



Appeal Decision

Site visit made on 26 July 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 16th August 2024

Appeal Ref: APP/H1840/W/23/3333122

Land to the East of Main Street, Bishampton WR10 2NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Build1 against Wychavon District Council.
 - The application Ref is W/22/02070/OUT.
 - The development proposed is an outline application for up to 3 self-build homes. All matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As indicated above, this appeal relates to the failure of the Council to make a decision on an application for outline planning permission with all matters reserved except for access. I have determined the appeal on this basis. Illustrative layouts have been provided and I have paid regard to the layouts in so far as assessing the principle of development in land use terms.
3. During the appeal process, the Council have confirmed that they consider that the proposal would conflict with Policy SWDP 2 of the South Worcestershire Development Plan adopted February 2016 (SWDP) as it would not be located in an appropriate location having regard to the settlement strategy and it would conflict with Policies SWDP 21 and SWDP 23 as the proposal would result in back-land development contrary to the existing pattern of development in the village and would not safeguard the countryside. Although they recognised that they could not demonstrate a four-year supply of deliverable housing sites, on balance they considered the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits. I have framed my main issues based on the Council's submissions.

Main Issues

4. The main issues are:
 - whether or not the appeal site is an appropriate location for the proposed development having regard to the settlement strategy and development plan and national policies relating to development within rural areas; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Whether or not an appropriate location

5. The appeal property comprises land behind existing residential dwellings to the east of Main Street. It is common ground between the main parties that the appeal site is outside the settlement boundary and consequently the appeal site is within the open countryside. Policy SWDP 2 of the SWDP sets out the development strategy and settlement hierarchy and highlights that within the open countryside development will be strictly controlled and will be limited to certain types of development.
6. The appeal site does not meet any of the specific limited types of development set out in SWDP 2. There have been previous relevant appeal decisions¹ which involved two linked cases involving a larger site for more dwellings, but which included the current appeal site.
7. The previous Inspector acknowledged that Bishampton is a suitable location for new development and benefits from a number of services and facilities to meet day-to-day needs which are directly accessible from the site by foot and motor vehicle. I agree. I also note that there is a bus stop within walking distance which provides a service to larger settlements.
8. Consequently, in accordance with the National Planning Policy Framework (the Framework) as the bus service, coupled with the range of day-to-day facilities available in the village within walking and cycling distance, would give future residents a genuine choice of sustainable modes of transport, which would in turn help reduce reliance on the private car. However, ultimately the previous Inspector concluded that that as the developments subject of his appeals would be located beyond the settlement boundary of the village it would not be an appropriate location for housing and the proposals would be contrary to Policy SWDP 2. I agree.
9. I therefore conclude that the proposed development would be located in the open countryside, where Policy SWDP 2 of the SWDP seeks to strictly control development. Consequently, the appeal site is not an appropriate location for the proposed development having regard to the settlement strategy and therefore conflicts with Policy SWDP 2 for the reasons set out above.
10. However, bearing in mind that there are services and facilities within walking and cycling distance and there is an accessible bus service, any harm caused by the conflict would be modest as the proposal would accord with the Framework's aims of promoting walking, cycling and public transport and thus limiting the need to travel. Consequently, I afford this issue moderate weight in the determination of the appeal.

Character and appearance

11. Like the previous Inspector, I observed that the appeal site comprises an agricultural field located on the edge of the village flanked by heavily wooded areas to the north and south. Much of the village is linear with dwellings located along Main Street, however there are some more modern developments with a greater depth, including at Moat Farm Lane and

¹ APP/H1840/W/21/3277955 & APP/H1840/W/22/3291131

Nightingale Fields. I also note that planning permission has been granted for two additional dwellings to the west of Nightingale Fields.

12. Despite these non-linear developments, I agree with the previous Inspector that due to the linear layout on either side of the appeal site and the spacing between houses, including the gap that provides access to the appeal site, the character and appearance of this part of the area derives to a significant extent from the spacious and porous development that provides an appreciation of the open countryside beyond.
13. The appeal site itself has an open, spacious and verdant appearance and acts as an important link between the village and the surrounding open countryside, particularly given the existing footpath that crosses the appeal site. Again, like the previous Inspector I find that the appeal site contributes to the rural character of the surrounding countryside and provides an important setting to the village, despite it not being subject of any local or national designation.
14. In comparison to the previous appeal schemes, the appeal site and the maximum number of dwellings has been reduced. However, notwithstanding that appearance, landscaping, layout and scale are reserved matters and would be confirmed at a later stage, the introduction of up to three dwellings anywhere on the appeal site at whatever scale would result in its harmful urbanisation which would unacceptably diminish its existing open, spacious and verdant appearance. As a result, notwithstanding that the proposal would make efficient use of the site, it would nevertheless result in unacceptable harm to the character and appearance of the area. I afford such harm significant weight.
15. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. As outlined, I afford the harm the proposal would have on the character and appearance of the area significant weight. The proposed development would therefore not accord with Policies SWDP 21 and SWDP 25 of the SWDP, which among other things seek to ensure development integrates effectively with its surroundings and are appropriate with the character of the landscape setting.
16. The proposal would also be at odds with the Framework which seeks to ensure development is sympathetic to local character, including the landscape setting.

