



Appeal Decision

Site visit made on 21 May 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/H1840/W/24/3356947

Land to the rear of 'The Willows', Leamington Rd, Broadway, Evesham, Worcestershire WR12 7ED

- 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 Rodger Day against the decision of Wychavon District Council.
 - The application Ref is W/24/01586/PIP.
 - The development proposed is construction of up to 3 no. dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a minimum of 1 and a maximum of 3 dwellings at land to the rear of 'The Willows', Leamington Rd, Broadway, Evesham, Worcestershire WR12 7ED in accordance with the terms of the application, Ref W/24/01586/PIP, dated 1 August 2024.

Procedural Matters

2. 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.
3. I have used the address set out on the appeal form in the banner heading and decision above, as this more accurately describes the location of the appeal site.

Main Issue

4. The main issue in this appeal is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

Development strategy

5. There is no dispute between the parties that the appeal site is located outside the development boundary and, for the purposes of Policy SWDP 2 of the South Worcestershire Development Plan (2016) (Local Plan), within the open countryside.

6. Policy SWDP 2 of the Local Plan sets out the development strategy and settlement hierarchy for the District. It states that in the open countryside, development will be strictly controlled and will be limited to dwellings for rural workers, employment development in rural areas, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings and renewable energy projects and development specifically permitted by other SWDP policies. The proposal would not meet any of these exceptions and would therefore be at odds with the development strategy.
7. Accordingly, the appeal site would not be in a suitable location for the type of development proposed when applying the development strategy set out in the development plan. This would harm the public interest of having a genuinely planned system that provides consistency and direction.

Pattern of development

8. The appeal site is part of the rear garden space currently serving the Willows, a detached bungalow in a group of houses on the outer limits of Broadway, separated from the historic town by the A44. I saw on my visit that the edge of the village of Willersey is closer to the appeal site than Broadway. It includes a recent edge of village development, known as Folly View, which is only a couple of hundred metres from the appeal site.
9. The Willows fronts the B4632 Leamington Road, which connects Broadway and Willersey. The houses forming the group including the Willows, are all located on one side of the Leamington Road with open fields opposite, which allows long distance views of the wider landscape. On the side of Leamington Road where the group of houses are located, there also two side roads, Smallbrook Road and Foster Drive. The houses on these side roads are positioned behind those fronting Leamington Road. Therefore, while there are some views of the open countryside taken between the houses on this side of Leamington Road, many of these views include an element of built form.
10. Overall, the houses appear as a cluster with a countryside setting. The group does not have a linear structure. While the Willows is one of several houses fronting Leamington Road, and forms part of a row of 7 houses with no residential properties to the rear, on the ground, this broadly linear arrangement is not a noticeable characteristic. Given this, despite the properties either side of the appeal site not having houses positioned behind them, I am satisfied that a proposal for up to 3 dwellings on the appeal site could be designed to be in keeping with the existing pattern of development.
11. Furthermore, the houses in Folly View are readily apparent from the section of Leamington Road where the Willows is located. Although associated with Willersey, these houses reinforce the existing pattern of development along this part of the B4632. This is because they are arranged in a similar way to Smallbrook Road and Foster Drive, positioning some houses behind those fronting Broadway Road rather than just in a linear arrangement along it.
12. There is no dispute between the parties that the appeal site would have the capacity to accommodate the amount of development proposed, which is up to three dwellings. The density of the development would be low. However, the Council consider it would be appropriate for the appeal site's location. From the evidence before me and my observations on site, I can find no reason to disagree.

13. Accordingly, for the reasons above, the appeal site would be suitable in this regard for a development of up to 3 dwellings. The proposal would not conflict with Policy SWDP 21 of the Local Plan which seeks to ensure all development is of a high design quality, which, among other things, complements the character of the area.

