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## Appeal Decision

Site visit made on 24 September 2025

**by Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 16 October 2025.**

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**Appeal Ref: APP/J1860/W/25/3369007**

**Hillcrest, Bromyard Road, Worcester, Worcestershire WR2 5TR**

- 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 Stephanie Potts against the decision of Malvern Hills District Council.
  - The application Ref is M/25/00669/PIP.
  - The development proposed is one detached dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. This 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

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

### Reasons

4. The appeal site is located outside the nearest defined settlement boundary. For the purposes of Policy SWDP 2 of the South Worcestershire Development Plan (2016) (Local Plan), land outside the development boundary is considered to be within the open countryside.
5. 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 with limited exceptions. The proposal would not meet any of the exceptions listed and would therefore be at odds with the Development Strategy.
6. In addition to this, I saw on my visit that the accessibility of the appeal site with regards to local services and facilities would be limited by any other means than the private car. The distance to these services and facilities would be at the cusp of what is considered reasonable to walk and, while the distance would be more practical in terms of cycling, the route for both pedestrians and cyclists would not be appealing.

7. The A44, which would provide the beginning of the walking and cycling routes to Worcester and Rushwick, experiences reasonably frequent vehicle movements, including larger vehicles, such as buses and HGVs. The section of the A44 where the appeal site is located is limited to 40 mph and the vehicles appeared to travel close to this maximum speed. The width of the footway varies but there are large sections where it is narrow, including where the speed limit of the A44 increases to 60 mph. These narrow sections would not safely accommodate larger pushchairs or wheelchairs. Pedestrians would be positioned very close to the traffic and would likely feel vulnerable and unsafe. Moreover, to pass one another there is a strong likelihood that they would have to step onto or position themselves even closer to the highway, which significantly increases the risk of conflict between pedestrians and vehicles. There is no dedicated cycle lane or path along this section of the A44, and most of it does not benefit from street lighting. As such, it would not provide a pleasant environment for pedestrians or cyclists.
8. The footway eventually widens and is segregated from the highway as it passes the Bromyard Road, Grove Way (A4440), A4103 roundabout, adjacent to a new housing development. At this point there is street lighting and also a dedicated cycle path. Nevertheless, given the highway conditions at the beginning of the route, for the reasons set out above, occupants of the proposed dwelling would not be encouraged to walk or cycle to the nearest services and facilities.
9. The same route would provide access to the closest bus stops on Crown East Lane, which provide services between Worcester and Bromyard. Although the walk to the bus stops would be much shorter than to other local services and facilities, the services from these stops are very limited and, as such, together with the unpleasant route and unsheltered stops, it is unlikely that occupants of the proposed dwelling would use the bus on a regular basis. It has been put to me that future provisions for bus stops to serve the proposed dwelling will be significantly improved as part of the recent residential development close to the appeal site. Nonetheless, the distance to the proposed stops would be appreciably further than the bus stops on Crown East Lane with the same unattractive route for pedestrians and cyclists.
10. It may be that some of the local facilities and services can be accessed over a shorter distance using Public Rights of Way. The specific routes that would be used are not set out before me. However, it is likely that the condition of these rural routes, for example uneven walking surfaces or encroaching vegetation, would deter most occupants from using them on a regular basis, and especially during adverse weather and the hours of darkness.
11. The appellant refers to future changes to the highway arrangement along the A44, which could result in the lowering of the speed limit along the section, which is currently 60 mph. Nonetheless, this is not the current arrangement and there is nothing before me to indicate when the new roundabout would be constructed or any guarantee of what speed limits would be implemented. In any event, the lowering of the speed limit along this section of the A44 would not, in itself, fully address the conditions that make the route unattractive to pedestrians and cyclists.
12. The appellant also refers to the appeal site as being within the Strategic Growth Area identified in the Rushwick Expanded Settlement Indicative Location Plan. Specifically, within the cycle catchment for the growth area centre and proposed urban extension of Rushwick, which would include a local centre, as well as other

day-to-day facilities and services. However, there is nothing before me to demonstrate the current policy status of this proposed urban extension. I can therefore only afford it limited weight in my decision.

