



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: 11 April 2025

Appeal Ref: APP/J1860/W/24/3353894

Hillcrest, Bromyard Road, Crown East, Worcester WR2 5TR

- 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 Mark Potts against the decision of Malvern Hills District Council.
 - The application Ref is M/24/00820/PIP.
 - The development proposed is new build development within the garden of Hillcrest, of between 1 and 3 houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address in the banner heading above is taken from the Council's decision notice as this provides a more accurate description of its location.
3. 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.
4. 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 one and maximum of three 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.
5. Illustrative drawings of development layouts and the potential scale and appearance of dwellings have been provided. I have taken these to only be indicative as to how development at the site could take place.

Main Issue

6. 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

7. The appeal site is located off the A44, in a rural location, on the extended outskirts of Worcester. Despite being set amongst a cluster of built form it is located well beyond the nearest designated development boundary, as established in the South Worcestershire Development Plan (adopted 2016) (the SWDP). The site therefore lies in the open countryside for planning policy purposes.
8. Policy SWDP2 sets out the development strategy and settlement hierarchy across the plan area. This policy outlines that permission for development in the open countryside, beyond any development boundary will be strictly controlled with limited exceptions. Given the appeal proposal does not fall under any of the exceptions set out in SWDP2, the scheme conflicts with this policy.
9. Meanwhile, Policy SWDP4 seeks to manage travel demand and promote the use of sustainable transport. This includes through the layout of development minimising demand for travel and offering genuinely sustainable travel choices.
10. From the evidence before me and my observations on site, services and facilities that would sustain day-to-day living are located a considerable distance from the appeal site. Although there is a bus stop within convenient walking distance of the site, this is unsheltered and provides a highly limited service. The site is therefore not well served by public transport options.
11. The site context is also generally not suitable to encourage walking or cycling as a means of transport. This is due to the distances involved to facilities and services, the nature of the surrounding topography and pavement provision, a lack of continuous streetlighting, as well as the presence of the A44 (a national speed limit road). These conditions may not deter all persons from walking or cycling to facilities or services. Nevertheless, I consider they would still deter most occupants of the proposed development, especially during adverse weather or periods of darkness.
12. The appellant's suggestion of utilising public rights of way to access facilities and services is also unlikely to be a frequently used option by any future occupiers, given the type and condition of the routes involved, especially in periods of inclement weather or darkness.
13. In rural areas, the potential for alternative means of transport is often limited. However, in this case, I find the site's characteristics would not encourage future residents to use alternative modes of transport or provide genuine, usable, or practical alternative modes.
14. Although the Council has identified an intention for Rushwick to be an area of future strategic growth, the appeal site still remains approximately 900m from Rushwick. There is also very little information before me about the status of the Rushwick expansion area. For example, its current policy status, likely timeframes for development, what is likely to be delivered, or the extent of associated infrastructure works and whether these would improve accessibility to/from the appeal site. Similarly, although the appellant identifies that a new train station is to be delivered as part of the strategic expansion of Rushwick, I have no detailed information on the status of this project.

15. Likewise, I have very limited details of the development nearby at Temple Laughern. Furthermore, there is no robust evidence before me that the facilities and services that the appellant suggest are likely to emerge will indeed be delivered.
16. Based on the information before me, the potential emerging developments within the wider vicinity of the site do not persuade me that the appeal site is a suitable location for the current proposal.
17. Bringing the above together, I consider that future residents of the proposal would be highly reliant on the use of the private car, this is the least sustainable transport option. Therefore, I find the location of the proposed development is not suitable in principle and the proposal conflicts with both policies SWDP2 and SWDP4.

Character and Appearance

18. The appeal site comprises a parcel of land adjoining and open to the dwelling 'Hillcrest', such that it takes the appearance of residential garden. The site is largely enclosed from public vantage points by mature boundary vegetation. It is set amongst a small cluster of built form either side of the A44, including residential properties and agricultural buildings, whilst there is additional nearby built form located along Crown East Lane.
19. Reflecting its location within the 'principal timbered farmlands' landscape character area (LCA)¹, the wider surrounding area is rural in nature and largely characterised by a mosaic of agricultural fields separated by boundary hedgerows and trees, whilst also containing pockets of woodland.
20. The site through its open nature and presence of boundary hedgerows/vegetation, displays some of the key characteristics of the LCA. Still, given its small scale and relationship to the existing dwelling of Hillcrest, along with the layout of built form on the opposite side of the A44, I do not find the appeal site to strongly relate to the identified attributes of the LCA. Furthermore, the site already appears to sit within a small, clustered form of development.
21. I do not have full details of the scale and design of the final proposed development, including any landscaping arrangements. Moreover, the need to demonstrate appropriate highway visibility splays for vehicular access to the site (and any resultant loss of hedgerow) is a matter that should be dealt with under the technical details consent stage (TDC).
22. Consequently, much would depend on the precise design of any scheme promoted through TDC. Nevertheless, based on the evidence before me, it would not necessarily be a requirement of the proposal to remove any significant extent of boundary hedgerow to facilitate vehicular access. Additionally, I find it conceivable that a proposal could emerge that could appropriately integrate with its surroundings.
23. Accordingly, I am satisfied that in principle the proposed development of between one and three dwellings would not cause harm to the character and appearance of the area. I therefore find no conflict with Policies SWDP21 and SWDP25. 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.

¹ As set out in the Worcestershire Landscape Character Assessment

24. 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

25. The appellant has also referenced several other planning permissions in the wider area, but I have very limited details of the approved schemes. From the information before me though, it is likely that there are contextual differences to the appeal proposal. For example, the specific nature of development proposed, the precise context of the sites and their potential planning histories. As such, my decision does not turn on these other referenced decisions.
26. It has not been stated or demonstrated that the proposal would involve the provision of affordable housing, as such, I do not find the Council's affordable housing rural exception policy to be of relevance.
27. The appellant has suggested that the appeal proposal complies with other development plan policies, for example in relation to biodiversity, highway safety. However, these are matters that have not been examined in detail yet, as they would fall under the TDC. In any case, I find that compliance with the various policies cited would amount to neutral matters in the planning balance.

Planning Balance and Conclusion

28. From the evidence before me, the Council is unable to demonstrate a five-year housing land supply, while its shortfall of housing supply is significant.
29. The proposal is contrary to the objectives of the spatial strategy under Policy SWDP2, while I have also found it to be contrary to the aims of Policy SWDP4. The proposal therefore conflicts with the development plan taken as a whole.
30. The aforementioned policies are broadly consistent with the aims of the Framework, notably, in respect of seeking to promote development in sustainable locations with genuine sustainable travel choices. Consequently, I have given considerable weight to the conflict with the development plan.
31. The appeal proposal would make a small but nonetheless positive contribution towards housing supply in an area with a significant housing shortfall. It would also provide some social and economic benefits associated with the construction and subsequent occupation of the proposed dwellings, including the potential for future residents to support wider services. 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. Still, given the scale of development, I give each of the benefits modest weight.
32. Due to the lack of access to facilities and services and the reliance on private vehicles there would be adverse environmental and social impacts, contrary to elements of the Framework. This is a matter to which I have given significant weight. In light of this, I also do not consider the proposal would make effective use of the land.
33. Therefore, when assessed against the policies in the Framework taken as a whole, I find that the adverse impacts of the proposed development would significantly

and demonstrably outweigh the benefits. The appeal scheme therefore does not benefit from the presumption in favour of sustainable development.

34. In conclusion, the proposal conflicts with the development plan when taken as a whole. There are no material considerations, including the provisions of the Framework, that indicate that a decision should be made other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR