



Appeal Decision

Site visit made on 3 June 2025

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/J1860/W/24/3354156

Tack Farm, Broadwas, Worcester WR6 5NE

- 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 J Stanley and T Pedro against the decision of Malvern Hills District Council.
 - The application Ref is M/24/01214/PIP.
 - The development proposed is application for permission in principle for the proposed erection of up to 5 no. dwellings (including 3 self-build plots).
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of a minimum of 5 and a maximum of 5 dwellings (including 3 self-build plots) at Tack Farm, Worcester WR6 5NE in accordance with the terms of the application, Ref M/24/01214/PIP.

Preliminary Matters

2. The Planning Practice Guidance (PPG) advises that permission in principle 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 stage ('technical details consent') is when the detailed development proposals are assessed.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application, if permission in principle is granted. The amount of residential development must be expressed as a range, indicating the minimum and maximum number of dwellings. In this case, permission in principle is sought for a minimum of 5 dwellings and for a maximum of 5 dwellings, 3 of which would be for self-build plots. Planning permission does not exist unless both the permission in principle and the technical details consent are approved. This appeal relates to the first of these 2 stages.
4. In considering whether to grant permission in principle, under S66(1) of the Listed Buildings and Conservation Areas Act 1990 (the Act) I am required to have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses.
5. I have had regard to the latest version of the National Planning Policy Framework¹ (the Framework) in reaching my decision.

¹ Published 12 December 2024

Main Issues

6. The main issues in this appeal are:
- Whether the site would be suitable for housing development having regard to its location, land use and amount of development;
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the proposal would preserve the setting of nearby listed buildings.

Reasons

Suitability of location

7. There is no dispute between the parties that the appeal site is located about 50-60 metres outside the development boundary of Broadwas. It therefore lies in open countryside for policy purposes where development will be strictly controlled and is limited to certain exceptions. The proposed dwellings, which include 3 self-build custom houses (SBCH) do not fall within these exceptions. The main purpose of the Council's development boundaries is to focus new residential development in sustainable locations where future residents will have access to a range of services and facilities by means other than the private car, as well as looking after the intrinsic character and beauty of the countryside.
8. Development Plan Policy SWDP4 seeks, amongst other things, to ensure that proposals minimise the demand for travel and offer genuinely sustainable travel choices and address road safety.
9. This approach is broadly consistent with the Framework, which states that to promote sustainable development in the rural areas housing should be located where it will enhance or maintain the vitality of rural communities; seek opportunities to promote walking, cycling and public transport; limit the need to travel, and offer a genuine choice of transport modes. At the same time the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and should be taken into account in decision-making.
10. Whilst located within the open countryside, the site cannot be described as isolated as it is located close to the cluster of nearby listed buildings at the entrance to the appeal site (Stone Farm, South Barn, Old Willow Barn and Stone Barn) and housing on the opposite side of the main road, including the recent re-development granted on appeal² at 'Zourka' for a replacement dwelling and 2 dwellings, and the cluster of housing down Church Lane around St Mary Magdeline Church.
11. According to Strategic Policy SWDP2 of the South Worcestershire Development Plan (the Development Plan), Category 2 settlements are expected to have at least two key services including a shop and access to at least daily services for employment and shopping purposes. Despite its categorisation as a category 2 settlement, Broadwas does not have a shop but it does have a primary school, village hall, church and public house.

² Appeal ref: APP/J1860/W/17/3191631 dated 10 May 2018

12. Not all settlements can have a full range of services and facilities, so existing and future residents would need to leave the village to access higher order services and facilities such as secondary schools, health and medical facilities, certain leisure activities and places of employment. The village has a limited bus service between Worcester and Bromyard, although there is some dispute between the parties as to the number and frequency of buses and bus operators. Either way, the service offers a limited service between Broadwas and Worcester and would have limited appeal to those needing to commute or go to secondary schools (nearest of which is Martley 4 miles away). Whilst local schools may supply school transport for its pupils and could help reduce the need for car-borne transport, it is not public transport. The nearest supermarket is in Worcester some 6 miles away. Cycling and walking would not be an option for most people considering the distances and the nature of the roads, including the A44 through the village which I saw was busy and did not have pavements beyond the village or streetlighting.
13. Without a frequent and convenient public transport service, or a range of services and facilities within reasonable walking or cycling distance, future residents would not have a genuine choice of sustainable modes of transport to access such services and facilities. As a result, residents would have to travel beyond the village for even basic day-to-day services and facilities and would most likely undertake those trips by private car, even if trips were linked.
14. Hence the location of the appeal site would result in future residents being unduly reliant on the private car to access even basic day-to-day services and facilities. Hence the appeal site would not be a suitable location for housing. Accordingly, the proposed development would be contrary to Development Plan Policy SWDP 4, whose aims are outlined above.
15. I saw there was no pavement on the appeal site side of the A44. On exiting the site and reaching the road, one would have to cross the A44 to join the pavement on the other side of the road that does go to the bus stop and primary school. To the west of the site entrance/exit there is a bend. However, the bend and the location of the site are both within the 30mph speed limit and once round the bend there is some distance to give advance sight of anyone crossing. When travelling into the village from the west there is also a road sign indicating a forthcoming right hand turn. Hence there are factors that should encourage drivers to slow down. However, existing residents at Stone Farm, South Barn, Old Willow Barn and the Stone Barn have to cross the same section of road. And residents further into the village also have to cross the road to get to the pavement. The Highway Authority raises no objection on highway grounds at this stage, although suggests that other issues will need to be addressed at Stage 2 (the technical details consent stage). Whilst there is lack of a pedestrian crossing point at the appeal side, in light of the there being no highway objection at the permission in principle stage, there are no substantive grounds to withhold permission on this basis.

Character and appearance

16. The prevailing pattern of development in Broadwas is its linear form along the A44, with most development fronting the road. However, there are a number of small, more recent cul-de-sac type developments off the main road that extend away from the road, in a similar manner to the appeal site. Houses are reasonably close together, and closer in the more modern developments and overall not unduly dispersed.

17. The appeal site is located towards the edge of the village and set well back from the road and accessed through a shared driveway through the courtyard of listed buildings and beyond it. Consequently there is very limited visibility of the site from the road, which is enclosed behind solid gates.
18. The site is not an open field. It comprises a linear range of stable buildings along the eastern half of the site, with a hardstanding track and turning circle occupying the western half of the site. The site has an open aspect and overlooks surrounding fields and gently rolling countryside. The existing buildings on site would be demolished to make way for the proposed 5 dwellings.
19. As the application is for permission in principle, there are no plans showing how and where the proposed dwellings would be positioned or arranged on the site. This would be determined at the technical details consent stage, should permission in principle be granted, together with the design, size and appearance of the dwellings, landscaping, boundary treatments and any parking provision.
20. From the location plan and my site visit observations, together with the scope of a 'permission in principle' application, I am satisfied that there is sufficient control at the technical details consent stage to ensure that the proposed dwellings could be designed to be in keeping with an edge-of-village location, mindful of their agrarian setting and proximity to listed buildings. Landscaping would also be a matter for the technical details consent stage, and again I have reason to doubt that an appropriate native landscaping scheme could not be achieved.
21. Accordingly, I have no reason to find the proposal would conflict with Development Plan Policies SWDP21 and SWDP 24. These seek, amongst other things, to ensure that development is of a high design quality that reflects and complements the characteristics of the site and is appropriate in scale, height and massing to the surroundings and would appropriately integrate with the landscape setting.