13. Accordingly, for the reasons above, the proposal would conflict with Policy SWDP 4 of the Local Plan, which seeks to manage travel demand by ensuring that the layout of development will minimise demand for travel and will offer genuinely sustainable travel choices.

### **Other Matters**

14. In terms of benefits, the proposal would provide a single new dwelling. The Council does not currently have a five-year supply of deliverable housing sites. The latest five-year land supply position provided by the appellant is 2.06 years. This is a chronic shortfall, which is not disputed by the Council. Given this, while the scale of the proposal would be modest, the new dwelling, in this case, would make an important and much needed contribution to the district housing supply. I therefore afford its delivery moderate and meaningful weight in my decision. There would also be some modest economic and social benefits associated with the construction of the dwelling and its subsequent occupation.
15. The appellant refers to several residential schemes that have been permitted in the wider area. I understand that many of these are located outside the nearest defined settlement boundary and, for the purposes of Policy SWDP 2 of the Local Plan, within the open countryside. However, although I do not have full details of these schemes before me, there appear to be appreciable differences between them and the appeal proposal, particularly in terms of the site circumstances. The accessibility of some of these acceptable schemes may have similarities to the appeal site. Nevertheless, assessed on its own merits, I have found that the appeal proposal would not offer genuinely sustainable travel choices and, as such, future occupants would be heavily dependent on the private car.

### **Planning Balance and Conclusion**

16. 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.
17. I have found that the proposal would conflict with the Council's development strategy set out at Policy SWDP 2 of the Local Plan. It would also conflict with Policy SWDP 4. Thus, it would conflict with the development plan read as a whole.
18. The Council's development strategy is broadly consistent with the Framework in terms of supporting housing in rural areas that reflect local needs. Nonetheless, 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 it would result in an isolated home in the countryside.

19. In this case, the appeal proposal would form part of a small cluster of development on the A44, which includes several other houses. This cluster of houses is also not a significant distance from the houses along Crown East Lane. It would therefore not result in an isolated home in the countryside. 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.
20. Nonetheless, while it may be that the proposal would support some nearby services and facilities, the accessibility of the appeal site in terms of walking and cycling would be limited, and future occupants of the proposed dwelling would be unlikely to access the bus services on a regular basis.
21. Paragraph 115 of the Framework seeks to ensure that, in assessing specific applications for development, sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location. I am mindful that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, in this case, the distances and condition of the walking and cycling routes would deter most occupants from using more sustainable forms of transport to access day-to-day services and facilities and, as such, they would be heavily reliant on the private car.
22. This would conflict with the aims of Paragraph 117 of the Framework, which seeks to ensure that applications for development give priority first to pedestrian and cycle movements. The condition of the walking and cycling route would mean that the proposal would also fail to address the needs of people with disabilities and reduced mobility in relation to all modes of transport and create places that are safe, secure and attractive – which minimise the scope for conflict between pedestrians, cyclists and vehicles.
23. Overall, the proposal would support the objective of the Framework in boosting the supply of homes in an area where there is currently a chronic shortfall in the supply of deliverable housing sites. Although the scale of the proposal is modest, small-sized sites, such as the appeal site, are often built-out relatively quickly and the proposed dwelling would therefore help address the shortfall more promptly.
24. Nevertheless, the appeal site would not be in a suitable location for the type and amount of development proposed when applying the development strategy set out in the Local Plan. It would not direct development to a sustainable location in terms of accessibility and, as such, would not be an effective use of land. I have had particular regard to this and afford it significant weight.
25. Accordingly, when assessed against the policies in the Framework taken as a whole, I find that the significant adverse impacts of the proposal, would significantly and demonstrably outweigh its moderate benefits. Therefore, in this case, material considerations do not justify allowing the appeal.
26. Having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

*Hannah Guest* INSPECTOR