



Appeal Decision

Site visit made on 16 September 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Appeal Ref: APP/J1860/W/25/3369488

Land off Peachley Lane, Lower Broadheath

- 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 Margeretta Wood Trust against the decision of Malvern Hills District Council.
 - The application Ref is M/25/00623/PIP.
 - The development proposed is described as “permission in principle for up to 7 dwellings”.
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Decision

1. The appeal is allowed and permission in principle is granted for up to 7 dwellings at Land off Peachley Lane, Lower Broadheath in accordance with the terms of the application, Ref M/25/00623/PIP, dated 4 April 2025.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle. 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 permission in principle stage) establishes whether a site is suitable in-principle and the second (‘technical details consent’) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.

Main Issue

4. The main issue in this appeal is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development.

Reasons

Development Strategy

5. There is no dispute between the parties that the appeal site is located outside the development boundary and, for the purposes of Policy SWDP 2 of the South Worcestershire Development Plan (2016) (Local Plan), within the open countryside.

6. Policy SWDP 2 of the Local Plan sets out the development strategy and settlement hierarchy for the District. It states that in the open countryside, development will be strictly controlled and will be limited to dwellings for rural workers, employment development in rural areas, rural exception sites, buildings for agriculture and forestry, replacement dwellings, house extensions, replacement buildings and renewable energy projects and development specifically permitted by other SWDP policies. The proposal would not meet any of these exceptions and would therefore be at odds with the development strategy.
7. Accordingly, the appeal site would not be in a suitable location for the type of development proposed when applying the development strategy set out in the development plan.

Accessibility

8. Notwithstanding this, the appeal site adjoins the development boundary of Lower Broadheath, a Category 1 village, on three sides. Category 1 villages provide at least four key services and are considered most sustainable in the village hierarchy in respect of the provision of local services. The appeal site is within a reasonable walking distance of several key local services and facilities in Lower Broadheath, including the community shop and primary school, as well as bus stops providing services to further afield.
9. To access these services and facilities, occupants of the proposed dwellings would need to walk along a small section of Peachley Lane, which is single-track and without footways or street lighting. Although this is not ideal, it is not uncommon in rural villages, such as Lower Broadheath. I saw on site that the route is not unattractive, and I understand from the representations made by those who live nearby that the lane is used by pedestrians and cyclists on a regular basis. Generally, there is a lack of street lighting throughout the village, and many of the existing houses in the village are accessed from highways with no footway.
10. In this case, the occupants of the proposed dwellings would only need to walk along a very short section of Peachley Lane before reaching a footpath that connects to Jacomb Road, and which provides a route to local services and facilities that includes a footway. The speed limit along this section of Peachley Lane is 30mph, and, while I note the concern of existing residents that vehicles travel at higher speeds along this part of the lane, the vehicles I observed on my visit were not travelling at high speeds. To the contrary, they appeared to travel at speeds less than 30 mph, especially when passing pedestrians. I recognise that my observations only represent a snapshot in time, and that the number of vehicle movements and their speed may differ at other points in the day. However, there is nothing to suggest that what I saw on site was untypical.
11. I am mindful that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan making and decision taking. Given the short distance between the appeal site and the footpath to Jacomb Road, and the slow speed of the vehicles, I am of the view that future occupants of the proposed dwellings would not be unlikely to find walking or cycling to local facilities and services an attractive proposition. In terms of journeys made after dark and during periods of inclement weather, walking and cycling would be no more unattractive than it would be in general for residents of rural, unlit villages, such as Broadheath.

12. The Council also refer to the appeal site being elevated above Peachley Lane. However, from the evidence before me and my observations on site, there is nothing to demonstrate that this would prevent the development of the site or make it unsuitable for the proposal in principle. Access onto the appeal site would be addressed at Technical Detail Consent stage.
13. In conclusion, I find that the appeal site would benefit from a reasonable level of accessibility and future occupants would have a reasonable choice of sustainable transport modes to access day-to-day facilities and services.
14. Accordingly, the proposal would accord with Policy SWDP 4 A of the Local Plan, which seeks to ensure that proposals minimise demand for travel and offer genuinely sustainable travel choices.

