



Appeal Decision

Site visit made on 16 April 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th May 2025

Appeal Ref: APP/P1805/W/24/3356588

Land Adjacent to 54 Rock Hill, Bromsgrove, Worcestershire, B61 7LP

- 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 H2Land against the decision of Bromsgrove District Council.
 - The application Ref is 23/01245/OUT.
 - The development proposed is described as “outline application for the development of 8 x 1 bedroom flats, cycle and bin stores and other associated works. All matters to be determined with the exception of landscaping.”
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against Bromsgrove District Council. This is the subject of a separate decision.

Preliminary Matters

3. I have used the address set out on the appeal form in the banner heading above, as this more accurately describes the location of the appeal site.
4. The appeal relates to an outline proposal, with all matters to be considered at this stage, except for landscaping which is reserved for future consideration.

Main Issue

5. The main issue in this appeal is the effect of the proposal on the highway network and highway safety.

Reasons

6. There is no dispute between the parties that the appeal site is within walking distance of a range of local services and facilities, including public transport. The Highway Authority accepts that the traffic generated by the proposal would be low and well within the accepted daily fluctuations of baseline traffic flows on Rock Hill. Therefore, in this regard, it considers there would be no significant detrimental impact on the operation of the local highway network and future occupants of the proposal would have a choice of sustainable travel options. From the evidence before me and my observations on site I can find no reason to disagree.
7. The proposal is being promoted as a car-free development and, as such, would not provide any off-street parking for future occupants. Nonetheless, there are no parking restrictions on Rock Hill and, therefore, no mechanism to prevent future

occupants of the proposal, regardless of their demographic, from parking vehicles close to the development. Despite the accessibility of the appeal site, the provision of secure cycle parking, Resident Travel Plans and vouchers to support sustainable travel, future occupants of the proposal would still have the potential to own a vehicle and would require suitable parking.

8. This is recognised by the adopted Worcestershire County Council Streetscapes Design Guide (2022) and that this additional demand for parking often leads to increased congestion and delay on the transport network. It explains that applicants for car parking free development will be required to submit certain information in support of their application. However, the submission of this information alone does not render a development suitable as a car free site. This would be for the Local Highway Authority to determine.
9. In this case, the Highway Authority's position regarding whether the development would be suitable as a car free site has evolved during the application process. Notwithstanding this, its final response concluded that the current highway conditions on Rock Hill would not support a car-free development. From the evidence before me and my observations on site, I am of a similar view.
10. I saw on my visit that Rock Hill experiences frequent vehicle movements. Pedestrian movements are more moderate, and the almost constant flow of traffic means it can be difficult for pedestrians to cross the highway.
11. Despite most of the properties on Rock Hill benefiting from off-street parking, at the time of my visit there were 28 vehicles parked on-street. The vehicles were parked on both sides of the highway and all the vehicles were either fully or partially mounted on the pavement. While I recognise that my observations only represent a snapshot in time, there is nothing to suggest that what I saw was untypical. The tendency is for motorists parking on Rock Hill to mount the pavement and in my view future occupants of the proposal are likely to follow suit.
12. The vehicles had been staggered and during my visit I did not observe a significant impediment to the flow of traffic. Nonetheless, I saw that larger vehicles, such as buses and HGVs, had to cross the centre line to pass the parked vehicles. This increases the risk of conflict between vehicles and indicates a high possibility that the traffic flow would be impeded if larger vehicles were to meet while passing the parked vehicles. It also increases the risk of conflict between vehicles and cyclists, as cyclists would be positioned closer to the middle of the highway to navigate the parked vehicles.
13. In addition, the pavement along some sections of Rock Hill, particularly on the same side of the highway as the appeal site, is narrow. I saw that several of the parked vehicles had not left sufficient space to allow for wheelchair and motorised scooter users and those with larger prams or pushchairs to pass along the pavement. As a result, there was no clear route for these users along Rock Hill, rather they would have been required to cross the highway multiple times or walk along the carriageway itself. This increases the risk of conflict between pedestrians, cyclists and vehicles.

