Planning balance

17. Prior to the revised Framework on 12 December 2024, the Council could demonstrate a 2.3-year supply of deliverable housing sites. Whilst the Council have not provided an updated figure, it recognises that it is likely to be less than 2.3 years. The appellant has stated that the updated figure is now a 1.1-year housing land supply.
18. As the council does not have a 5-year supply of deliverable housing sites and, as per footnote 8 to paragraph 11 of the Framework, relevant development plan policies are taken to be out of date. Therefore, paragraph 11 d) of the Framework identifies that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposed development would make a positive contribution to housing supply in a location that can access local services other than by car. There would also be associated social and economic benefits during the period of construction and once the dwellings are occupied, including supporting local businesses.
20. The proposed dwellings have the potential to be in the form of bungalows or smaller units to reflect the aging population and growth of 1 person households, as identified in Policies SWDP14 and SWDP20 of the SWDP. This in turn could reduce the need for elderly care facilities. The submission also indicates that the development would generate at least 10% of its predicted energy through renewable and low carbon sources. Moreover, planning obligations can be secured, providing they meet the relevant tests, and Community Infrastructure

Levy may also apply. However, these details will only be known at the Technical Details Consent stage and therefore, I give these considerations limited weight.

21. Compliance with legislation and the development plan on matters of biodiversity and high quality design in terms of materials, landscaping, provision of off-site parking and the size of the gardens are all matters which do not weigh in favour or against the proposal. As such, they have a neutral effect on the planning balance.
22. I note that the appellant has referred to this part of the agricultural field as being largely impractical for productive agricultural production due to it bordering residential properties, the highway and neighbouring land. However, this point has not been substantiated with convincing evidence.
23. The limited scale of the development means that I afford the provision of new housing within the context of the current shortfall, along with the other benefits listed above, moderate weight in favour of the proposed development, having considered the economic, social and environmental objectives of the Framework referred to.
24. On the other side of the balance, there would be a significant encroachment into the open countryside with harm to the local landscape character. The potential development of other sites outside the defined development boundary leads me to reduce the weight I assign to these harms, but only slightly due to the lack of evidence to suggest they would make the proposal acceptable. I give significant weight to Policies SWDP2, SWDP21 and SWDP25, which are consistent with the Framework's policies to direct development to sustainable locations and secure well-designed places sympathetic to local character.
25. Therefore, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development set out at paragraph 11 d) of the Framework does not apply.

Conclusion

26. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Barton

INSPECTOR