



Appeal Decision

Site visit made on 26 February 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/R1845/W/24/3353850

Rozelle, Tenbury Road, Rock, Kidderminster, Worcestershire DY14 9DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Davis against the decision of Wyre Forest District Council.
 - The application Ref is 24/0380/OUT.
 - The development proposed is described as: "Outline application for the erection of a custom build bungalow with associated vehicular access (all other matters reserved)."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline, with only the matter of access to be considered at this stage. All other matters are reserved for future consideration. I have considered the appeal accordingly.
3. An illustrative layout accompanies the application, and I have paid regard to this layout in so far as assessing the principle of development in land use terms.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. The appellant and the Council have had the opportunity to comment on any implications for this appeal and I have taken any comments made into account in my reasoning.
5. During the appeal proceedings the appellant provided a revised plan to amend the proposed access arrangements at the site. This included the widening of an existing pedestrian access at Rozelle to allow vehicle access, and individual accesses to serve the existing and the new dwelling. On my site visit it was evident that these works have already been completed. Given the nature of the change, I however do not consider that the proposed amendment introduces a fundamental change to the application. I also do not consider that it is so changed that to consider it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. I note that both the Parish Council and an interested party raised concerns regarding highway safety in the initial consultation period. The Council have also had the opportunity to review the amended plan prior to submitting their statement of case. I have therefore based my decision on this amended plan.

Main Issues

6. The main issues are:

- Whether the proposal complies with the Council's strategy for the location of development; and
- The effect of the proposed development on the character of the Pound Bank Forest Smallholding and Dwellings landscape; and
- The effect of the proposed development on highway safety.

Reasons

Location of Development

7. The appeal site lies within the open countryside outside of any settlement boundary whereby new residential development is restricted to dwellings that clearly and demonstrably require a rural location only. Policy SP.2 of the Wyre Forest District Council Local Plan (2022) (LP) sets out the limited circumstances where residential development may be permitted. Policy SP.11 provides further detail on these circumstances. The scheme does not meet any of the exceptions listed.
8. Notwithstanding the above, the scheme has been submitted as an outline application for one custom build bungalow. The Council has a duty to provide sufficient plots of land to meet the demand for self and custom build housing across the district arising in each base period under the Self-build and Custom Housing building Regulations 2016. Self-build housing must also meet the criteria set out in policy SP.12.
9. The Council is of the position that it has met its base need for plots and states that there is therefore no need for further provision. The Council goes on to explain that there are 56 registrants on the register and 60 plots have been granted permission when including this year's entries. It also advises that there are 23 site allocations within the local plan that remain available and suitable for housing, which could reasonably come forward for self-build.
10. The Council has explained how following The Levelling Up and Regeneration Act (LURA) in October 2023 it is now only counting those plots which state self-or custom build within the application and/or have a legal agreement in place to secure occupancy of the dwelling. The appellant has therefore questioned the validity of this data, suggesting that due to the Council's inaccurate method of counting, the number of permissions is lower, with an overall shortfall of ten plots. The appellant states that where Council tax records have been used as evidence to count permissions, these should be discounted. It is however clear from Appendix F that those citing council tax as evidence pre-date 2023 and therefore the LURA. I therefore do not agree with the appellants assertion that these permissions should be discounted.
11. The appellant also argues that there are a further 5 permissions listed in Appendix F which reference 'information from applicant' as their evidence used. They state that on further inspection the application form and proposal descriptions for these permissions make no reference to self-build and custom housing and there is no legal agreement in place to ensure occupancy and therefore these plots do not satisfy the requirements put in place by the LURA 2023. There is however no evidence submitted to substantiate these claims and confirm that this is the case.

Even if these permissions were discounted from the Council's register of permissions, this would only lead to a shortfall of one plot.

