
Appeal Decision

Site visit made on 5 August 2025

by **A O'Neill BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 September 2025

Appeal Ref: APP/J1860/W/25/3361765

Land off A44, Broadwas, Worcester

- 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 D Smith against the decision of Malvern Hills District Council.
 - The application Ref is 24/01716/PIP.
 - The development proposed is described as: Application for permission in principle for the erection of 3 no. bungalows.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle (PiP). 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 PiP) establishes whether a site is suitable in principle, and the second, technical details consent (TDC), stage is when the detailed development proposals are assessed. It is the granting of TDC that has the effect of granting planning permission for the development. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for PiP is limited to location, land use and the amount of development. All other matters are considered as part of a subsequent TDC application if PiP is granted.
4. A plan has been submitted showing how development could be accommodated on the site. I have taken this plan into account for indicative purposes only.

Main Issues

5. The main issues are:
 - whether the site is in a suitable location for housing, having regard to its accessibility to services and facilities, and;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location

6. Policies in the South Worcestershire Development Plan 2016 (DP) seek to ensure development is in the most sustainable locations. The strategy for the

location of development is set out in Policy SWDP2 of the DP. The main parties agree that the appeal site is not within any of the development boundaries defined by the DP. The site is therefore located in open countryside for the purposes of planning policy.

7. Part C of SWDP2 restricts new development in the open countryside to specific uses. The proposed development does not meet any of the prescribed exceptions. As such, the site location does not accord with the Council's strategy for the location of housing.
8. Policy SWDP2 explains that sites located in the open countryside are generally less sustainable, as they typically have poorer access to local services and employment opportunities than those located within defined development boundaries. Further to this, Policy SWDP4 of the DP requires that development minimises the need to travel and provides genuinely sustainable travel options. This is consistent with the National Planning Policy Framework (the Framework) which expects development to promote walking, cycling, and the use of public transport, while recognising that sustainable transport solutions will vary between urban and rural areas.
9. The site is located close to the settlement of Broadwas village which has a primary school, pub, church and village hall. However, these services and facilities are unlikely to meet the day-to-day needs of future occupiers.
10. Although the exact siting of the access would be determined at TDC stage, the location of the site means it would have to be onto the A44 where a 60 mile per hour speed limit is in place, reducing to 30 miles per hour a short distance beyond the western tip of the site in the direction of Broadwas.
11. During my site visit, on a weekday morning, there were frequent vehicle movements on the A44, including large vehicles. There is no dedicated footway or street lighting for most of the route between the site and Broadwas. Adjacent to the site there is a narrow, uneven grass verge, which means pedestrians would have to walk at close proximity to fast moving traffic. The verge does widen adjacent to the section of road within the 30 mile per hour speed limit, but the uneven nature of the ground would be unsuitable for those with reduced mobility.
12. Footpaths 518 (C) and 520 (C) run adjacent to the eastern and southern boundaries of the site, however, these are also unmade and unlit and I found that they would not offer a better alternative for pedestrian access to Broadwas. As such, I do not find that the site would have safe and convenient access for pedestrians.
13. Additionally, there are no dedicated cycleways between the site and Broadwas. Given the speed of vehicles adjacent to the site and the lack of street lights, this would not be a particularly desirable or safe cycling route, particularly during the winter months.
14. There is a bus stop in Broadwas that provides services to Worcester and Bromyard. Worcester has a range of day-to-day services and facilities, including retail, employment, and education, and there are employment opportunities in Bromyard. The submitted evidence indicates that the bus service to Worcester operates only five times per day, and the service to Bromyard four times per day,

with no service on Saturdays or Sundays. I am not satisfied that this level of provision would offer convenient access to essential services, facilities, or employment. This is further compounded by the site's lack of safe and convenient pedestrian or cycle access to the village, where the bus stop is located.

