



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: 26 September 2025

Appeal Ref: APP/J1860/W/25/3367623

Land adjacent 1 Heath Cottages, Gloucester Road, Upton-upon-Severn WR8 0QR

- 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 Mrs L Marshman against the decision of Malvern Hills District Council.
 - The application Ref is M/25/00673/PIP.
 - The development proposed is described as: Permission in Principle for the construction of up to 5no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

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 Issue

5. The main issue is whether the site is in a suitable location having regard to the Council's strategy for the location of housing, and its accessibility to services and facilities.

Reasons

6. Policies in the South Worcestershire Development Plan 2016 (DP) seek to ensure development is in the most sustainable locations. DP Policy SWDP1 sets out the overarching sustainable development principles for the area and Policy SWDP2 sets the strategy for the location of development.

7. The main parties agree that the site is not within any of the development boundaries defined in the DP. Policy SWDP2 defines land beyond any development boundary as open countryside. The site is therefore within open countryside for planning policy purposes.
8. I appreciate that the site is not isolated as it is located close to other existing residential and commercial development. However, Part C of SWPD2 restricts new development in the open countryside to specific uses. The proposed development does not meet any of the prescribed exceptions and as such, the site location does not accord with the Council's strategy for the location of housing.
9. 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, DP Policy SWDP4 requires that development minimises the need to travel and provides genuinely sustainable travel options. Policy SWDP21 is also relevant to the proposal in that it requires development to maximise opportunities for pedestrian and cycle linkages to the surrounding areas and local services.
10. These policies are 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.
11. The nearest services and facilities to the appeal site are a public house and a doctors and dentist which are all within a reasonable walking distance. However, these services and facilities are unlikely to meet the day to day needs of future occupiers. The closest settlement with a range of services and facilities is Upton-upon-Severn and the Council's evidence indicates the closest convenience store would be approximately 30 minutes' walk from the site.
12. There is a dedicated footpath from the site along Gloucester Road along which the nearby services and facilities and Upton-upon-Severn can be reached. However, this path only has intermittent streetlighting. Additionally, given the distance between the site and Upton-upon-Severn, I am not satisfied that this would provide a safe and convenient route for pedestrians.
13. I acknowledge the appellant's comments regarding cycling they have observed in the area. However, there are no dedicated cycle routes between the site and Upton-upon-Severn and as I have noted, the route is not fully lit. As such, I find that it is not a particularly desirable route for cycling, especially in the winter months. Therefore, cycling is unlikely to be a realistic alternative to a private vehicle for travel to services and facilities.
14. It is suggested that a lack of street lighting is characteristic of the rural area of South Worcestershire. Be this as it may, this consideration does not justify the appeal development in light of the conflict I have found with the Council's strategy for the location of housing and the lack of suitable alternative sustainable transport options.
15. The main parties refer to a bus stop located to the north of the site on Welland Road which can be accessed via the footpath from the site along Gloucester Road. However, I have not been provided with details of any bus routes nor the

frequency of any services. As such, I cannot be satisfied that future occupants would have access to a regular bus service which would provide convenient access to services and facilities.

16. Whilst some future occupiers may work from home, this does not negate the need to travel to other services and facilities which, as I have found, would not be readily accessible by sustainable forms of transport. Thus, this consideration does not alter my conclusion on this matter.
17. The Framework does acknowledge that sustainable transport solutions will vary between urban and rural areas. However, it also requires development to promote walking, cycling and public transport use. I have found that the appeal site location would have limited potential to promote such sustainable transport use.
18. Permitting the proposed dwellings would be harmful in that the strategy for the distribution of housing would be undermined. Furthermore, the site is not in a location where the need to travel is minimised or which offers genuinely sustainable travel options. 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.
19. Taking all of the above into account I find that the proposal would not be in a suitable location having regard to the Council's strategy for the location of housing nor its accessibility to services and facilities. As such, the proposal conflicts with DP Policies SWDP1, SWDP2, SWDP4 and SWDP21, as set out above.

Other Matters

20. The proposed development would have limited social and economic benefits. Five additional houses would make a positive, albeit limited, contribution to the overall supply of housing, as would the support that their construction and future occupancy would provide to construction employment and the local economy.
21. It is suggested that the proposal could provide homes to meet the needs of the elderly or those with mobility concerns. However, there is no way to secure this through a PiP consent as the design and layout of the dwellings would be determined at TDC stage. As such, this consideration does not outweigh the harm I have identified in relation to the main issue of this appeal.
22. I note that the Council does not object to the amount of development proposed and I have no reason to reach a different conclusion. Nevertheless, this consideration does not alter my conclusions regarding the proposed type and location of development.
23. My attention has been drawn to an approved PiP application in Ombersley (reference: W/24/ 02308/PIP, 23 December 2024). However, that example has a different site and locational context to the current appeal proposal and I do not find the two to be directly comparable. Therefore, it does not influence my consideration of this appeal proposal, which I have determined on its own merits.

Planning Balance

24. 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. Therefore, the conflict between the proposal and Policies SWDP1, SWDP2, SWDP4 and SWDP21 should be given significant weight in this appeal.

25. 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.
26. 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.
27. 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,...'.
28. 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, five dwellings would make a limited contribution to the overall supply of housing and as described above, the associated benefits would be limited. I therefore attribute these benefits limited weight.
29. Consequently, the adverse impacts on the Council's development strategy and of increasing travel by private vehicle, 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

30. 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