



Post Office Lane Appeal Decision

Summary by Cllr Rob Gardener

The long-awaited appeal decision on the proposal for up to 30 dwellings on land at Post Office Lane has been received. This followed an eight-day public inquiry earlier this year when both Malvern Hills and Kempsey Parish Councils gave evidence.

The Inspector decided that the main issues he had to decide were the effect of the proposal on a) the character and appearance of the local area; b) the spatial development strategy for the area; c) the supply of housing land and Affordable Housing, and d) whether it would make adequate provision for infrastructure, services, facilities and amenities to offset its impact on the locality. He then had to balance these possibly competing effects to come to a final decision.

The important findings were:

1. The Council could not show that there were specific deliverable sites to provide the minimum of 5 years' housing land required to meet its local housing need. He found that there was only around 3.7 years, a significant shortfall. As such, the most important relevant Development Plan policies were considered to be out-of-date which tilted the balance in favour of sustainable development.
2. The proposal would have met Development Plan requirements in some respects. For example, the proportion of Affordable Housing to be provided; the provision for infrastructure, services, facilities and amenities would be adequate to limit its effect and it would help towards meeting local housing needs.
3. Although it would conflict with the spatial development strategy which strictly limits development outside development boundaries, it would be offset by the housing land supply shortfall, the adequacy of local services and reasonably accessible employment opportunities.
4. On other matters, from the evidence available he was not persuaded that highway safety on Post Office Lane, possible inadequacies with both foul and surface water drainage as well as the capacity of the primary school to take further pupils added to the case against the proposal.
5. However, as it would be set away from the built edge of the settlement and not in keeping with the pattern of development both in the village and in the countryside, the Inspector concluded that the proposal would have a substantial adverse effect on the character and appearance of the local area. This would be contrary to other planning policies locally and nationally.

The lack of an adequate housing land supply, in itself, did not determine the outcome. In assessing the overall balance, the Inspector gave the most and substantial weight to the final point and found that the appeal scheme would conflict with the Development Plan taken as a whole. As such, the appeal was dismissed and Outline Planning Permission refused.

Note: Rob Gardener, Chair of the Planning Committee at KPC, attended the public enquiry throughout the eight day event and played a very active and effective role in the proceedings on behalf of the Parish Council and the residents of Kempsey.