12. In addition to this, Policy SP.12 stipulates that self and custom build plots should be accessible to local services and facilities within or adjacent to local settlements. The appellant argues that amenities are available within one kilometre of the site. However, upon my site visit it was evident that large stretches of the road do not benefit from any street lighting and therefore walking or cycling to the neighbouring settlements may not feel safe at certain times of the day. The appellant has also not indicated if there are any local bus services connecting the site with nearby settlements and I was unable to see any nearby bus stops on my site visit. I am therefore not satisfied that the scheme meets this element of Policy SP.12.
13. The appellant refers to a local need for the dwelling, explaining how there is no published data regarding up-to-date local housing needs. Self and custom build housing does not however fall under the definition of local need.
14. For the above reasons, I therefore conclude that the proposed development does not comply with the Council's strategy for the location of development. It would therefore conflict with Policy SP.2, SP.6, SP.11 and DM.2 of the LP in this regard. These policies, amongst other matters, seek to ensure that new residential development is situated in appropriate locations. It would also be contrary to Policy SP.12 of the LP which requires self and custom build schemes to demonstrate compliance with all relevant development plan policies.

Effect on Character

15. The appeal site falls within the Pound Bank Forest Smallholding and Dwellings landscape, as set out within the Worcestershire Landscape Character Assessment (LCA). The landscape is described as having predominately pastoral and orchard land uses and a settlement pattern of clusters of wayside dwellings with a high level of dispersal and small-scale field patterns.
16. Rozelle is a single dwelling set on a generous plot. It forms part of small cluster of dwellings in this area which all benefit from similarly sized plots, including Orange Grove broadly to the west and Green Dragon broadly to the north of the site. These spacious plots are indicative of the wider rural surroundings and reflect the low-density residential development in the open countryside.
17. I acknowledge that the submitted layout is illustrative only. The scheme would divide the existing plot and result in the creation of an additional dwelling. The result would be two smaller plots which would contrast with the other spacious sites within this small cluster. By virtue of their small size, the plots would fail to reflect the surrounding rural character of the landscape.
18. The scheme would also result in a significant reduction in the visual gap between Rozelle and Orange Grove. This would further erode the rural character of the area and result in a terracing effect, with Rozelle and the new dwelling situated in close proximity to each other. This would also reduce the sense of spaciousness and openness at both sites, in contrast to the established rural character of this area. The scheme would therefore represent an erosion of the landscape character as described in the LCA.

19. The appellant states that the Council fails to acknowledge the wider, urbanised setting of Callow Hill and Far Forest. However, there is a clear contrast between the character of built development within the settlement boundary of Callow Hill, where dwellings are of a considerably higher density, and the rural character of the site. It is evident that as you travel out of Callow Hill, along Tenbury Road, the housing density reduces as you move into open countryside. I have not been provided with any further information in respect of Far Forest and I am therefore unable to draw any meaningful comparison between the site and this area.
20. The Council outlines concerns regarding the creation of an unbalanced pair of dwellings given the wider frontage of Rozelle. The appellant states that there would be individual access points to each dwelling and the Council's concerns regarding visual balance are not relevant. However, given the layout of the site, the scheme would result in a dwelling with a much narrower frontage than Rozelle, therefore resulting in the creation of a pair of unbalanced dwellings.
21. The appellant states that the proposed garage could be removed to retain a sufficient visual break between the proposed dwelling and Rozelle. They also state that a sufficient visual break could be ensured through the determination of reserved matters. However, due to the layout of the site, I am not satisfied that the degree of separation necessary to reflect the surrounding pattern of development could be achieved, even with the removal of the garage.
22. The appellant states that the grassed, open land to the rear would remain, allowing the site's small holding character to remain. However, even if this remained and continued to serve Rozelle, the result would be the new dwelling on a much smaller plot. I am therefore not satisfied that the plot is capable of successfully accommodating two dwellings which are both reflective of the surrounding rural character.
23. The appellant contends that the site is established as residential curtilage and could be subject to development through the erection of outbuildings under Class E permitted development rights. However, a fallback position has not been clearly defined and I therefore do not accept that a fallback position would be more harmful than the appeal proposal. In any instance, in my view, an outbuilding incidental to the main dwelling is materially different to the considerations of a new dwelling. I have therefore afforded this limited weight in favour of the appeal.
24. For the reasons above, I conclude that the proposed development would result in unacceptable harm to the character of the Pound Bank Forest Smallholdings and Dwellings landscape. In this regard, the proposed development would be contrary to Policies SP.12, SP.20, SP.22 and DM.24 of the LP which, amongst other matters, collectively seek to ensure that new residential development does not damage the character of the area and where possible enhances the unique character of the landscape. It would also be contrary to the aims and objectives of the Framework in this regard.