15. Consequently, I find that the site location would not offer genuinely sustainable travel choices. As a result, there is likely to be a reliance on private vehicles for travel to day-to-day services, facilities and employment.
16. I acknowledge the appellant's commitment to installing electric vehicle charging points and cycle storage. However, the presence of these features does not guarantee their use, particularly as I have found that the road conditions would not be attractive to cyclists. The benefits arising therefore do not outweigh the site's lack of sustainable access to services and facilities.
17. I note the County Highway Authority have not objected to the proposal. However, the lack of objection does not equate to a lack of harm.
18. My attention has been drawn to an emerging development plan policy which the appellant suggests adjusts the approach to sites located in the open countryside. However, I do not have the full details of this, nor the status of the emerging plan before me. As such, this does not alter my conclusion in relation to this matter.
19. Permitting the proposal would be harmful as the site is not in a location where the need to travel, particularly by car, is minimised. Furthermore, I have found that the site location would have limited potential to promote sustainable transport use. Given that the proposal would be inconsistent with an important element of the Council's approach to development I have judged the magnitude of harm to be significant.
20. Taking all of the above into account, I find that the site is not in a suitable location for residential development having regard to its access to services and facilities. As such, the proposal conflicts with Policy SWDP4 and the Framework, as set out above.

Character and appearance

21. The site is located to the south of the A44 road and comprises undeveloped grassland. It is triangular in shape, with boundaries delineated by trees and hedgerows.
22. The site lies within the 'Principal Timbered Farmlands' landscape type. As described in The Landscape Character Assessment Supplementary Guidance 2016 (the SG), and confirmed during my site visit, this landscape type is defined by a mosaic of agricultural land with a dispersed pattern of development.
23. While I acknowledge that the site is not isolated due to its proximity to other built development, it is physically separated from the main built up part of Broadwas village by undeveloped land. Additionally, properties on Butts Bank to the north are elevated and largely screened from the site by mature vegetation. There is a gypsy and traveller site on the adjacent parcel of land to the east, but beyond that, the area to the south of the A44 in the immediate vicinity of the appeal site, is characterised predominantly by undeveloped land with sparse built development, giving it an open and verdant character.

24. In its current, undeveloped state, the site positively contributes to the area's character and appearance including the landscape character. The introduction of built development and the likely associated domestic paraphernalia to the site would erode its open and verdant character. Landscaping or biodiversity enhancements would not sufficiently mitigate this impact. Consequently, the proposed development would appear discordant within the landscape and disrupt the historic dispersed settlement pattern that the Landscape SG seeks to maintain.
25. It is likely that the hedgerow at the northern boundary of the site, adjacent to the A441 would need to be removed, at least in part, to facilitate access to the site. Hedgerow boundaries are a primary key characteristic of Principal Timbered Farmlands. Removal of this hedgerow would therefore exacerbate the proposal's adverse effect on the landscape character, contrary to the Landscape SG which seeks the conservation of the pattern and composition of the hedgerow structure.
26. The adjoining parcel of land to the east of the site has static caravans which were approved as part of a gypsy and traveller site (Appeal Ref: APP/J1860/W/23/3316818, 14 February 2024). It is suggested that the Inspector's findings in relation to character and appearance on that site should apply to the appeal site. However, that development is materially different to the proposal before me now. Whilst the detailed design of the proposed bungalows would be determined at TDC stage, it is likely that they would have a greater overall mass and height than the flat roofed static caravans situated on the adjoining site. The size and shape of the site also means that the bungalows would be sited closer to the road than the neighbouring caravans, meaning they would be more visually prominent and conspicuous in the landscape.
27. Furthermore, I note that gypsy and traveller sites are subject to different policy considerations and that such sites are often found in rural areas. I therefore do not find the adjacent development to be directly comparable to the proposal before me now. As such, this consideration does not lead me to a different conclusion on this matter.
28. The Council's reason for refusal refers to a harmful impact on Key View 3 identified in Policy P5 of the Broadwas and Cotheridge Neighbourhood Plan 2019 (the NP). Policy P5 requires that development proposals do not substantially harm the identified Key Views.
29. Key View 3 is taken from a point to the north east of the site some distance along the A44 and it affords views to the south towards the River Teme Valley and the Malvern Hills. I viewed the site from this point during my visit. Given the intervening distance and presence of mature trees and hedgerows along field boundaries, built development on the appeal site, particularly of a single storey, is unlikely to be readily seen from Key View 3, even in winter months when deciduous trees shed their leaves. As such, I find that the proposal would not adversely affect this view and consequently there would be no conflict with Policy P5 of the NP.
30. Whilst I have found that the proposal would not conflict with policy P5 of the NP, I have found that development in this location would unacceptably harm the character and appearance of the area. As such, it would conflict with DP policies

SWDP21 and SWDP25 which together require development to integrate effectively with its surroundings, be appropriate for the character of the landscape setting and conserve the primary characteristics of the landscape.

