



Appeal Decisions

Site visit made on 15 April 2025

by **Samuel Watson BA (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal B Ref: APP/R1845/W/24/3352115

Land at OS 381890 279050, Fairfield Lane, Wolverley DY11 5QJ

- 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 M Newton against the decision of Wyre Forest District Council.
- The application Ref is 24/0216/PIP.
- The development proposed is permission in principle for the construction of 6No. self-build dwellings and associated works.

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 6 and a maximum of 6 dwellings on land at OS 381890 279050, Fairfield Lane, Wolverley DY11 5QJ in accordance with the terms of the application, Ref 24/0216/PIP, dated 5 April 2024.

Applications for costs

2. An application for costs was made by Mr M Newton against Wyre Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

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 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

5. 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

6. The appeal site comprises a small field set between two roads and an allotment; it is within the settlement boundary for Wolverley where some residential

development can be supported. This includes, for windfall development, where it is limited infilling within the village.

7. There is a significant level of development along both Lowe Lane and Fairfield Lane, in the form of residential development, but this tapers out on the approach to the junction between both roads. The appeal site is separated from the predominant development by long stretches of hedgerows that bound gardens, fields and a large allotment. The appeal site therefore sits within a frontage that could not be described as otherwise built up. There is some built development in the allotment, but this is not on the frontage. Moreover, it is sporadic, modest in scale and does not link into any wider built-up frontages.
8. Therefore, whilst the proposal is for the erection of six new dwellings within the settlement boundary, it is not limited infilling within a village. Although I note the appellant's concerns regarding the wording of Policy DM.2 of the Wyre Forest District Council Local Plan 2016-2036 (the LP) as to whether a development needs to contribute to local needs, as I have found the proposal to not be limited infilling in a village, it is unnecessary to consider this further.
9. While there are other exceptions raised by LP Policy SP.2, these are not directly relevant to the scheme before me which is not on allocated land, or to provide solely affordable housing, local services or rural employment.
10. I cannot consider the exact location of the dwellings within the appeal site, as this is a matter for consideration at the Technical Details Consent stage. Therefore, I also cannot consider whether the proposal would make inefficient use of the plot at this stage. However, I can consider the location of the appeal site itself and the effect of residential development in this location on the character and appearance of the surrounding area.
11. As described above, the appeal proposal is separated from the built-up portion of Wolverley. Therefore, irrespective of their positioning within the plot, the dwellings would be read more closely with the open countryside beyond the settlement boundary than the village itself. This visually detached location would erode the visual edge of Wolverley and its relationship with the surrounding countryside to the detriment of its character and appearance.
12. Although the appeal site's location is visually detached from the settlement, the distance between the two would be readily walkable, or cyclable, for future occupiers. From my observations on site and the information before me, it is unlikely that either Fairfield Lane or Lowe Lane would be so busy with traffic as to make such a journey unsafe or unattractive. There is a small shop within Wolverley which would meet some needs of future occupiers, and so they would not always be required to drive. It may be necessary for future occupiers to travel further afield to meet all their typical needs. However, given the close relationship between the site and settlement, any demand for driving would be comparable to that of residents within the village itself, including during the hours of darkness or inclement weather.
13. Moreover, the appeal site is within the settlement boundary where, as noted above, residential development can be supported. Therefore, I find that the associated policy accepts that some degree of reliance upon private motor vehicles is to be expected.

14. Consequently, and having regard to the location, proposed use and amount of development, the proposal would be contrary to the Council's spatial strategy and would harm the character and appearance of the surrounding area. The proposal therefore conflicts with Policies SP.2, SP.6, SP.9, SP.11, SP.12, SP.20, SP.22, DM.2 and DM.24 of the Wyre Forest District Council Local Plan 2016-2036 (the LP) which collectively, and amongst other matters, set out the Council's spatial strategy and settlement hierarchy for residential development, restricting development within villages to where it meets specific exceptions. They also require developments to integrate effectively with and protect the unique character of their surroundings and landscape.

Other Matters

15. It is clear that the Council have a policy, LP Policy SP.12, which directly relates to the provision of self-build/custom housing (SBCH) and that they are also meeting their duty in keeping a register of demand for SBCH plots.
16. The planning practice guidance states that Councils can identify SBCH by, amongst other things, a planning application's submissions or, through a CIL or s106 exemption. It is not necessary that a permission be restricted to solely SBCH for it to be countable towards SBCH provision. In this case the Council's list of permissions identifies the evidence used to confirm SBCH status as "planning application", "council tax" and "information from applicant".
17. While it is possible that the list may accurately include the appropriate selection of SBCH permissions, the Council's reference to this evidence is not sufficient itself to suitably demonstrate this. I am also mindful of the appellant's submissions which go some way to further discount examples on the Council's permission list. As such, the Council have not demonstrated that they are meeting their duty to grant planning permissions for SBCH.
18. Against this under provision the proposal would provide up to six SBCH which would make a significant contribution. Given the above, I afford this matter significant weight in support of the proposal.
19. The appellant has also raised a number of appeal's for ostensibly similar schemes. Whilst all proposals must be considered on their own merits, and so these examples have not been determinative, I have nevertheless been mindful of them in my considerations.

Planning Balance and Conclusion

20. The Government's objective is to significantly boost the supply of housing, and the proposal would provide up to six new self-build or custom houses against the Council's under provision. As noted above, I have attached significant weight to this matter.
21. The proposal would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the small scale of the proposal these matters attract moderate weight.
22. Conversely, the proposal would harm the character and appearance of the surrounding area and conflict with the Council's spatial strategy, in conflict with the development plan taken as a whole. Nevertheless, I am mindful that the principle

of housing within the settlement is accepted and as such the conflict is not as significant as could be afforded under alternative circumstances. With this in mind, and along with the small scale of the proposal, these matters attract moderate weight and do not outweigh the benefits, taken as a whole, associated with the proposed development.

23. Therefore, for the reasons outlined above, I conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR