Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/H1840/W/25/3363585
White Lodge, High Park, Ombersley Road, Westwood, Worcestershire WR9 0AG

- 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 Garry Martin against the decision of Wychavon District Council.
- The application Ref is W/24/01521/OUT.
- The development proposed is described as "outline application for the construction of one self-build dwelling with some matters reserved."

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with all matters reserved except for access. Layout, scale, appearance and landscaping are reserved for subsequent approval. I have therefore dealt with the appeal on that basis.

3. A signed and dated Unilateral Undertaking (the UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted with the appeal. As the UU is completed, I have taken it into account.

Main Issues

4. The main issues are:

   - whether the proposal is in a suitable location having regard to local and national policies and access to services and facilities,
   - whether or not the proposal would make adequate provision for affordable housing, and
   - the effect of the proposal on highway safety.

Reasons

Location

5. The appeal site comprises an area of garden land associated with the host property, White Lodge, located in the open countryside. There are a cluster of residential dwellings adjacent to the site but houses in the wider landscape are generally sporadic, and the surrounding area has a prevailing rural character, with open fields, and areas of woodland.

6. Policy SWDP 2 of the South Worcestershire Development Plan (Adopted 2016) (the DP) sets out that development within the open countryside will be strictly controlled and will be limited to certain types of development. The proposed development does not meet any of the listed exceptions set out in Policy SWDP 2(C).

7. Policy SWDP 4 of the DP, amongst other things, seeks proposals which can demonstrate that development will minimise demand for travel and offer genuinely sustainable travel choices. This is consistent with the National Planning Policy Framework (the Framework) which seeks to ensure that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location. The appellant has also drawn my attention to similar guidance which is set out in the Local Highway Authority Criteria Guide. This guidance, also sets out that the condition of the route is an important consideration, as is the provision of footways, lit routes and routes suitable for cycling.

8. Droitwich Spa is approximately one mile away from the appeal site and is a main town. The town has a comprehensive range of services and employment opportunities. It also has a railway station.

9. The route to the town is along the busy A4133, Ombersley Road. The stretch of road close to the appeal site is relatively secluded and has no footways or streetlighting. It also carries fast moving traffic. Also, the future occupiers of the proposal would need to travel down the relatively long and narrow track to access the main road. For these reasons, and in combination with the distance to the town centre on foot, future occupiers would be discouraged from walking to access services, facilities and public transport, particularly during hours of darkness and poor weather conditions. This would particularly be the case for families with young children, older people or those with mobility issues.

10. Cycling to the town centre and railway station would be an option but I concur with the observations made by the Inspector of the previous appeal[1] on the site who identified that the journey into the town is only likely to be undertaken by competent cyclists. Particularly along the stretch of Ombersley Road near to the appeal site due to the nature of the road and the speed of traffic. Also, notwithstanding the additional evidence provided by the appellant, the lack of cycle lanes near to the appeal site would further deter future occupiers from navigating the nearby busy roads and junctions that carry fast moving traffic. Therefore, although I acknowledge that some cyclists use Ombersley Road and there has been no recorded cyclist casualties on the route during the last 10 years, due to safety concerns, I am not persuaded that future occupiers would regularly choose cycling as an option to access services, amenities, bus stops and the train station.

11. Likewise, for similar reasons to those set out above, as well as variable ground conditions, bridleways and public rights of way would also not be attractive or reliable routes and would limit the prospect of future occupants using these routes to the town centre on foot or by bicycle on a regular basis.

12. I acknowledge the commitment of the appellant to use electric vehicles and the provision of electric vehicle charging points would encourage their use by future occupiers, as a mode of sustainable transport. Nevertheless, it would not eliminate

[1] Appeal reference: APP/H1840/W/23/3326877

the reliance on private motor vehicles to access facilities nor therefore promote the health and environmental benefits from regular active travel such as walking and cycling.

13. The Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Even so, although the site is within the rural area and the movements generated by a single dwelling would not be significant, the proposal would not offer a genuine choice of transport or prioritise sustainable transport modes. As such, and despite the lack of an objection from the Highway Authority, future occupants would be highly dependent on the use of private cars, including electric vehicles, for their day-to-day needs. These journeys would be frequent, despite the availability of home-based employment, as well as online grocery shopping and meal delivery services, which are not universally available.

14. Reference has been made to a previous appeal decision[2] at 'Littleton Auction' but a copy of the decision has not been submitted. The full details of the case have also not been provided. As such, a proper comparison between that appeal and the appeal scheme before me has not been possible, and I have determined the case before me on the site-specific circumstances and on its own merits.

15. For the above reasons and on the evidence before me, I conclude that the proposal is not in a suitable location having regard to local and national policies and access to services and facilities. It therefore fails to accord with Policies SWDP 2 and SWDP 4 of the DP, as well as the aims and objectives of the Framework.

Affordable housing

16. Policy SWDP 15 of the DP identifies that new development will contribute to affordable housing and on sites of less than 5 dwellings, a financial contribution should be made, based on the cost of providing the equivalent in value to 20% of the units as affordable housing on site. This is supported by the Affordable Housing Supplementary Planning Document (the SPD).

17. The appellant contests that an affordable housing contribution is not required for a number of reasons, including that it is not justified by local circumstances, changes to the SPD were not the subject of Regulation 12 consultation, and that there is an unexplained inconsistency in policy application with a previous planning application[3] whereby no affordable housing contribution was sought.

18. Reference is also made to a previous appeal decision[4] which the appellant suggests offers particularly clear and relevant guidance on this matter. Even so, copies of that previous appeal decision and the previous planning application referred to have not been provided. Nonetheless, paragraph 65 of the Framework permits local planning authorities to seek affordable housing on smaller sites in designated rural areas. Indeed, the Council's Formal Position Statement (June 2019) clarifies that within a designated rural area, as is the case here, the requirement for affordable housing as set out in Policy SWDP 15 of the DP applies. Accordingly, on the evidence before me I am satisfied that the Council's position regarding affordable housing is in accordance with the Framework.

[2] Appeal reference: APP/H1840/W/22/3297160
[3] Planning Ref: W/24/00557/FUL
[4] Appeal reference: APP/J1860/W/20/3265338

19. Notwithstanding the appellants concerns, the UU includes provisions to secure an affordable housing contribution of £12,797.00. However, there are a number of significant shortfalls with the UU, as highlighted by the Council. The main concerns include, but are not limited to, that no evidence of title for the owner of the appeal site has been provided and the location plan attached to the obligation before me is illegible and so does not identify the appeal site. As such, I am not satisfied the obligation is legally sound and complete.

20. While the appellant has confirmed that they would be happy to accept a condition to provide an appropriate S106 Obligation, the Planning Practice Guidance states that a positively worded condition which requires the applicant to enter into a planning obligation or an agreement under other powers, is unlikely to pass the test of enforceability.

21. Consequently, for the reasons given, I conclude that the proposal fails to make adequate provision for affordable housing and so it fails to accord with Policy SWDP 15 of the DP and the Framework.

Highway safety

22. Access to the site would be off the track that leads to Ombersley Road. The access onto the road currently serves a number of existing properties and the proposed development does not seek any changes to the existing arrangements.

23. Ombersley Road is subject to a 50mph speed limit and visibility from the junction is reasonably clear in both directions, with adjacent road signs being set back slightly. Indeed, I am mindful that the Highway Authority has confirmed that there have been no recorded incidents within 20 metres of the access junction over the last 20 years.

24. The proposal would result in an increased use of the access but for one dwelling I am not persuaded that the additional use of the access would lead to an unacceptable impact on highway safety.

25. Consequently, for the above reasons, I conclude on this main issue that the proposal would not cause an unacceptable impact on highway safety. As such, it would not conflict with Policies SWDP 4 and SWDP 21 of the DP which, amongst other things, requires development to access the highway safely.

Other Matters

26. The proposed dwelling has been put forward as Self Build and Custom Housing (self-build housing). The Framework at Paragraph 73 b) supports small sites to come forward for self-build housing.

27. The Council is required to keep a register of those seeking to acquire serviced plots for self-build housing in the area under the requirements of the Self-build and Custom Housebuilding Act 2015 (as amended) (the Act). The Act also requires Councils to give enough suitable development permissions to meet the identified demand for self-build housing.

28. Very limited information on the demand for and supply of self-build housing has been submitted in evidence, but the Council accept that there is a shortfall of one plot.

29. The completed UU includes provisions to secure the proposal as self-build housing as defined in the Act. However, as already identified, the UU is not legally sound and complete. As such, without an appropriate means to secure the development as self-build housing, I attach limited weight to the matter.

30. I acknowledge the appellants frustrations with regard to the Council's handling of the planning application. Nevertheless, I have considered the proposed development on its planning merits.

Planning Balance

31. The Council accept that they cannot demonstrate a five-year supply of housing land. At around 1.1 years, this represents a severe shortfall in the supply of housing land. Therefore, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies. In these circumstances, Paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

32. The Framework makes it clear that weight should be afforded to policies of the development plan according to their degree of consistency with the Framework. In this regard, the Framework seeks to direct development towards locations with good access to services and facilities and ensure that sustainable transport modes are prioritised. It also seeks the delivery of affordable housing. As such, even though the proposal is only for one dwelling and although the location would provide future occupants with good links to the town centre and train station by private car, alternative modes of travel are not prioritised. The proposal also fails to deliver affordable housing. In this context, the conflict between the proposal and Policies SWDP 2, SWDP 4 and SWDP 15 of the DP should still be given significant weight in this appeal.

33. A single dwelling on garden land would make efficient and effective use of underutilised land, which could also be delivered relatively quickly and add to the mix of housing in the area. It is also suggested that it would meet Passivhaus design standards, so as to be a low carbon and energy efficient home. Therefore, the proposal would contribute to boosting the supply of new housing and contribute to cutting greenhouse gas emissions, as referenced in the Framework. There would also be social and economic benefits to local services during the construction and occupancy phases.

34. In combination, and in the context of the shortfall in housing land, the benefits attract considerable positive weight in my determination. However, due to the small-scale nature of the proposed development the benefits of the scheme would attract moderate weight overall. In addition, while the appellant suggests that paragraph 125 (c) of the Framework states that substantial weight should be given to the value of using suitable brownfield land, this is tempered by the appeal site not being located within a settlement.

35. I have had regard to the Court cases cited by the appellant and the implications of these judgements and decisions. However, these arguments have not changed my reasoning here.

36. Consequently, 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. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

37. For the above reasons, I conclude that the proposed development would conflict with the development plan when considered as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. For these reasons, the appeal should be dismissed.

N Bromley

INSPECTOR