Other Matters

17. I turn now to consider housing supply. It is common ground that the Council cannot demonstrate an adequate supply of housing land. The Council accept that according to the latest Housing Land Supply Report dated April 2024 the number of years supply was 2.65 years. This is well below Government expectations. Although the proposal would undoubtedly be valuable in boosting housing stock in circumstances where there is an existing shortfall, given that it would result in the addition of only up to three dwellings that tempers its weight.
18. I accept that the proposal would have a cumulative effect in the supply of housing and would have limited economic, social, and environmental benefits. For example, it would provide some jobs and create demand for materials during the construction phase, would broaden the availability of housing in the area and once occupied would support services and local facilities in the village.

19. I note that the proposal would result in up to three additional self-build houses. The Council has a duty under the Self Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to keep a register of persons who are interested in acquiring a self-build or custom-build plot, and to also grant enough suitable development permissions for serviced plots to meet identified demand for the district.
20. The Framework supports small sites to come forward for self-build and custom-build housing. There is disagreement whether the Council is meeting their relevant duty. The Council sets out that it is granting sufficient permissions and slightly exceeds the cumulative requirement. On the other hand, the appellant considers that the requirement should be about double the Council's estimate. The same argument was advanced in relation to the previous appeal (as referenced previously) and in another appeal in relation to land off Brook Lane² in those cases the relevant Inspector was not persuaded that the Council was meeting its obligations. I have determined this appeal on the same basis.
21. The addition of self-build dwellings on the appeal site would help to address this shortfall. However, again the weight afforded is tempered by the small number of proposed dwellings.
22. I have taken account of the fact that the appellant has made satisfactory arrangements to ensure an adequate contribution would be secured for affordable housing. I also note that the appellant has updated the preliminary ecological appraisal and the newt mitigation strategy, and I am satisfied that suitable mitigation measures could be achieved to ensure the proposal would not harm the ecology of the area, including any protected species. However, given these matters are required to make the proposal acceptable and the proposal is not specifically for affordable housing, they are neutral factors in the determination of the appeal.
23. I also note that the appellant considers that the site has no current use or purpose. However, I am not persuaded that sufficient information has been provided to persuade me that is the case. I have therefore afforded that matter very limited weight.
24. I note that the Council have afforded significant weight to the contribution this proposal would make towards meeting the shortfall in housing supply in the District. However, as outlined, the weight is tempered by the fact that the proposed development only involves up to three additional dwellings. So overall, the totality of the weight I have afforded the benefits associated with the proposal is moderate.
25. In reaching that view I have had regard to the Written Ministerial Statement and draft National Planning Policy Framework published on 30 July 2024. National policies relating to housing land supply are proposed to change as part of this consultation and consequently it has been necessary to consult the parties.
26. I agree with the appellant that the consultation and the statement indicate a clear direction of travel. However, given that any changes are at the consultation stage they can only be given limited weight in the determination of the appeal. That said, even if I were to take account of the proposed changes

² APP/H1840/W/21/3276845

which if implemented would scrap the four-year housing supply target, that would not change the weight I would afford the benefits of the scheme. That is because I have already taken account of the fact that the Council's housing supply figures are well below Government expectations.

Planning Balance

27. I have afforded some matters weight as outlined above and I afford the totality of the benefits moderate weight in the determination of the appeal.
28. On the other hand, I have found that contrary to the relevant policies of the development plan, the appeal site would not be a suitable location for residential development and would have an unacceptably harmful impact on the character and appearance of the area. As a result, the proposal would conflict with the development plan and the Framework as a whole. I have afforded these matters moderate and significant weight respectively, which collectively I afford very significant weight.
29. As set out above, based on the available evidence the Council can only demonstrate a housing land supply of 2.65 years. As a result, Paragraph 11(d) of the Framework is engaged. However, for the reasons set out above, the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
30. I would only add, that even if I had agreed with the Council on the weight to be afforded to the contribution this proposal would make towards meeting the shortfall in housing supply in the District, that would not have changed the outcome as the adverse impacts would have still significantly and demonstrably outweighed the benefits.
31. Consequently, the scheme would not represent sustainable development within the meaning of paragraph 11(d) of the Framework and this weighs substantially against the scheme.
32. I note that in the original planning statement, the appellant listed a number of other appeal decisions. However inadequate details have been provided to allow me to undertake a meaningful review of these. In any event, each case is determined on its own particular merits and the existence of other appeal decisions which inevitably will have differing circumstances does not justify harmful development at the appeal site.

Conclusion

33. 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. I therefore conclude that the appeal should be dismissed.

S Rawle

INSPECTOR