Landscape character

14. I understand that the appeal site is within the Village Claylands Landscape Type in the Worcestershire Landscape Character Assessment (2011). These are open, gently rolling agricultural landscapes characterised by an ordered pattern of hedged fields and discrete rural villages connected by a network of minor roads. The field pattern tends to define the scale of the landscape. A key characteristic of this landscape type is a nucleated settlement pattern, usually of small, rural villages.
15. The appeal site in its current form, as a domestic garden, is reasonably well contained by existing hedgerows and trees, which I am satisfied will remain in a similar condition for reasons of privacy and aesthetics. Although the proposal would erode the openness of the appeal site, it would not extend the built form of the group of houses any further into the open countryside than the houses on Smallbrook Road and Foster Drive. Neither would it extend further than the new development at Folly View. Given this, the proposed dwellings would appear as part of the existing cluster of houses.
16. Furthermore, if the proposed dwellings were to be aligned behind the Willows in a similar manner to that shown on the illustrative Site Plan, views of the open countryside through the gaps between the Willows and its neighbours would be retained.
17. It may be that the proposed dwellings would be visible behind the Willows, given the bungalow's low profile. Nonetheless, this would not appear incongruous, as many of the views taken from Leamington Road, on this side of the road, include houses or other built form positioned behind the houses fronting the highway.
18. For these reasons, the appeal site would be suitable in this regard for a development of up to 3 dwellings. It would not harm any of the key characteristics of the Village Claylands Landscape Type. Overall, any effect on the landscape character of the area and the open countryside would be limited and not to the degree that it would result in any appreciable harm.
19. Accordingly, the proposal would accord with Part A iii. of Policy SWDP 2 of the Local Plan, which seeks to safeguard the open countryside. It would also accord with Policy SWDP 25 of the Local Plan, which seeks to ensure development proposals take into account the latest Landscape Character Assessment and are appropriate to, and integrate with, the character of the landscape setting by conserving the primary landscape characteristics.

Cotswold National Landscape

20. I am mindful that the appeal site is within the Cotswolds National Landscape. In determining this appeal, I have therefore had regard to my duty under Section 85 of the Countryside and Rights of Way Act 2000 (as amended) to further the purpose of conserving and enhancing the natural beauty of this landscape.

21. The special qualities of the Cotswolds National Landscape are set out in the Cotswolds National Landscape Management Plan (2025) (Management Plan). The appeal site does not directly contribute to any of the key attributes listed. Given this, the modest scale of the proposal and my findings regarding landscape character above, in this case, the natural beauty of the Cotswold National Landscape would be conserved. The appeal site would therefore be a suitable location for the type and amount of development proposed in this regard and would further the purpose of conserving and enhancing the natural beauty of the Cotswolds National Landscape.
22. Accordingly, for the reasons above, the proposal would not conflict with Policy SWDP 23 of the Local Plan, which seeks to ensure development would not have a detrimental impact on the natural beauty of the Cotswold National Landscape and would conserve and enhance its special qualities.

Other Matters

23. In terms of benefits, the proposal would provide three new dwellings in a location that the Council consider to be reasonably accessible. The Council does not currently have a five-year supply of deliverable housing sites. The latest five-year land supply position was 1.10 years. This is a chronic shortfall, which is not disputed by the Council. The scale of the proposal would be modest. However, in this case, the three dwellings would make an important and much needed contribution to the district housing supply. I therefore afford the delivery of the three dwellings significant weight in my decision.
24. There would also be some modest economic and social benefits associated with the construction of the dwelling and its subsequent occupation.
25. I have taken careful account of the representations of those nearby, including in respect of the proposal's method of foul water disposal, the amount of the development proposed, and the effect of the proposal on existing trees, the living conditions of occupants of neighbouring properties with particular regard to privacy and light, as well as noise and disturbance, especially during construction.
26. As set out above, the Council is satisfied that the appeal site would have the capacity to accommodate the amount of development proposed and, from the evidence before me and my observations on site, I can find no reason to disagree.
27. I saw on my visit that there are some mature trees along the boundary of the appeal site with the neighbouring property, Vineyard. However, there is nothing before me to suggest that the proposed development would have a detrimental effect on these trees. The effect of the proposed development on these trees would be considered further at the technical details consent stage, as would the method of foul water disposal and the effects of the proposed development on the living conditions of occupants of neighbouring properties. In terms of noise and disturbance resulting from construction, this would take place for a limited period and would not be a reason to withhold permission in principle. Any specific concerns regarding the construction of the proposal could be addressed by imposing a condition on the technical details consent requiring a construction management plan.