Other Matters

31. I acknowledge there is the potential for future occupants to contribute to the rural community of Broadwas, however the scale of the proposed development means it would have limited social and economic benefits. Three additional houses would make positive, albeit limited, contribution to the supply of housing, as would the support that their construction and future occupancy would provide to construction employment and the local economy.
32. My attention has been drawn to two appeal decisions for sites within the same local authority area (APP/J1860/W/23/3332645, 24 April 2024 and APP/J1860/W/24/3338781, 8 August 2024) in which the Inspectors found that the adverse impacts arising from limited access to public transport would not significantly and demonstrably outweigh the benefits of those proposals. I have also had regard to a third appeal decision (APP/J1860/W/24/3351310, 4 February 2025) in which the Inspector found that the harm from conflict with the development plan and the harm to the character of the area would not significantly and demonstrably outweigh the benefits of that development. However, in all these cases, based on the information submitted, the sites appear to have different physical and locational contexts to the current appeal site. Therefore, I am not satisfied that they are directly comparable and as such, these considerations do not lead me to a different conclusion on this appeal.
33. The appellant has also submitted appeal decisions (APP/Y3940/W/24/3351527 and APP/Y3940/W/24/3351528, 17 February 2025) in which the Inspector attributed very substantial weight to the social benefits of delivering housing, as well as substantial weight to the economic benefits to the construction industry and employment. However, those appeals relate to a larger scale development of up to 90 dwellings along with a local centre. I therefore find the examples cited are not directly comparable to the proposal before me now. As such, I have found this does not alter my consideration of this appeal proposal, which I have determined on its own merits.
34. I have also had regard to the Written Ministerial Statement (WMS) dated 12 December 2024 which describes the Government's commitment to deliver 1.5 million homes. Whilst it may be appropriate, in some locations, to allow development on unallocated greenfield sites in order to meet this commitment, I am mindful that the WMS also states that it is essential to protect the most valuable countryside. In this case, I have found that there would be harm to the character and appearance of the site's countryside location which is not significantly and demonstrably outweighed by the provision of 3 dwellings, as set out below.
35. I appreciate that the site is free of environmental designations, but that is a neutral factor and weighs neither in favour of, nor against the appeal proposal.

Planning Balance

36. The SWDP dates from 2016 but the weight to be attached to its policies does not hinge on its age. Rather paragraph 232 of the Framework makes it clear that due

weight should be given to existing policies according to their degree of consistency with the Framework. In this respect the Framework expects development to promote sustainable travel modes, such as walking and cycling, that limit future car use. Furthermore, the countryside is not protected for its own sake, but its intrinsic character and beauty is recognised by the Framework which also indicates new development should be sympathetic to local character. Therefore, the conflict between the proposal and Policies SWDP4, SWDP21 and SWDP25 should be given significant weight in this appeal.

37. As there are no policies in the DP 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 be a conflict with the development plan as a whole.
38. The Council has confirmed that it cannot currently demonstrate a five-year supply of deliverable housing sites. In these circumstances, footnote 8 of the Framework establishes that paragraph 11d) is engaged. There is nothing before me to suggest that the policies identified in footnote 7 of the Framework provide a strong reason for refusing the development proposed under paragraph 11 d) i). Hence, the balance in paragraph 11 d) ii) applies.
39. Paragraph 11 d) ii) states planning permission should be granted unless 'any adverse impact 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,...'. In addition, measures set out to achieve well designed places in paragraphs 135 and 139 of the Framework constitute key policies for the purposes of paragraph 11 d) ii).
40. The Framework seeks to significantly boost the supply of homes. The main parties agree that the Council has a supply of 2.06 years, which is a considerable shortfall. Whilst the Framework does recognise the contribution that small sites can make to meeting the housing requirement for an area, three dwellings would make a minimal contribution to the overall supply of housing and as described above, the associated benefits would be limited. I therefore attribute these benefits limited weight.
41. Consequently, the lack of safe and convenient access to services and facilities via walking, cycling and public transport as well as the unacceptable harm to the character and appearance of the area, 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

42. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, that indicate that a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

A O'Neill

INSPECTOR