Highway safety

25. Tenbury road is a principal route, and part of the major road network. A speed limit of 40mph is in force along this part of the road. The Council have requested a speed survey and adequate visibility which is commensurate with 85th percentile speeds in this location. The Council go on to explain that this is a relatively high-

speed section of the road and there are known highway safety concerns on sections of the A456.

26. On my site visit it was evident that vehicles generally travel at a high speed on this part of the road, travelling out of Callow Hill. It is therefore reasonable to consider that vehicles may travel above the speed limit on this part of the road, and I agree with the need for a speed survey, and adequate visibility which is commensurate with 85th percentile speeds in this location. I note that visibility splays of 82 metres are shown on the amended plan, however this is for a speed of 40mph as required by the Worcestershire County Council Streetscapes Design Guide (2022). As outlined above, it is reasonable to believe that road users may travel above the speed limit on this part of the road.
27. The appellant states that the scheme would only result in a modest intensification in site traffic, however, given the proximity of the two points of vehicular access there is potential for conflict with other road users when vehicles are indicating to turn into the sites. In addition, it would not be obvious which access is being utilised and at night this would be exacerbated by the lack of street lighting in the area.
28. The appellant states that an online search indicates that there is no history of incidents within the past ten years. They however do not specify which part of the road they are referring to. In addition, not all road traffic accidents may be reported to the police or emergency services.
29. The appellant indicates that a condition could be used to secure ongoing maintenance of the visibility splays and the provisions of a bound surface for the first 5 metres of the access. I am however not satisfied that the use of such conditions could mitigate that harm that I have found.
30. For the reasons above, I conclude that the proposal would be unacceptably harmful to highway safety. Therefore, the proposal would not accord with Policy SP.27 of the LP which promotes the efficient, effective and safe use of the transport network. It would also be contrary to the Framework in respect of highway safety.

Other Matters

31. An appeal decision (reference: APP/R1845/W/21/3284761) is referenced in support of the appeal. This appeal however differs from the proposal as the Inspector concluded, amongst other reasons, that the scheme was in a location that was within reasonable distance to a range of day-to-day services and these could be reached on foot. As outlined above, I am not satisfied that the proposal is accessible to local services and facilities.
32. Another appeal (reference: APP/H1840/W/20/3255350) is also referenced in support of the appeal. This appeal was however located in a different Council area and is therefore not directly comparable to the scheme as there would be numerous different considerations. However, in any instance, the Inspector in this appeal considered that the proposal would not be in an appropriate location and considered that the undersupply of self-build housing carried substantial weight in favour of the appeal. As outlined above, I am not satisfied that the scheme is an appropriate location, nor does it meet the requirements of Policy SP.12 regarding

self-build and custom housing. Reference to these appeals therefore does not alter my findings.

33. In any instance, even with a shortfall of self and custom build permissions, I am not satisfied that this would outweigh the harm that I have identified elsewhere in the decision.
34. The lack of national landscape designations, listed buildings, conservation areas or flood risk on or near the site are neutral factors and do not weigh in favour of the appeal.
35. The appellant outlines how ample parking and turning facilities as well as secure cycle storage would be provided. However, these are also neutral factors and do not weigh in favour of the appeal.
36. The appellant discusses how the scheme would provide opportunities for soft landscaping and biodiversity enhancement. No further information regarding this has however been provided. In any instance, such measures are unlikely to outweigh that harm that I have found.
37. The appellant outlines how the scheme would deliver increased housing choice within the locality, make use of brownfield land and how there would be economic benefits associated with the scheme. These benefits however carry limited weight in favour of the appeal and do not outweigh that harm that I have found.
38. It is suggested that the bungalow would meet the needs of older people and potentially those with disabilities. Whilst I acknowledge this point, it would not justify that harm that I have found.

Conclusion

39. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Burch

INSPECTOR