The Planning Inspectorate

Appeal Decision

Hearing Held on 5 June 2018

Site visit made on 5 June 2018

by G D Grindey MSc MRTPI Tech. Cert. Arb

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

Decision date: 20 June 2018

Appeal Ref: APP/H1840/W/17/3192134
3 Bretforton Road, Badsey, Evesham WR11 7XG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Oxford Law against the decision of Wychavon District Council.
- The application Ref 17/01687/OUT, dated 14 August 2017, was refused by notice dated 14 November 2017.
- The development proposed is residential development for up to 60 dwellings, of which 50% will be affordable housing within the meaning of the glossary to the National Planning Policy Framework; demolition of no 1 Bretforton Road, new access from Bretforton Road.

Decision

1. The appeal is dismissed.

Background matters

2. This is an outline application, with all matters, save for access, reserved for later consideration. Drawing OXF/215/PA/001 gives a helpful illustration of one way that the site might be developed. I clarified at the appeal that the application site edged red is as shown on drawing PF/9646.03. I deal with the appeal on this basis.

3. The Council refused the application for 3 reasons. The parties helpfully continued to discuss the outstanding matters and resolved the archaeology issue[1]. The submission of an executed S106 at the hearing dealt with the third reason for refusal[2]. Accordingly, the outstanding issues between the parties concern reason for refusal no 1.

Main issues

4. From my inspection of the site and surroundings and the representations made at the hearing and in writing I find there are two main issues in the determination of this appeal. These are (i) whether the site is an appropriate location for housing with regard to national & local policy and (ii) whether the benefits of the scheme – including affordable housing – outweigh the disadvantages and so justify the grant of permission, contrary to the development plan.

[1] Statement of Common Ground paragraph 6
[2] Statement of Common Ground paragraph 7

Reasons

Issue (i) whether the site is an appropriate location for housing with regard to national & local policy

5. The starting point for the consideration of this appeal is whether the proposed development accords with the up-to-date South Worcestershire Development Plan (SWDP) adopted in 2016. Policy SWDP2 seeks to steer residential development into a hierarchy of settlements, broadly based on the level of service provision and their capacity to support new housing. Badsey is a category 1 settlement with a range of services/facilities provision.

6. However, save for the curtilage of no 1, the vast majority of the appeal site is outside the defined Badsey settlement boundary, in an area defined in the SWDP as open countryside for planning purposes. In the open countryside the creation of new dwellings is strictly controlled (SWDP2C) save in limited circumstances none of which apply here. I have no evidence that the aims of the SWDP are inconsistent with the National Planning Policy Framework, (NPPF) which was in place during its preparation. There is, therefore a direct conflict with the local and national planning policy.

7. The appellants comment that the site is "simply the wrong side of the [settlement boundary] line" but that the benefits of additional housing far outweigh any harm. I do not agree. The SWDP has been the subject of extensive public consultation and debate during its preparation. It is up to date and adopted. The development limit of Badsey was decided during that process and I do not think that the defined boundary should be ignored during the course of an appeal on an arbitrary basis.

8. In such circumstances it is necessary to consider whether there are other material considerations which would justify making a decision other than in accordance with development plan policy. Accordingly I turn now to issue (ii).

Issue (ii) whether the benefits of the scheme – including affordable housing – outweigh the disadvantages and so justify the grant of permission, contrary to the development plan.

9. The appellants' statement of case argues that the scheme would have no significant adverse impact on the wider landscape, but acknowledges that the loss of greenfield land would weigh on the negative side of the planning balance. It was also put to me that the site will, inevitably, be developed in the future; it is not 'whether' but 'when'. Be that as it may, today the site lies outside of the settlement boundary, in an area not planned for development in the life of the Plan.

10. The NPPF states, as a core planning principle, that Plans should provide a practical framework within which planning decisions can be made with a high degree of predictability. It is obvious, therefore, that determining appeals on a 'one-off' basis and disregarding the development plan, would undermine the plan-led system and cause a loss of confidence in it.

11. The appellants argue that the 60 units would add to the supply of housing with 50% being affordable within the meaning as set out in the glossary of the NPPF. I understand the substantial contribution of, particularly, the affordable housing and the commitment of the proposal to 50% affordable housing on site rather than the 40% required by policy SWDP15. It was put to me that the

Housing Needs Assessment for Badsey states that the annual need for additional affordable homes within the District of Wychavon has not been met and that there is an accruing deficit in the District. This document is somewhat dated now[3] and I note the Authorities' Monitoring Report figures of December 2017 show increased completions since 2012/13. In addition, the Council can demonstrate a 5 year supply of deliverable housing sites.

12. In terms of benefits, I acknowledge that the scheme would deliver both market and affordable units (secured by the planning obligation) in line with the NPPF's aim, and Ministerial statements, of significantly boosting the supply of housing. I give this benefit substantial weight.

13. It was argued that the appeal proposal would generate jobs during the construction phase. However that would be a natural result flowing from any residential development and is not site specific. I give this limited weight.

Planning balance and conclusions

14. The scheme would provide a choice of housing units, including affordable housing, adjacent to Badsey, a settlement with a range of facilities. This carries substantial weight in favour of the proposal. However the scheme would conflict with the SWDP, and the NPPF, which states that it does not change the statutory status of the development plan as the starting point for decision making. The scheme would result in the loss of a greenfield site, acknowledged by the appellants as a negative point. So, while the substantial weight to be attached to the provision of housing is a material consideration, it is not of an order that would outweigh the conflict with local and national policy. There are no other material considerations which would provide an overriding reason to disregard the development plan. The appeal is dismissed.

Gyllian D Grindey

Inspector

[3] Housing Needs Assessment, Badsey, Worcestershire Strategic Housing Market Assessment Monitoring 2012/13

APPEARANCES

FOR THE APPELLANT:

Mr P Frampton BSc(Hons) TP MRICS MRTPI
Mr A Crean QC

FOR THE LOCAL PLANNING AUTHORITY:

Mr G Greenhow Planning Officer Wychavon District Council (WDC)
Mr E Edwards MRTPI Planning Officer WDC
Ms E Jordan Affordable Housing Officer WDC
Cllr Goodge Badsey Ward Councillor

INTERESTED PERSONS:
Mr McKevitt – assisted with site inspection

DOCUMENTS

Document 1: housing Needs Assessment
Document 2: copies SWDP Policy 16 Rural Exceptions sites & SWDP 3
Document 3: Copy Executed S106
Document 4: suggested text to condition no 18 – Archaeology
Document 5: Authorities' monitoring report December 2017 – nos of affordable houses completed per annum