
Appeal Decision

Hearing held on 8 February 2017

Site visit made on 8 February 2017

by Jacqueline Wilkinson B. Arch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 March 2017

Appeal Ref: APP/J1860/W/16/3160329

Land at School Lane, Holt Heath, Worcester, Worcestershire WR6 6NR

Grid ref Easting 381840, Grid ref Northing 263040.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Mr William Arnold, Arnold Farms Ltd against Malvern Hills District Council.
 - The application Ref 15/00811/OUT is dated 29 May 2015.
 - The development proposed is provision of up to 24 dwellings consisting of a mixed type with market, shared and rented accommodation.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was in outline, with access and scale to be determined at this stage and appearance, landscaping and layout to be reserved matters. I have therefore taken the layout shown in the submitted plans as indicative only, with the exception of the vehicular access.
3. The appellant submitted a revised plan (no 02J) showing a revised access point together with revised Design & Access Statement 2 to the Council on 6 May 2016. Whilst informally consulting the Highway Authority, as the Council did not accept the revised plans, it did not undertake any consultations or post the plans on the Council's website.
4. The appellant has carried out a separate consultation exercise with statutory consultees, the Parish Council and local residents. This took place between 16 January 2016 and 6 February, 2017. This consultation exercise gave local people and the Parish Council a fair and reasonable opportunity to be aware of and to express their views on the revised plans. I consider that no interested persons would have therefore been disadvantaged, so I have assessed this appeal on the basis of the revised plans.
5. The appellant has requested that the final details of the pedestrian access point be a reserved matter, along with the details of the radii to the vehicular access point to accommodate waste collection vehicles. My observations at the site visit concluded that an improved crossing point could be provided at some

point along the School Lane frontage and the submitted Planning Obligation includes provision for off-site pedestrian improvements. I am therefore satisfied that both these matters could be the subject of conditions.

6. The appellant has further requested that amended visibility splays be taken onto account. The Highway Authority has had an opportunity to comment and given the minor technical nature of this amendment, I consider that no interested persons would be disadvantaged. I have therefore taken these amendments into account when making my assessment.
7. By agreement with the parties, the issue of the 5 Year Housing Land Supply (5 YHLS) and affordable housing supply was dealt with by means of written representations and the appellant was given a further opportunity to make final written comments. The Hearing was closed by letter on the 2 March 2017.

Main Issues

8. The main issues are i) the effect on highway safety, ii) the effect on the character and appearance of the area and iii) whether there are other material considerations which would justify the grant of planning permission.

Reasons

Highway safety

9. The appeal site is located on the corner of two busy roads, with a mini-roundabout at the junction. Local residents and the Parish Council are concerned that there is little capacity for further traffic at the junction, citing long waiting times and tail-backs on frequent occasions. However, the Highway Authority does not object to the proposal in terms of the capacity of the junction. Whilst these delays are inconvenient for drivers and unpleasant for nearby residents, given the relatively low numbers of vehicle trips generated by the proposed development in comparison with the existing vehicle flows, the effect on the junction would not be sufficiently severe as to warrant a dismissal on that basis.
10. That said, the Highway Authority is concerned that due to the higher volumes of traffic, this revision is less satisfactory than the previous proposed access point in School Lane. The revised layout shows that the proposed access point has been located as far from the junction as possible along the A4133, at a distance of approximately 53m from the roundabout. The Highway Authority points out that the Worcester County Council Highways Design Guide requires a distance of 100m between junctions. Its main concern is the potential for collision on the approach to the village along the A4133 from the east, where, given the proximity of the proposed access point to the roundabout, it considers that it would be likely that an early left turn movement into the proposed development would catch following drivers unaware.
11. It has been demonstrated that speeds are reducing at the point where the access is proposed¹, but given the significant volume of traffic along this road, I consider that this is a real safety concern. An accident on this busy narrow

¹ A speed survey carried out by the appellant over a week in January 2017 showed that 85th percentile speeds were 28.4 mph eastbound and 25.7 mph westbound.

road, even minor, would also have implications for the safety of other highway users. The relocation of the speed restriction, which could be required by a "Grampian" condition, would not be likely to reduce this risk.

12. I therefore conclude that the proposal would be contrary to the aims of South Worcestershire Development Plan, February 2016, policy SWDP 4A *Moving around South Worcestershire*, which requires development to address road safety and the National Planning Policy Framework (the Framework) paragraph 32, which requires that safe and suitable access to sites is provided for all people.

Character and appearance

13. The appellant submitted a Landscape and Visual Assessment (LVIA) at the Hearing. The viewpoints chosen coincide with my own assessment and I agree with the conclusions of the LVIA with respect to most of the viewpoints, with the exception of viewpoints 2 and 5. My visit was in winter, but I have taken into account the likely effects of vegetation in summer.
14. When walking along the A4133 in the vicinity of viewpoint 2, there is a key view across the appeal site to the fields beyond the village at a lower level, stretching beyond to a wooded horizon. The edge of the *Wooded Estate* land character of the plateau and the beginning of the *Principal Settled Farmland* character are clearly legible. The LVIA makes the case that the proposed development would be seen as a natural extension to the village. However, the unimpeded view of the countryside from this locality anchors the village in its landscape setting and gives a sense of distinctiveness to this otherwise suburban part of the village. In addition, this open view gives much needed relief to the dominance of traffic on the heavily used through roads and manoeuvring through the roundabout.
15. Although the tall hedge around the appeal site would be retained, the first floors of the proposed dwellings at the top of the site would be visible well above it. Layout is a reserved matter so I cannot conclude that this could be mitigated by landscaping or the positioning of the dwellings and the widening of the opening onto the A4133 to provide the access would add to the amount of visible development.
16. Viewpoint 5 is located just outside the village boundary on the A443, which is the main approach route from the south. From Viewpoint 5 and its vicinity the rolling nature of the plateau edge at the edge of the village is also clearly appreciable. The 5m cross fall over the site is also appreciable and the appeal site can be seen rising well above the lower hedge lines, up towards the roundabout. Whilst some trees on adjacent land would soften this view in summer, the impact on this open landscape setting to the village would not be minor adverse as suggested, but would be major adverse, as the staggered two-storey roof profiles of the development would dominate the open green setting to the village.
17. I therefore conclude that the urbanising impact on this open landscape setting to the east side of the village setting would be significantly adverse and that there would be a harmful on the character and amenity of the village.
18. I therefore conclude that the proposal would harm the character and appearance of the area contrary to the requirements of policy SWDP 25

Landscape character, which requires that development is appropriate to the character of the landscape setting and that it conserves the primary characteristics defined in character assessments. It would also be at odds with the aims of Policy SWDP 21: *Design*, which sets out a broad requirement that development should reinforce local distinctiveness.

Housing land supply

19. The appellant makes the case that the Council cannot demonstrate a 5 YHLS, using either a 5% or 20% buffer and that it has a significant shortfall in affordable housing. The Council's figures for the Objectively Assessed Housing Need (OAHN) are not disputed but he maintains that the reliance on a number of large windfall sites points to a need for a continuous supply of new permissions to maintain the 5 YHLS.
20. The South Worcestershire Development Plan was approved in February 2016 and the Council updated its 5 YHLS in April 2016. An omission of a site for 50 dwellings granted at appeal in November 2015 was discovered and the Council states that its revised figures would be 5.99 years (20%) and 6.86 years (5%).
21. The appellant makes the case for significantly longer lead-in times than those set out in the Council's statement (section 8, 5YHLS). However, the Council has satisfactorily explained its approach to lead-in times and delivery rates in some detail and I note its precautionary approach due to the generally small size of sites in the District.
22. The appellant has disputed 4 sites with resolutions to grant planning permission, subject to a legal agreement, which amounts to 186 dwellings. A further 12 sites with planning permission, amounting to 1,168 dwellings are also disputed with the appellant suggesting that this figure should be reduced to 823 dwellings. As a result, the appellant calculates that there are 4.21 years (20%) and 4.82 years (5%).
23. The Council has responded on a site by site basis to the appellants assessments. *Sites with planning permission* responses set out in Appendix 3 reasonably demonstrate that there is no clear evidence that these sites would fail to deliver within the period. Of this list, one site for 41 houses in Rushwick, (15/00504/OUT) is likely to be the subject of a further planning permission for 55 dwellings, but a letter from a new developer indicates that significant progress has been made and there is no clear reason to exclude it at this point in time. Of the *Sites with a resolution to grant* responses (Appendix 4) whilst 15/01738/OUT was withdrawn, 14/01231/OUT (110 dwellings at Lower Howsell Road) still has some to go before the time limit for the submission of reserved matters is reached. On the basis of the Inspector's comments (ref APP/J1860/W/15/3139020) I see no clear reason why this site should be excluded at this point in time.
24. A recent appeal decision (ref APP/J1860/W/15/3138717 - Hearing) dated November 2016 for the development of land in the same village adjacent to the Millennium Green for up to 40 dwellings has been put before me. The Inspector found that the Council was able to demonstrate that it had a 5 YHLS, and for the reasons I have set out above, in the light of the evidence put before me I also reach the same conclusion.

Planning obligation

25. A planning obligation under Section 106 of the Act dated 7 February 2017 has been submitted by the appellant. This undertakes to provide a scheme for affordable housing, make contributions towards the improvement of highway infrastructure in the village and to make contributions towards community facilities in the village. I am required to assess whether these contributions would comply with the tests set out in the Framework and the Community Infrastructure Regulations, 2010. However, in view of my conclusions on other matters I have not taken this matter further.

Planning balance

26. SWDP 1: *Overarching Sustainable development principles* closely follows the principles in the Framework and sets out the same three dimensions for sustainable development. Policy SWDP 2: *Development Strategy and Settlement Hierarchy* sets out a sustainable strategy for the location of housing in the plan area, which has been relatively recently subject to examination, sustainability appraisal and viability testing. The appeal site would be outside the defined settlement boundary and would not qualify as any of the exceptions set out in this policy, which reflect those set out in the National Planning Policy Framework (the Framework), paragraph 55.
27. The village, which is a category 3 village, has some facilities within walking distance of the appeal site, such as the shop, the pub, a village hall and the Millennium Green open space, with reasonable connections by bus to other destinations. There is a farm shop and tea rooms nearby, but the footpath to it from the village is narrow and unpleasant to walk along, due to the significant amount of traffic on the A4133. In common with many similar rural villages, the future occupiers would be likely to use the private motor car for schools, employment and other services on a daily basis, so this location can therefore only be described as moderately sustainable in terms of choice of transport modes.
28. The appellant sets out the case that there is a significant need for affordable housing over and above that which will be gained from sites allocated in the plan. Moreover, he points out that there is a worsening national picture and that the large numbers of bids from persons on the "Home Choice" register for social housing in the local area as evidence of the high need for social housing in the housing area. The Council accepts that its delivery of affordable homes is running behind when calculated on an annualised basis, but makes the case that the forthcoming Housing Land Supply Monitoring Report 2015/16 shows that the anticipated number of affordable houses would reach or even exceed the requirement over the plan period. However, it is clearly preferable for the affordable housing to be delivered sooner rather than later.
29. The appeal proposal would provide 2 additional affordable dwelling over and above the normal requirement. However, Policy SWDP 2 sets out the aim that development within category 3 villages would be predominantly aimed at meeting locally identified housing needs. The Parish Council makes the point that there is no identified local need for further affordable housing in the village, so the proposal would not therefore satisfy this aim. I therefore conclude that the weight given to an additional 2 affordable dwellings in this location would be limited.
30. Whilst there would be some economic benefits during the construction period, these would be short term. There would be some long term economic benefit

in terms of Council Tax revenues, but this is difficult to quantify, given that most of the occupiers could be already resident in the District.

31. I therefore conclude that the proposal would not be sustainable development in all its dimensions as set out in SWDP 1 and the Framework and that there would not be any other material considerations which would justify the grant of planning permission in this location.

Conclusions

32. I have concluded that the proposal would harm the landscape character of the area and the character of the village. I have also concluded that the proposal would cause harm to the safety of highway users, due to the proximity of the proposed access to the junction of the A4133 with School Lane.
33. I conclude that the provision of an additional 2 affordable dwellings in a location where there is no demonstrated local need would attract limited weight and would not outweigh the conflict with the Council's sustainable development strategy.
34. I therefore conclude that there are no other material considerations to outweigh the conflict with these adopted plan policies and the others I have referred to above.
35. For the reasons given above I conclude that the appeal should be dismissed.

Jacqueline Wilkinson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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Sarah Loynes
Angela Watts
Adrian Thompson
Sam Jones

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RCA Regeneration Ltd
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Peter Mobbs
Maurice Truman
Peter Winney
Jenny Mobbs
Martin Burd

Holt Parish Council
Holt Parish Council
Holt Parish Council
Local Resident
Local Resident

DOCUMENTS

- 1 Section 106 Planning Obligation dated 7 February 2017.
- 2 Appellant: Landscape and Visual Impact Assessment January 2017
- 3 Appellant: Existing site survey 1:500
- 4 Council: Community services response updated December 2016.

Received after the Hearing:

- 5 Council – Details of projects for improvements to local facilities (dated 22 February 2017)