Other Matters

15. In terms of benefits, the proposal would provide up to 7 new dwellings in a reasonably accessible location. The Council does not currently have a five-year supply of deliverable housing sites. As of January 2025, the five-year land supply position was 2.06 years. This is a chronic shortfall, which is not disputed by the Council. Although modest in scale, the proposal would make an important and much needed contribution to the district housing supply, and, as a small site, could be built out relatively quickly. I therefore afford the delivery of the proposed dwellings significant weight in my decision.
16. I have taken careful account of the representations of those who live in Lower Broadheath, which include, among others, concerns regarding the character and appearance of the area, highway safety, flooding, and the impacts of the proposal on biodiversity and the living conditions of those who live nearby.
17. It is important to recognise that the application subject to this appeal is for permission in principle, meaning I must assess the 'in principle' aspects of residential development at the appeal site in terms of location, land use and amount only. There will be no planning permission until technical details consent has been granted and there is no requirement for this to be given automatically. Technical matters such as the design, scale and massing of the scheme, the vehicular access onto the site, drainage, parking, and the effect of the proposal on biodiversity and the living conditions of those who live nearby would be addressed at Technical Detail Consent stage.
18. The Highway Authority has no in principle objection to the proposal. From the evidence before me and my observations on site, I can find no reason to disagree.
19. While the appeal site itself is in Flood Zone 1, it has been put to me that part of Peachley Lane is susceptible to flooding. However, there is no substantive evidence before me to demonstrate that the flooding of Peachley Lane would make the appeal site unsuitable for the proposal in principle.
20. I understand that there has been other recent development in and around the village, which would have caused a degree of noise and disturbance to the residents, and I appreciate that a new development would likely have a similar effect, particularly during construction. Nonetheless, construction would only take place for a limited period, and conditions could be imposed at Technical Detail Consent stage to ensure the construction process, including access for

construction traffic, any necessary road closures and/or the removal of spoil, was managed appropriately.

21. I note there are some listed buildings¹ within Lower Broadheath, not far from the appeal site, which interested parties consider would be negatively impacted upon by the proposal. Nevertheless, I saw on my visit that the appeal site is separated from these listed buildings by intervening vegetation and built form. As such, it does not form part of the surroundings in which the listed buildings are experienced. Given this, neither the settings of the listed buildings nor their significance would be affected by the proposal.

Planning Balance

22. Given the shortfall in housing supply, paragraph 11d) of the National Planning Policy Framework (the Framework) falls to be considered. Permission should therefore be granted unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the 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.
23. I have found that the proposal would be at odds with the Council's development strategy. The development strategy is broadly consistent with the Framework in terms of supporting housing developments in rural areas that reflect local needs. Nevertheless, Policy SWDP 2 of the Local Plan restricts the type of development permitted in rural areas where it would be located beyond the development boundary, whereas the Framework only restricts the type of development permitted in rural areas where the development would result in isolated homes in the countryside.
24. In this case, the appeal proposal would not result in isolated homes in the countryside. This is not disputed by the Council. Unlike Policy SWDP 2 of the Local Plan, Paragraph 83 of the Framework supports housing in rural areas, where it would enhance or maintain the vitality of rural communities, especially where it would support local services, including services in nearby villages. In this case, the proposed dwellings would help maintain the vitality of the rural communities, as future occupants would likely use the services and facilities in Lower Broadheath. The proposal would therefore accord with the Framework in this regard.
25. Accordingly, although the appeal site is located beyond the development boundary, I am of the view that it is not in an unsustainable location and would not be contrary to the aims of Paragraph 110 of the Framework, to limit the need to travel and offer a genuine choice of transport modes. For this reason, I afford the conflict with the development strategy limited weight.
26. Overall, the limited harm arising from the proposal being at odds with the Council's spatial strategy would not significantly and demonstrably outweigh the benefits of the proposal. Thus, in this case, material considerations justify allowing the appeal.

¹ Peachley House and Christ Church

Conclusion

27. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Hannah Guest

INSPECTOR