Conditions

28. The Council has suggested that a timing condition is imposed on any grant of permission in principle requiring the technical details consent to be submitted before the expiration of 3 years from the date of the permission. Nonetheless, the PPG explains that it is not possible for conditions to be attached to a grant of permission in principle. Where permission in principle is granted by application, the default duration of that permission is 3 years. If the TDC is not determined during this period, then the permission in principle would lapse.

Planning Balance

29. Given the shortfall in housing supply, paragraph 11d) of the National Planning Policy Framework (the Framework) falls to be considered. Permission should therefore be granted unless 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.
30. I have found that the proposal would be at odds with the Council's development strategy. The development strategy is broadly consistent with the Framework in terms of supporting housing developments in rural areas that reflect local needs. Nevertheless, Policy SWDP 2 of the Local Plan restricts the type of development permitted in rural areas where it would be located beyond the development boundary, whereas the Framework only restricts the type of development permitted in rural areas where the development would result in an isolated home in the countryside. The appeal proposal would not result in isolated homes in the countryside. This is not disputed by the Council. Unlike Policy SWDP 2 of the Local Plan, the Framework supports housing in rural areas, such as this, where it would enhance or maintain the vitality of rural communities, especially where it would support local services, including services in nearby villages.
31. The Council consider the appeal site would provide future occupants with some sustainable travel choices in accordance with Policy SWDP 4 of the Local Plan. From the evidence before me and my observations on site I am of a similar view. The appeal site is within walking distance of local facilities and services in Willersey. I saw on my visit that most of the route to Willersey is provided with a moderate sized footway that would accommodate a range of users. The number of vehicle movements along the adjacent highway is not significant and the vehicles travel at low speeds meaning the route is reasonably attractive. The route between the appeal site and edge of Willersey also benefits from street lighting, albeit there are few lighting columns in the village itself. While the services and facilities in Broadway are further away, accessing them on foot is not unpleasant. Like the route to Willersey, there are footways for pedestrians, a crossing point at the A44/Leamington Road roundabout and street lighting, which is more regular than in Willersey. Furthermore, during my visit I saw several pedestrians walk past the appeal site from both the directions of Willersey and Broadway. In any event, there are also bus stops very close to the appeal site, providing services to both Willersey and Broadway, as well as Badsey and Evesham.

32. Therefore, although the appeal site is located beyond the development boundary of Broadway, in this case, I am of the view that it is not in an unsustainable location. The three proposed dwellings would help maintain the vitality of the rural communities of Willersey and Broadway, as future occupants would use the local services and facilities. The proposal would also be in keeping with the wider pattern of development and would not have an adverse effect on landscape character or the open countryside. Thus, the proposal would not directly conflict with the principles of the development strategy set out at Part A of Policy SWDP 2 of the Local Plan. Accordingly, for this reason, I afford the conflict with the development strategy limited weight.
33. The proposal would support the objective of the Framework in boosting the supply of homes in an area where there is currently a chronic shortfall in the supply of deliverable housing sites. While the scale of the proposal is modest, small-sized sites, such as the appeal site, are often built-out relatively quickly. The three proposed dwellings would therefore help address the shortfall more promptly.
34. Overall, I find that the limited harm arising from the proposal being at odds with the Council's spatial strategy would not significantly and demonstrably outweigh the benefits of the proposal. Thus, in this case, material considerations justify allowing the appeal.

Conclusion

35. 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 allowed.

Hannah Guest

INSPECTOR