
Appeal Decision

Site visit made on 15 July 2025

by **P Brennan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Appeal Ref: APP/J1860/W/25/3365967

Land At (OS 8162 5939), Moseley Road, Hallow WR2 6NJ

- 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 Greenaway Planning Ltd against the decision of Malvern Hills District Council.
 - The application Ref is M/25/00480/PIP.
 - The development proposed is described as: Permission in principle for the proposed erection of up to 5no. dwellings, including 1no. self or custom-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle (PIP) consent route has two stages: the first establishes whether a site is suitable in-principle and the second (technical details consent - TDC) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for PIP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted.
4. The National Planning Policy Framework (the Framework) was updated in February 2025. The Council has subsequently confirmed that the effect of the revised Framework means that the Council can presently demonstrate 2.06 years supply of housing land.
5. Whilst the Council have only cited Policies SWDP4 and SWDP21 of the South Worcestershire Development Plan (DP) (February 2016) in their first reason for refusal, Policy SWDP2 is also considered pertinent to this proposal.
6. The appellant refers to policies of the emerging development plan within the evidence. The Council has submitted the South Worcestershire Development Plan Review (SWDPR) for Examination. Whilst hearings have been undertaken, the examination has not concluded, and consultation is required to be undertaken on the main modifications. In the absence of details of the extent of any unresolved objections or conclusions regarding the degree of consistency with the Framework, I afford limited weight to the policies of the emerging local plan.

7. The Hallow Neighbourhood Development Plan (HNDP) was also under review however, this was withdrawn by the Parish Council in June 2024. As such, I shall refer to the July 2021 made version.
8. A site layout plan has been submitted as part of the proposal. This is an indicative plan only and shows only one way that the scheme could be developed. I have therefore attributed limited weight to this plan in my consideration of the appeal.

Main Issues

9. The main issues are:
 - whether the site would be suitable for housing development having regard to the relevant development plan policies for the location of housing and its accessibility to services and facilities; and
 - the effect of the proposal on the character and appearance of the area and amount of development proposed.

Reasons

Suitability of Location

10. Policy SWDP2 of the DP establishes the Council's approach to the sustainable distribution of housing across the area. Partly through use of development boundaries, it seeks to focus housing within the wider Worcester urban area, followed by the key towns of Droitwich Spa, Evesham, and Malvern and then the remaining smaller towns of Pershore, Tenbury Wells and Upton on Severn. Villages located within the rural area are deemed appropriate to meet only locally identified housing needs. The site is not located within or adjacent to a defined settlement and falls within the countryside for plan purposes. Within this context, Policy SWDP2 identifies that development will be strictly controlled except in accordance with the exceptions that it outlines, or, unless allowed by other policies within the DP. None of these exceptions would apply in this case.
11. Policy SWDP4 of the DP identifies that new development should be located and designed to reduce the need to travel and encourage the use of sustainable transport alternatives.
12. The HNDP allocates land for housing development and supports housing within the development boundary and on allocated sites. This is to ensure that new housing in less accessible and more environmentally sensitive locations to the north, south and west of the village is avoided.
13. The appeal site is an area of agricultural land that sits between existing dwellings fronting Moseley Road. Several small employment units are also local to the site. Two existing access points serve the appeal site. The land is rough pasture. Whilst the appeal site is not functionally or visually linked to Hallow, due to the housing adjacent to the site, the proposal would not lead to isolated homes in the countryside. The appellant asserts that the proposed development would comprise infill housing, however due to the appeal site's location outside the Hallow development boundary, this is not supported by DP Policy SWDP2.
14. The National Design Guide advises that local facilities should be within a 10-minute walk, or an 800m radius to be within a walkable distance. Moseley Road

has no streetlights and for most of its length has no footway. The appeal site appears to be more than the 900m suggested by the appellant from the local shop including post office, and the junction with the A443 at the northern edge of the development boundary. The A443, which runs through Hallow, has streetlights and footways in the centre of the village. The services within the village centre, which include a public house, a church, village hall, sports clubs, and a primary school, are around 1.7km from the appeal site. Accordingly, despite the appellant's assertions, these distances and lack of safety relating to walking on the unlit road/public footpath for even a short distance, would be significant deterrents for future occupiers to walk to services and facilities in Hallow.

15. Furthermore, despite the appellant's assertions that the Kepax Bridge linking development to Worcester over the River Severn would present cycling as an option for future occupiers, this would not be a practicable alternative for many journeys. The highways linking the appeal site to the bridge are primarily unlit and without footways and have no dedicated cycle lanes. The A443 also carries a considerable volume of traffic. Accordingly, the lack of safety would also be a significant deterrent for future occupiers to cycle to services and facilities in adjacent settlements.
16. Whilst bus stops are located on the A443, the associated bus services are noted within the HNBP to be limited. The bus services appear to provide limited travel to and from Worcester, Kidderminster and Tenbury, with no services outside of peak times. The HNBP also identifies that access to key services such as doctors' surgeries are difficult by public transport.
17. I acknowledge that the dwellings would be fitted with electric vehicle charging points and that cycle stores could be provided. However, these would not reduce the need to travel.
18. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, even within that context, access to services from the site would be poor, giving rise to reliance on private motor vehicles to access services and the likelihood of environmental harm as a result of related exhaust emissions.
19. For the reasons set out above, the location and land use of the proposed development would conflict with Policies SWDP2 and SWDP4 of the DP, whose objectives have been outlined above.
20. The Council's decision notice also cites conflict with Policy SWDP21 however this relates to design and is not pertinent to the issue of the proposed development's location.

Character and Appearance

21. The appeal site is an open parcel of agricultural land located between existing dwellings. Farmland surrounds the site and the adjacent linear development. The existing dwellings are generally in the form of cottages and semi-detached properties.
22. The site has an open aspect and overlooks surrounding fields and gently rolling countryside. The appeal site forms a visual break between clusters of housing on the edge of Hallow, beyond the development boundary. Further along Moseley

Road, both towards Hallow to the south and away from the appeal site to the west, the pattern of residential development becomes more dispersed. The character and appearance of the area is of open, rural countryside and the appeal site is a positive characteristic of this.

23. The development of the site would occupy an important gap between existing housing that currently maintains the rural character of Moseley Road. In providing new housing in this gap, the additional dwellings would harmfully intensify development on this stretch of Moseley Road, through further built form, hard surfacing, lighting, and residential activity within this open farmland setting. This would consolidate the scattered nature of development on Moseley Road and extend the linear form of development. Its loss would cause harm to, and be out of character with, the openness of Moseley Road and the wider area.
24. Five (indicatively detached) houses are proposed on a site of around 0.3 hectares, leading to a development density of around 14 dwellings per hectare. Policy SWDP13 of the DP identifies that development in the identified villages should provide an average density of 30 dwellings per hectare. Whilst lower densities may be regarded as appropriate in more rural settings, the site could adequately accommodate a higher density development than proposed and still be suitable for the site's rural setting. As such, notwithstanding my assessment on character and appearance above, the proposal would fail to deliver housing development that would make efficient use of the land.
25. For the reasons set out, the location, land use and amount of the proposed development would conflict with Policies SWDP2, SWDP13, SWDP21 and SWDP25 of the DP. These policies, amongst other things, seek development to be in accordance with the development hierarchy and to be of a density that would enable it to make efficient use of land in accordance with the character and appearance of the area.

Other Matters

26. The Appellant has drawn my attention to two appeal decisions where development has been allowed outside of development boundaries both within and outside of Malvern Hills. However, the appeal at Calne in Wiltshire included residential proposals of a different scale than is currently sought. The other at Broadwas, was not an open field, was significantly closer to the village and the site had limited visibility from the road. Whilst these decisions have been informative, the sites referred to me are read in a different context to the appeal site. Consequently, they are not directly comparable with this appeal, which I have determined on its individual planning merits having regard to the site's specific characteristics.
27. Two further appeal decisions in Lower Broadheath and Dunley were also drawn to my attention however the details of these are not within the evidence before me and as such, I am unaware of the full circumstances of these decisions.
28. The proposal includes the development of 1 self-build dwelling. The Self-Build and Custom Housebuilding Act 2015 (the Act) requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. Section 2A, of the Act, requires a local authority to grant sufficient self-build permissions to be in keeping with local need as set out on the self-build or custom housing (SBCH) register.

29. Paragraph 73(b), of the Framework, supports small sites to come forward for self-build and custom-build housing. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes.
30. The appellant has asserted that there is a shortfall of available plots for self-build and custom house building. The Council has confirmed that the requirement is for 68 plots of which 65 have obtained planning permission. Therefore, based on the submitted evidence, I conclude that the Council is failing to meet its statutory duty with respect to the delivery of plots for SBCH dwellings which weighs in favour of the proposal.
31. The PPG is clear that at the PIP stage it is not possible to secure a planning obligation or to impose conditions. Nonetheless, the Council could adequately secure this type of housing and its first occupation at the TDC stage. Furthermore, the PPG advises that the technical details consent must be in accordance with the relevant PIP. As such, a subsequent TDC to this PIP would need to demonstrate how it would deliver the SBCH to be approved. This requirement could be secured by a suitable legal mechanism and would guarantee the site's delivery for the specialist type of housing.
32. The Council's officer report acknowledges that a financial contribution towards affordable housing would be required. The PPG advises that planning obligations cannot be secured at the PIP stage. As such, I have not considered the requirement in detail. However, where necessary, this could be addressed at the TDC stage.

Planning Balance

33. The appeal scheme would conflict with the development plan taken as a whole. The Council however acknowledges that it does not have a demonstrable 5-year supply of deliverable housing sites, with current supply placed at 2.06 years.
34. In this circumstance, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and 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. There is nothing to suggest 11(d) (i) is relevant to this case, hence the balance in 11(d) (ii) applies.
35. Paragraph 14 of the Framework advises that in situations where the presumption at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the HNPD is likely to significantly and demonstrably outweigh the benefits, provided the HNPD became part of the development plan five years or less before the date on which the decision is made, and the HNPD contains policies and allocations to meet its identified housing requirement.

36. The HNBP (made June 2021) is less than 5 years old. The appeal site is not allocated for housing within the HNBP and is located outside of the development boundary. On such basis, I find that there is conflict with policies contained in the HNBP regarding housing delivery.
37. There would be significant harm arising from the site's location outside the development boundary, which would leave future residents primarily reliant on private transport to access the services and facilities that they would need. Whilst paragraph 110 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, paragraph 83 of the Framework recognises that housing should be located where it will enhance or maintain the vitality of rural communities. The proposal would not be in an accessible location, and I afford considerable weight to the proposal's conflict with Policies SWDP2 and SWDP4 of the DP.
38. The proposed development would also not satisfy the Framework's key policies at paragraphs 129 and 135. These support development that is well-designed and makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, and is sympathetic to local character and history, including the surrounding built environment and landscape setting. I therefore afford considerable weight to the proposal's conflict with Policies SWDP13, SWDP21 and SWDP25 of the DP.
39. On the other hand, paragraph 73 of the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. Socially, and considering the magnitude of shortfall in the area's housing supply, the provision of 5 dwellings would make a valuable contribution and thus would contribute to the Government's objective to significantly boost the supply of homes.
40. The proposal would deliver one, self-build dwelling that would assist the Council in its delivery of SBCH sites and help address its existing shortfall. However, the benefit of the delivery of SBCH is lessened as the proposal would only provide one dwelling. Consequently, this is attributed moderate weight in the planning balance.
41. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy and any potential Council tax that future occupiers might pay. Additional landscaping would also provide biodiversity enhancements, and I am satisfied that the required 10% biodiversity net gain for the 4 non-SBCH dwellings could be achieved on site. However, the economic benefits would be limited, and any claimed environmental benefits would be negated by the overall harm arising from travel.
42. Consequently, I find that the adverse impacts of the proposal associated with its location, land use and amount of development proposed outside the development boundary and conflict with Policies SWDP2, SWDP4, SWDP13, SWDP21 and SWDP25 of the DP, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

43. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

P Brennan

INSPECTOR