Setting of nearby listed buildings

22. There are a number of listed buildings in the vicinity of the site and which are sited either side of the shared access to the appeal site and the existing Tack Farm that form a cluster of buildings around what would most likely have been a farmyard.
23. Stone Farm, known as "Stone Farmhouse and attached hop kiln"³ fronts the road. It is Grade II* listed and dates from the 15th century and enlarged probably in the late 16th century with later 19th century additions. It is timber framed with rendered wattle-and-daub and painted brick infill. A late 19th century brick hop kiln, with its distinctive roof, adjoins the left gable end. Being two storey and with the timber framing and brick infill painted black and white, it is more visible from the road than the other listed buildings.
24. On the opposite side of the shared driveway is a Grade II listed 17th century barn known as "Old Willow Barn and South Barn"⁴, now converted into two residential dwellings. It is timber framed and weather-boarded, with a slate roof. It has seven formed bays with opposed square-headed cart entries. The interior, which I did not see, has striking strut trusses and single trenched purlins.

³ National Heritage List for England: list entry number 1082977

⁴ National Heritage List for England: list entry number 1302187

25. Further to the north and before the entrance to the gates leading into Tack Farm is the Grade II listed “Stone Barn”⁵. It probably dates from the late 17th century and is timber framed with weatherboard on a brick plinth. It has two framed bays and is single storey with hayloft.
26. From the evidence before me and what I saw, their special interest and significance are derived largely from their historic, architectural and archaeology interest, as examples of vernacular farming architecture. Their age, use of traditional construction techniques and materials, along with surviving historic fabric make important contributions in these regards. They also have group value being in close proximity to each other and reading as part of a former farmstead.
27. Significance also derives from a building’s setting, which are the surroundings in which the heritage asset is experienced. The buildings form a small complex of former farm buildings. This immediate setting from the entrance to the site and when within the courtyard allows the asset’s historic functions within the former farmstead complex, as well as the wider farming area and agrarian landscape, to be appreciated and understood and thus contributes to its heritage merit. The appeal site and its stable buildings are set some distance away, separated behind solid gates. Whilst the land may once have formed part of the fields associated with the former farmhouse and barns, the site has lost its association and hence has a neutral impact on the setting of the nearby listed buildings and hence their significance.
28. New housing on the appeal site would have some effect on the setting of the listed buildings, as they would likely be more visible than the existing stables. However, there is no evidence that causes me to question that a sympathetic design could not be achieved at the technical details consent stage that would reflect the character and appearance of the area, as well as the agrarian association with the nearby listed buildings and adjacent fields. Therefore I am satisfied that the proposal for 5 dwellings would not affect the setting and would not harm the significance of the nearby heritage assets.
29. Accordingly, the proposal would accord with Development Plan Policies SWDP6, SWDP21 and SWDP 24. Collectively these seek, amongst other things, to protect, conserve and where possible enhance the county’s historic environment. Development should also be of a high quality and integrate into its surroundings and respond to buildings and features that contribute to the visual and heritage interest of the local area.

Other Matters

30. I am aware of the comments of interested third parties, including the Parish Council, who object. However, my remit is limited by the nature of the permission in principle application. The officer delegated report summarised the issues raised and also the responses from consultees. There are no technical reasons or compelling evidence to withhold permission in principle based on highways or drainage. Many of the issues raised would be addressed at the technical details consent stage and planning permission does not exist unless both the permission in principle and the technical details are approved.

⁵ National Heritage List for England: list entry number 1082935

Planning Balance

31. A decision on whether to grant permission in principle must be made in accordance with the relevant policies in the development plan, unless there are material considerations, such as those in the Framework, which indicate otherwise.
32. The proposal would be outside the settlement boundary of Broadwas in the countryside and future residents would be unduly reliant on the private car to access day-to-day services.
33. However, the lack of access to day-to-day services and facilities is a predicament that applies to the existing residents of Broadwas whether they live within the settlement boundary or outside it. Broadwas is a Category 2 settlement, which the Council itself has defined as a suitable settlement for limited growth within its boundary. Therefore there is some tension between allowing new housing within the settlement boundary when the village does not have the necessary day-to-day services. Despite this tension, the proposal would bring a number of benefits.
34. There is no dispute that the Council is unable to demonstrate a 5-year supply of deliverable housing sites – it has 3.31 years as of April 2023. With the revised Framework and the need to use the updated Standard Method the position is likely to be worse. The housing land supply figure indicates that the Council's spatial strategy is not delivering enough homes. As a result, paragraph 11d) of the Framework is engaged and means that the policies which are most important for determining the application are to be considered out-of-date and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
35. The proposed dwellings would therefore contribute to meeting the Council's unmet housing need. This would help achieve one of the Framework's aims to boost the supply of homes. The Framework also acknowledges that small sites can make an important contribution to meeting housing requirements of an area. Hence, I give the provision of housing significant weight.
36. There is also no dispute that the Council has a shortfall of self-build custom housing (SBCH), indicating the Council's strategy is not leading to enough suitable permissions to meet the demand. The Framework identifies "people wishing to commission or build their own homes" as a distinct section of the community that should be reflected in policies. Under the 2015 Act⁶ the Council has a legal obligation to maintain a three-year rolling programme of SBCH. According to the submitted evidence the Council has until 30 October 2025 to deliver 7 additional plots. Hence the proposal to provide 3 SBCH plots would help reduce the deficit by almost half. I give this benefit significant weight.
37. Initial owners of the SBCH homes would need to have primary input into the final design of their house to comply with the definition of SBCH as set out within the 2015 Act. The PPG is clear that it is not possible for conditions to be attached to the grant of permission in principle or for planning obligations to be secured at this stage. However, the 2015 Act defines development permission as either planning

⁶ The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and the Self-build and Custom Housebuilding Regulations.

permission or permission in principle, and this therefore establishes that permission in principle applications could be used to secure SBCH. Therefore, at the technical details consent stage the Council could ensure that the proposed housing meets the definition of legal definition of SBCH. The 1990 Act and the PPG are clear that an application for technical details consent must be in accordance with the permission in principle specified by the applicant. Given the applicant has sought permission for “3 self-build plots” and this is in the description of the development it would be necessary for any technical details consent application to demonstrate that 3 of the dwellings would be secured as SBCH. Therefore, I am satisfied that a grant of permission in principle would ensure the construction of SBCH to meet that particular housing need.

38. The proposal would involve the redevelopment of an existing brownfield site that already has a range of buildings and hardstanding, paraphernalia and traffic associated with the various comings and goings such a use generates. Hence the proposal would accord with another of the Framework’s aims to promote the effective use of land in the need for homes. I am led to understand there is also an extant planning permission for stables, kennels, a lake, tourist accommodation and a dwelling. I have not been provided with any further details of this to indicate the extent of built development this would involve. Nonetheless it is an alternative use for the site that would generate its own vehicular comings and goings.
39. Whilst not located within the settlement boundary of Broadwas, which is a planning tool to guide the location of development, the site is not isolated in the countryside but is adjacent to other housing. Furthermore, the proposed dwellings would be contained within the existing brownfield site, which is a discrete parcel of land albeit in the countryside and would not result in a physical encroachment into the surrounding countryside.
40. There would also be some associated short-term socio-economic benefits from jobs and the supply chain during the construction phase and some longer-term spending by future occupiers, at least some of which would be spent in the local area, and support for local services to a modest degree.
41. Electric vehicle charging points are now a requirement of new housing development under different legislation. Similarly carbon-efficient construction methods are not uncommon these days. Nonetheless they would offer some environmental benefits as would additional landscaping, and associated biodiversity net gain, as part of the technical details consent stage.
42. The lack of harm to heritage assets or the character and appearance of the area carry neutral weight in the planning balance.

Conclusion

43. Drawing all the above points together, there would be conflict with the development plan as a whole. However, the material considerations I outline above, including the Framework, are sufficient to outweigh this conflict. The appeal should be allowed.

Conditions

44. The PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle, and its terms may only include the site location, the type of development and the amount of development. Where permission in

principle is granted by application, the default duration of that permission is 3 years. Applications for technical details consent must be determined within the duration of the permission granted. Therefore, I have not imposed any conditions.

K Stephens
INSPECTOR