14. I note that the parking survey undertaken as part of the Transport Statement¹ shows parking stress within 300 metres walking distance of the appeal site to be reasonably low. I identified some available spaces along Austin Road, Villiers Road and Enfield Close, although noted that most of the vehicles parked on-street along these roads were again partially mounted on the pavement. Nevertheless, given the absence of parking restrictions on Rock Hill, it is most likely that future occupants of the proposal that chose to own a vehicle would park on Rock Hill, close to their home, where their vehicle would be visible and access to it would be convenient. As there are no parking restrictions, this could not be controlled.
15. I recognise that there have been few road traffic incidents in the immediate area. However, even if the proposal only resulted in an additional 4 vehicles being parked on Rock Hill, which would not account for other vehicles associated with the proposal, such as visitors, and home deliveries, this would significantly increase the risk of conflict between vehicles, cyclists and pedestrians. This is because the number of parked vehicles for motorists, cyclists and pedestrians to navigate would increase. Motorists and cyclists would need to travel an increase distance positioned closer to the middle of the highway. Also, wheelchair and motorised scooter users and those with large prams or pushchairs would likely experience a greater degree of obstruction to the pavement forcing them to cross the highway more times or walk along a greater length of the carriageway.
16. Accordingly, from the evidence before me and my observations on site, in the absence of any off-street parking spaces or any mechanism to restrict parking on Rock Hill, the proposal would have an unacceptable impact on highway safety. Furthermore, I am of a similar view to the Highway Authority, that the proposal would detrimentally impact both the suitability and the quality of the environment of the route along Rock Hill to Bromsgrove Town Centre for pedestrians and cyclists. This would subsequently discouraged people from accessing the Town Centre by foot and bicycle.
17. As part of the appeal, the appellant has submitted a legal agreement, which would provide the necessary financial contribution to cover the cost of making a Traffic Regulation Order (TRO). The TRO would be used to implement parking restrictions, if necessary, along the section of Rock Hill where the appeal site is located. However, there is no guarantee that the TRO would be implemented. Also, the monitoring area covered by the legal agreement is a reasonably short section of Rock Hill on one side of the highway. Given this, even if parking restrictions were found to be necessary, it is likely that the cars would be displaced further along the highway or to the opposite side of the road. The TRO would therefore not address the harm I have identified.
18. The appellant also refers to an application at 18 Comberton Hill, Kidderminster where the Highway Authority applied the car-free criteria. I note this application site is quite a distance from the appeal site and within a neighbouring authority. Also, while there are only limited details of this application before me, there appear to be substantial differences between it and the appeal proposal, especially in terms of the accessibility of the site and the existing highway layout. The width of the highway along Comberton Hill is appreciably wider than Rock Hill, it is also subject to parking restrictions and includes designated parking bays. As such, it is

¹ Transport Statement prepared by Firlands Transport Planning for Proposed Residential Development, 54 Rock Hill, Bromsgrove, dated November 2023.

not determinative, and I afford it limited weight in my decision. In any event, I have determined the appeal on its own planning merits.

19. For the reasons above, the proposal would result in significant harm to highway safety and would also have a detrimental impact on the highway network. It would therefore conflict with Policy BDP16 of the Bromsgrove District Local Plan 2011-2030 (2017) (Local Plan), which seeks to ensure that developments which would worsen walking and cycling access and exacerbate motor vehicle dependence are not permitted.

Other Matters

20. The proposal would make an efficient use of land and would deliver six 1-bed flats, which are much needed lower cost units, in an accessible location within walking distance of local services and facilities. There is no dispute between the parties that the Council cannot demonstrate a five-year supply of deliverable housing sites. The supply as of April 2024 was 3.67 years, which shows a significant shortfall. Given this, while the scale of the proposal is reasonably modest, it would make a meaningful contribution to the District's supply of housing, which I afford moderate weight. The proposal would also have some modest social and economic benefits resulting from the construction of the proposal and the spending associated with its occupation.

Planning Balance

21. Given the shortfall in housing supply, paragraph 11d) of the Planning Policy Framework (the Framework) falls to be considered. Permission should therefore only be withheld where any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
22. I have found that the proposal would increase the risk of conflict between motorists, cyclists and pedestrians, which would result in significant harm to highway safety. Consequently, this would reduce the desirability of Rock Hill as a route for pedestrians and cyclists to access Bromsgrove Town Centre. Accordingly, the proposal would conflict with Policy BDP16 of the Local Plan and the development plan as a whole.
23. Policy BDP16 of the Local Plan is broadly consistent with Paragraph 115 of the Framework, which seeks to ensure that, in assessing specific applications for development, sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location. In addition, Paragraph 117 of the Framework seeks to ensure that applications for development give priority first to pedestrian and cycle movements. Also, that they address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive – which minimise the scope for conflict between pedestrians, cyclists and vehicles. The proposal would conflict with these aims of the Framework.
24. Overall, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. Thus, in this case, material considerations do not justify allowing the appeal. Consequently, the proposal would also conflict with

Policy BDP1 of the Local Plan, which has similar provisions to paragraph 11 of the Framework.

Conclusion

25. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Hannah Guest

INSPECTOR