



Appeal Decision

Site visit made on 14 March 2025

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2025

Appeal Ref: APP/J1860/W/24/3355129

Land off Malvern Road, Powick, Worcestershire WR2 4SN

- 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 Valerie Potter against the decision of Malvern Hills District Council.
 - The application Ref is M/24/01272/PIP.
 - The development proposed is permission in principle for up to 5 dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for up to 5 dwellings at Land off Malvern Road, Powick, WR2 4SN in accordance with the terms of the application, Ref M/24/01272/PIP.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is a two-stage process and alternative way of obtaining planning permission for housing. The scope of the first stage (or 'permission in principle'), is to establish whether a site is suitable in principle for development and is limited to consideration of the location, land use and amount of development. The second stage ('technical details consent') is when the detailed development proposals are assessed. This appeal relates to the first stage.
3. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of a minimum of four and maximum of five dwellings at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the Order and the PPG.

Main Issue

4. The main issue is whether the principle of the proposed development is acceptable with specific regard to its location and its effect on the character and appearance of the area.

Reasons

Location

5. The appeal site lies off the A449, approximately 1km outside the development boundary for Collets Green.

6. Whilst not cited on the decision notice, it is evident from the Council's officer report that Policy SWDP2 of the South Worcestershire Development Plan (adopted 2016) (the SWDP) is pertinent to this appeal. This policy outlines that permission for development in the open countryside, beyond any development boundary will be strictly controlled with limited exceptions.
7. It is common ground between the main parties that, in policy terms, the site lies within the open countryside beyond a defined development boundary. Given the appeal site does not fall under any of the exceptions set out in Policy SWDP2, there is conflict with this policy.
8. Turning to the requirements of Policy SD4, upon which the Council's first reason for refusal is based, this seeks to promote the use of sustainable transport. Notably, the policy seeks for the layout of development to minimise demand for travel and offer genuinely sustainable travel choices.
9. Collets Green and the neighbouring village of Powick contain several facilities including a primary school, public houses, a parish hall, as well as some commercial uses. However, I consider that walking or cycling to facilities within the villages is unlikely to be an attractive option for most potential future residents of the proposed development, particularly during periods of darkness or inclement weather. This is due to a combination of the distances involved, the topography, the condition of footways, a lack of streetlighting, and the relationship of the route to the A449.
10. Furthermore, the extent of facilities and services available in neighbouring villages are unlikely to sustain day to day living. Residents of the development would therefore generally be dependent on journeys to larger centres to meet wider needs.
11. Despite the variable condition of surrounding footways, there are two bus stops located only a short walk from the site along rather flat terrain. One of these bus stops, on the opposite side of the A449, includes a small shelter.
12. The nearby bus stops provide regular mid-week services to both Malvern and Worcester until the early evening, albeit the return buses from Worcester are less frequent and finish at approximately 18.30. Even if the services are somewhat reduced on the weekends, there still appears to be fairly regular availability of buses to Malvern and Worcester on a Saturday and to a lesser degree on Sundays.
13. The need to cross the A449 to/from the southbound bus stop and the more limited evening and weekend schedule are likely to act as deterrents, which would prevent some future occupiers from utilising the available public transport options. As would the site's rural context and lack of streetlighting in periods of darkness. Therefore, I consider that future residents of the proposal would remain heavily reliant on the use of the private car, the least sustainable transport option. As such, the proposal conflicts with Policy SD4.
14. Still, given the proximity and frequency of bus services, I find that some realistic opportunities for the use of public transport to access facilities, services and employment opportunities would remain. Furthermore, although the National Planning Policy Framework (the Framework) seeks to ensure developments are provided with appropriate opportunities for sustainable transport, it also recognises

that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Character and Appearance

15. Development in the vicinity of the appeal site is predominantly and laid out in a linear arrangement alongside the main road. There are frequent gaps between individual or clusters of dwellings, creating a dispersed arrangement. However, the size of the gaps are not consistent, while the layout of built form still has a ribbon-like quality with mainly residential development stemming outwards from the village alongside the main road.
16. The appeal proposal would reduce the gap between existing small clusters of built form, but it would not entirely close it. Furthermore, the proposal would involve a small number of dwellings on a site with a relatively long frontage onto the highway. As such, the proposed development would be capable of continuing to reflect the area's existing pattern of built form.
17. I do not have full details of the scale and design of the final proposed development, including any landscaping arrangements. Much would therefore depend on the precise design of any scheme that may come forward at technical design stage. However, I find it conceivable that a proposal could emerge that could appropriately integrate with existing surrounding development nor appear as an intrusive element in the wider countryside.
18. Accordingly, I am satisfied that in principle the proposed development of up to five dwellings would not cause harm to the character and appearance of the area. I therefore find no conflict with Policies SWDP 21 and SWDP 25. Together these policies seek to promote development that is of a high standard of design that complements the character of the area including its landscape setting.
19. Likewise, I do not consider the proposal to conflict with the aims of the National Planning Policy Framework (the Framework) in respect of achieving well designed development that is sympathetic to local character.

Other Matters

20. Several concerns have been expressed by third parties, for example in relation to the precise design and appearance of the scheme, its access arrangements and details of drainage/infrastructure design/capacity. However, these are not matters that would fall within the scope of consideration for the first stage of the permission in principle route. Instead, these issues would need to be addressed as part of the technical details stage and there can be no guarantee that just because permission in principle may be granted, that approval of technical details will follow. It takes approval of both stages for a planning permission to be secured.

Planning Balance and Conclusion

21. The proposal conflicts with the objectives of the spatial strategy under Policy SWDP2, while I have also found it to conflict with the aims of Policy SWDP4. I therefore find the proposal to be contrary to the development plan as a whole.
22. Still, Policy SWDP2 was not cited as a reason for refusal by the Council, while the Council acknowledges that it cannot demonstrate a five-year housing land supply. Indeed, from the evidence before me the Council is likely to have a significant

under-supply of housing. I therefore give only modest weight to the conflict with Policy SWDP2. Meanwhile, in respect of Policy SWDP4, although future residents would likely be reliant on private vehicles, the site benefits from reasonable access to bus services. Given the potential to access some facilities and services by non-car modes, the level of harm associated with the conflict with the policy would also be modest.

23. The appeal proposal would make a small but nonetheless positive contribution towards housing supply. In addition, the proposal would also provide some social and economic benefits associated with the construction and subsequent occupation of the proposed dwellings. I have considered Paragraph 61 of the Framework which seeks to significantly boost the supply of homes. I have also considered Paragraph 73 of the Framework, which recognises the importance of small sites in meeting the housing requirement of the area. I give each of the benefits modest weight. The situation of the appeal site also finds some support in paragraph 110 of the Framework as I have explained.
24. The Council's lack of five-year housing land supply leads me to paragraph 11d) of the Framework. Cumulatively, I find that the benefits of the proposal would be modest, as would its adverse effects. Accordingly, the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
25. Consequently, there are material considerations, specifically those relating to the appeal site's situation and circumstances and approach of the Framework, which indicate a decision other than in accordance with the development plan. The appeal is therefore allowed.
26. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, whose terms may only include the site location, type, and amount of development. However, the default duration of permission in principle is three years.

Lewis Condé

INSPECTOR