



Appeal Decision

Site visit made on 12 March 2025

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2025

Appeal Ref: APP/H1840/W/24/3349462

Land at Cowsden, Worcestershire WR7 4NX

- 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 Paul and Donna Seymour against the decision of Wychavon District Council.
 - The application Ref is W/24/01211/PIP.
 - The development proposed is a single self-build dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework). The parties have had the opportunity to comment on the relevance of the revised Framework to the appeal and I have taken the submissions received into account in my decision.
3. 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 two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second Technical Details Consent (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development proposed. All other matters are addressed as part of a subsequent TDC application if permission in principle is granted. I have determined the appeal accordingly.
5. Reference has been made to alleged unauthorised development at the site. This matter is not within the scope of this appeal, and I have made my determination on the basis of the proposal which is before me.

Main Issue

6. 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

7. The appeal site comprises a parcel of land adjacent to the road which leads through Cowsden, opposite a T-junction. The site is primarily laid to grass with

existing access from the road and the boundaries comprise a combination of fencing and hedging. For the purposes of the development plan, the appeal site is in the open countryside.

8. The appeal site is located within the Village Claylands landscape type, identified within the Worcestershire Landscape Character Assessment. A key element of the landscape is the pastoral land use together with the pattern of development and hedged fields. Other key characteristics include rural lanes with uniform grass verges, scattered trees and small rural villages with nucleated settlement patterns.
9. Cowsden is set within a pastoral landscape typical of the area, however the pattern of development comprises small, scattered clusters, interspersed by green spaces. This gives the area a semi-rural character and a sense of the countryside interposing between the pockets of development which exist. Although once part of the garden of a nearby dwelling, the appeal site is part of a small patchwork of open spaces located between residential properties to the south, and a larger open area to the north. It contributes to the semi-rural character of the locality as a result of its mostly open nature and its existing landscaping.
10. There are houses relatively near to the site, however, on the ground, the appeal site reads as open countryside, more closely associated with the open spaces which adjoin to the north and east than existing development
11. It is proposed to construct a single dwelling at the appeal site. Whilst the form of development is a matter for the TDC stage, the proposal would inevitably result in the provision of built form on the site, along with hardstanding and paraphernalia associated with the proposed use of the site. Any development would be visible from the road and from the adjacent public footpath.
12. The erection of a dwelling at the appeal site would result in the encroachment of development into an existing gap between buildings resulting in the urbanisation of the site and the surrounding area. This would erode the characteristic dispersed pattern of development in the area, resulting in a greater concentration of development in the locality. Although the effect on the wider landscape would be limited, the proposal would nevertheless be harmful to local landscape character.
13. I therefore conclude that the site is not suitable for residential development, having regard to its location and the proposed land use, because of the harm which would result to the character and appearance of the area. As such the proposal would conflict with Policies SWDP 21 and SWDP 25 of the South Worcestershire Development Plan (Adopted February 2016) (SWDP) which together seek to ensure that development proposals are appropriate to the character of the landscape setting and reinforce local distinctiveness.
14. Cowsden does not benefit from any services or facilities, although Upton Snodsbury, to the north, has a small range of amenities including a post office/village store, first school, pub, church and village hall. Bus stops to the north of the village provide access to higher order settlements where a greater range of facilities and services are available.
15. The appeal site is located a moderate distance from the southern edge of Upton Snodsbury, although some of the facilities including the bus stops are located on the northern edge of the village, beyond that which many would consider a comfortable walking distance. To access the village by foot or bicycle would

require future residents to navigate along a narrow country lane which does not benefit from foot/cycle ways or lighting for the majority of its length. Even if the lane is lightly trafficked, and notwithstanding the possibility of using torches and lights, for most residents it would not represent a safe and convenient route, especially if accompanied by young children or in inclement weather. Consequently, I consider that future residents are likely to be reliant on a private car for the majority of their daily trips with few realistic alternatives.

16. The appellant contends that the TDC stage could include the provision of a bike store to support sustainable travel and home office to reduce the need to travel. However, the uptake of these measures cannot be mandated. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas however it also expects development to prioritise pedestrian and cycle movements and seeks to direct development to sustainable locations.
17. Overall, I conclude that the appeal site is not suitable for residential development having regard to its location and the proposed land use, in respect of the poor accessibility of services and facilities. The proposal would therefore conflict with Policies SWDP 4 and SWDP21 of the SWDP which seek to ensure that proposals offer sustainable travel choices and maximise opportunities for pedestrian and cycle access.
18. The appeal site contains a number of trees. These, along with other features of the site have the potential to support biodiversity. The application for permission in principle was not accompanied by an ecological assessment of the site. However, there is nothing inherent in the location, the proposed land use or the amount of development proposed which means that development at the appeal site would necessarily result in harm to biodiversity or ecology. Therefore, should the appeal succeed this is a matter which would be considered at the TDC stage.
19. I have been referred to an appeal¹ in which an Inspector found that a permission in principle would have an adverse effect on biodiversity. I have not been provided with the full details of the proposal referred to, however I note that the decision letter states that most of the trees on the site would be lost as a result of the development. In this instance it is not apparent that development on the site would necessarily result in a significant loss of trees. Therefore, the appeal referred to is materially different from the scheme before me and is of limited relevance.
20. Consequently, in respect of biodiversity, I find that the proposed permission in principle would not conflict with Policy SWDP 22 of the SWDP which seeks to ensure that development does not harm biodiversity. The lack of harm in this respect is a neutral factor in the appeal.

Other Matters

21. The Council acknowledges that it is unable to demonstrate a five-year supply of housing land. As a result of the recent changes to the Framework, the Council can now demonstrate only 1.1 years of housing supply which represents a significant shortfall in housing provision in the area. Set against this, the proposal would, subject to a successful TDC application, provide one dwelling which would make a

¹ APP/Q1153/W/19/3240175

modest contribution to the Council's housing land supply to which I give positive weight.

22. As a small site, it could be built out quickly. The construction and subsequent occupation of the dwelling would result in economic and social benefits though construction jobs and use of local services and facilities. Any TDC application would also attract a financial contribution towards affordable housing.
23. It is proposed that the dwelling would be a self-build or custom-build (SCB) dwelling, and this could be secured by way of a planning obligation at TDC stage. The Framework states that to promote the development of a good mix of sites local planning authorities should (amongst other things) seek opportunities to support small sites to come forward for SCB housing. Consequently, the provision of a SCB plot is a material consideration which attracts positive weight in the planning balance.
24. Given the small scale of the proposal, I give the benefits identified moderate positive weight.
25. I have had regard to the appellants personal statement, however I can attach only very limited weight to personal circumstances.

Planning Balance

26. The Framework does not change the statutory status of the development plan as the starting point for decision making. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
27. The proposal would conflict with Policies SWDP 4, 21 and 25 insofar as it would have a harmful effect on the character and appearance of the area and have poor access to services and facilities. These policies are consistent with the Framework insofar as it seeks to ensure that developments reflect local character and to direct development to sustainable locations, prioritise sustainable modes of transport and actively manage patterns of growth to support the objective of promoting sustainable transport. Consequently, I attach significant weight to the conflict with these policies.
28. The appellant has drawn my attention to an appeal decision² where an Inspector found that a lack of a specific policy in respect of SCB housing engaged paragraph 11d) of the Framework. I have not been provided with full details of the case and I note that it is of some age. However, the fact that there is no development plan policy to cover SCB housing does not mean that paragraph 11d) is automatically engaged. In any event, because the Council cannot demonstrate a five-year supply of deliverable housing sites, policies which relate to the delivery of housing, are deemed to be out of date. Consequently, paragraph 11d) of the Framework is engaged.
29. Set against the moderate weight I attached to the benefits identified above in respect of housing supply, the provision of a SCB plot, contribution towards affordable housing and associated economic and social benefits, the proposal would cause harm to the character and appearance of the area and would fail to

² APP/H1840/W/19/3241879

provide adequate access to services and facilities. I give significant weight to these harms.

30. Therefore, even bearing in mind the significant shortfall in housing supply, I find 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, having particular regard to key policies for directing development to sustainable locations. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

31. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR