



Appeal Decision

Site visit made on 11 August 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/J1860/W/25/3366679

Allbrook, Lower Interfields, Malvern, Worcestershire WR14 1UU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Holmes against the decision of Malvern Hills District Council.
 - The application Ref is M/24/00619/CU.
 - The development proposed is conversion of existing agricultural building to self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development on the Appeal Form and the Council's Decision Notice as it is more accurate than the one given on the Application Form.
3. The National Planning Policy Framework (the Framework) was revised in December 2024. While some paragraph numbers have changed, the relevant paragraphs identified as directly affecting this case have not been amended. Therefore, in this case it has not been necessary to consult the parties on the revised Framework.

Main Issues

4. The main issues in this appeal are:
 - whether the location of the site is suitable for the proposed development, having regard to the development plan and the Framework; and
 - whether the proposed development would provide an appropriate contribution towards affordable housing.

Reasons

Location

5. Policy SWDP2 of the South Worcestershire Development Plan (February 2016) (the SWDP) seeks to direct most of the district's growth to its urban areas and some to rural settlements that have a reasonable range of local services. Development in open countryside, defined as land beyond any development boundary, is strictly controlled and limited to those listed in the policy. This includes dwellings for rural workers, employment development in rural areas, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings, renewable energy projects and

development specifically permitted by other SWDP policies (as set out in the footnote 3 of the SWDP).

6. The appeal site is not within a development boundary and is situated between the identified settlements of Malvern and Leigh Sinton. Although there are large-scale commercial uses nearby, the appeal site is nonetheless situated within open countryside, with the wider site predominantly surrounded by agricultural fields.
7. On the evidence before me, the proposal would not meet any of the exceptions listed in Policy SWDP2 for development in open countryside.
8. Additionally, Policy SWDP2 sets out that the development strategy for the district is based on the principles set out in part A of the policy. This includes iv) encouraging the effective use and re-use of accessible, available and environmentally acceptable brownfield land and vi) focussing most development on the urban areas, where both housing needs and accessibility to lower-cost public services are greatest.
9. Policy SWDP1 of the SWDP reflects the Framework's presumption in favour of sustainable development. Paragraph 8 of the Framework highlights the three overarching objectives of achieving sustainable development: economic, social and environmental. The social and economic objectives encompass healthy communities, accessible services, and mitigating and adapting to climate change, including moving to a low carbon economy.
10. Amongst other things, Policy SWDP4 of the SWDP requires development proposals to demonstrate they offer 'genuinely sustainable travel choices' and are consistent with the delivery of the Worcestershire Transport Plan objectives.
11. Accordingly, I consider the policies above to be relevant to the Council's first reason for refusal.
12. Leigh Sinton village provides a limited range of local services and amenities but benefits from three bus routes linking it to nearby larger settlements. The appellant has referred to the Worcester County Council's website, which indicates the presence of a footpath beginning on the western side of Leigh Sinton Road, near the access point to the appeal site, and continuing into the village.
13. However, as observed during my site visit, part of the footpath comprises grassed over land which is unsurfaced. In wet weather, unsurfaced paths can become slippery or waterlogged, increasing the risk of slips and falls. Therefore, the footpath is not suitable for all users, particularly those with limited mobility or pushchair users.
14. Furthermore, the footpath is unlit and relatively secluded in parts. Consequently, while it may take only approximately 11-12 minutes to walk between the appeal site and the village bus stops via the footpath, the route is unlikely to be considered safe or appealing, particularly during hours of darkness or inclement weather. The absence of lighting, combined with the secluded nature and unsurfaced sections of the path, would potentially deter use by future occupiers of the proposed development, particularly those with limited mobility, travelling alone or with pushchairs.
15. The alternative pedestrian/ cycle route to Leigh Sinton would be along Leigh Sinton Road B4503 and A4103. However, Leigh Sinton Road is subject to a

50 mph speed limit along this route and does not benefit from footways or cycleways to either side. Combined with the absence of lighting along the route, the above factors would significantly increase the potential for collisions and reduce perceived and actual safety for all users.

16. Although Malvern Link Station is within a 10-12 minute cycle ride, the route involves predominantly unlit roads, making cycling less appealing.
17. In light of the foregoing, it is reasonable to conclude that future occupiers of the proposed dwelling would be predominantly reliant on private car use to access local services and facilities. Given the site's poor accessibility, even a modest increase in traffic would reinforce reliance on car transport.
18. Policy LB/H/2 of the Parishes of Leigh and Bransford Neighbourhood Plan (made November 2022) (the LBNP) supports new housing developments in open countryside where they meet one or more of the listed policy criteria. This includes the re-use of redundant or disused buildings, enhancement of its immediate setting and compliance with Policy LB/H/4 of the LBNP.
19. Policy LB/H/4 of the LBNP indicates that the conversion and re-use of redundant or disused buildings for dwellings will be supported providing all the policy criteria are met: a) there is an enhancement to the building's immediate setting and there is no need for substantial reconstruction and large extensions; b) the character and significance of the original building is respected; c) there is adequate access and d) there is adequate access to utilities, including broadband.
20. Supporting evidence relating to the enhancement of the immediate setting of the appeal building is notably lacking. In the absence of robust and convincing justification in relation to this criterion, the claim that the proposal satisfies all the policy criteria remains unsubstantiated.
21. Taking the above points together, the appeal proposal would undermine the development strategy for the district, contrary to Policies SWDP1 and SWDP2 of the SWDP and be harmful given the public interest in having a genuinely plan led system. The appeal site would not be easily accessible to everyday services and facilities by sustainable transport modes, thereby conflicting with Policies SWDP2 and SWDP4 of the SWDP. In addition, the proposal would conflict with Policy LB/H/2 of the LBNP.
22. The Council's Decision Notice refers to conflict with Policy SWDP12, but no explanation has been provided as to how the appeal proposal would not comply with it. Given that I have found that the proposal conflicts with other policies identified above, Policy SWDP12 would not be determinative in my Decision.

Affordable housing

23. Policy SWDP15 of the SWDP sets out that on sites of less than 5 dwellings, a financial contribution towards local affordable housing provision should be made, based on the cost of providing the equivalent in value to 20% of the units as affordable housing on site. However, the Council's Affordable Housing Supplementary Planning Document (October 2016) (the AHSPD), cited in the Council's reason for refusal, makes clear that the Council should implement Policy SWDP15 differently to the originally published policy to account for national thresholds and National Planning Practice Guidance. Paragraph 3.8 of the AHSPD

states that 'on sites of 5 dwellings or less, no affordable housing contributions will be sought across the whole of the plan area.'

24. The Council's Developer Contributions Supplementary Planning Document (July 2018) (DCSPD), also cited in the reasons for refusal, states in paragraph 3.2.4 that 'affordable housing will be provided in accordance with policy SWDP15, which will be applied in accordance with the most recent national policy, through planning obligations in the form of land/ and or buildings, or financial contributions, (see the South Worcestershire Affordable Housing SPD for further details of affordable housing requirements from residential development).'
25. The Framework sets out that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas.
26. The proposal is for a single dwelling which is not in a designated rural area, as defined in the Framework. Therefore, a planning obligation comprising an affordable housing contribution is not necessary in accordance with the AHSPD, the DCSPD and the Framework, which are material considerations indicating that Policy SWDP15 should be applied differently to the originally published policy.
27. The proposed development would not provide a contribution towards affordable housing. However, there is no conflict with Policy SWDP15 of the SWDP or the AHSPD, DCSPD and the Framework, and the proposal would be acceptable in this regard.

Other Matters

28. The Council, the Health and Safety Executive and Cadent Gas have no objections to the proposal on safety grounds, and neither do I in this respect.
29. The Council's handling of the planning application has not factored into my decision, and I have determined the appeal only on the planning merits of the case.
30. The appellant is critical of the basis upon which other planning applications have been allowed in the area. However, that is not a matter which is determinative in this appeal.

Planning Balance

31. The location of the site is not suitable for the proposed development due to the absence of safe and suitable walking and cycling routes that provide access to local services and facilities. As a result, the proposal would likely lead to reliance on the use of private vehicles to meet day-to-day needs. As there are no policies in the development plan which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would a conflict with the development plan as a whole. The identified policies from the SWDP are, in the circumstances of this case, broadly consistent with the Framework, which seeks to direct development to sustainable locations. I therefore attach significant weight to the conflict with the SWDP policies identified above and the associated harm.
32. The Council cannot demonstrate a 5 year housing land supply. In such circumstances paragraph 11d) of the Framework is engaged and planning

permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this 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. Footnote 9 of the Framework sets out the specific policies referred to in paragraph 11 d) ii).

33. In assessing the most relevant policies referred to in Footnote 9, I find that the proposal would conflict with paragraph 110 of the Framework. This is because the appeal site would not be served by a genuine choice of transport modes, which would likely result in increased reliance on private car use. The appellant contends that paragraph 110 applies only to 'significant development'. However, I have not been presented with a persuasive argument to suggest that paragraph 110 is limited in its application to large-scale developments.
34. In terms of benefits, the proposal would provide an additional dwelling, thereby contributing to the local housing supply, which is currently in shortfall. However, given the small scale of the development, the benefits would be modest and carry moderate weight in the planning balance.
35. Taking all matters into account, 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. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

36. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, the appeal should be dismissed.

U P Han

INSPECTOR