
Appeal Decision

Site visit made on 5 November 2018

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2018

Appeal Ref: APP/H1840/W/18/3202262

Land off Oak Lane, Bredon, Tewkesbury GL20 7LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Kurton against the decision of Wychavon District Council.
 - The application Ref 18/00350/FUL dated 15 February 2018, was refused by notice dated 16 April 2018.
 - The development proposed is application for two wheelchair accessible/adaptable M4(2) bungalows with associated parking at land off Oak Lane, Bredon.
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Decision

1. The appeal is dismissed.

Procedural matter

2. A revised version of the National Planning Policy Framework (the Framework)¹ has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework and any comments received in reaching my decision.

Main Issues

3. These are:
 - (i) the effect of the proposal on the role and provision of Green Space, and;
 - (ii) the effect of the proposal on local biodiversity.

Reasons

Green Space

4. The appeal site is laid to grass and includes trees and is part of a larger area of open space within a newly developed residential development of twenty-four dwellings. The approved landscape plan for the residential development identifies the appeal site as an area for wildflower meadow and trees. The site also functions as a wildlife corridor, connecting the open space with the railway corridor nearby.

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government (July 2018)

5. The open space is also visually attractive and is a key part of the housing development's design. Being centrally located within the development, large in size and with an absence of built development on it, the space makes a significant contribution to the open and spacious character of the area.
6. The dwellings proposed would occupy a prominent area of this open space which would be harmful to the open and spacious character described. This, in turn, would undermine the original design of the housing development, that is, to have a central area of open space with houses on its perimeter. As such the proposal would be contrary to policy SWDP21 of the Local Plan² and policy NP3 of the Bredon Parish Neighbourhood Plan (Neighbourhood Plan)³ which seeks development that reflects the given characteristics of a site, in appearance and function.
7. Policy SWDP38 seeks to protect Green Space, which includes Green Infrastructure, as identified on the Policies Map or as secured through a planning permission. Criterion B of policy SWDP38 lists the exceptional circumstances where the development of Green Space is permitted. The appellant has not demonstrated the community value of the Green Space for criterion B to apply.
8. Criterion C refers to policies, including policy SWDP5 which the Council raised concern about. This policy requires housing development proposals to contribute towards Green Infrastructure. At the time the planning application for the twenty four houses was approved, Green Infrastructure below the recommended level of 40% was considered acceptable by the Council. The proposed development maintains this shortfall. There is an absence of any specific or substantive evidence to suggest there would be any harm resulting from this, or from the revised layout of Green Infrastructure.
9. The appeal site is outside an area identified as public open space on the approved landscape plan. The proposal, therefore, would not result in a loss of public open space.
10. In all, I find that the development would not result in a loss of, or be harmful to, the provision of Green Space. Nonetheless, the new dwellings would be harmful to the role the green space plays in defining the character of the area and, as such, the proposal would be contrary to policy SWDP21 of the Local Plan.

Local biodiversity

11. The development would be built within a wildlife corridor that connects the open space to the railway corridor. The appellant readily accepts that without appropriate mitigation measures the development would impact on the ability of the wildlife corridor to support the diversity and abundance of wildlife actually or potentially present within the site and would affect the integrity of the original mitigation strategy. The development is therefore supported by a mitigation strategy which includes a pond, hedgerow, log pile, increased wildflower meadow planting and the translocation of trees.
12. The Council makes a number of observations about the mitigation strategy including that the area available for wildlife would be reduced and the

² South Worcestershire Development Plan (adopted February 2016)

³ Bredon Parish Neighbourhood Plan (2016-2030) (adopted July 2017)

connections between the open space and the railway corridor would be broken. The mitigation strategy creates a corridor for wildlife. The area for wildflowers would be reduced but enhancements in wildflower planting are proposed. Together with nothing specific or substantive within the evidence before me to suggest that the wildlife corridor and enhanced planting would be ineffective, I find no harm in this regard.

13. I share similar concerns to the Council for the preventative affect an acoustic fence would have on the free movement of wildlife. Nonetheless, if this was the only concern for the development, I am confident that the design of this fence could be secured by condition to ensure that it provided equal protection to the amenity of residents and the movement of wildlife.
14. In all, therefore, the development would not have a harmful effect on local biodiversity. As such the development would not be contrary to policy SWPD22 part F of the Local Plan or policy NP14 of the Neighbourhood Plan which seek development that conserves and where practicable enhances on-site biodiversity.

Other matters

15. The absence of a legal agreement to secure financial contributions towards affordable housing, public open space and formal sports pitch provision was a reason for refusal. During the course of the appeal an obligation was provided. The financial benefits provided by this obligation are a benefit in favour of the appeal.
16. The development would help meet an identified local need for specialist housing. Furthermore, the appellant emphasises the social, economic and environmental benefits of the development. However, being a development for two dwellings, these benefits are limited.

Conclusion

17. The proposed development would be harmful to the role the Green Space plays in defining the character of the area. The proposal would not be harmful to the provision of Green Space, nor would it be harmful to local biodiversity. The social, economic and environmental benefits would be of some benefit but when looked at in the round, these benefits, together with the compliance with policies SWDP38 and SWDP22 part F, would not be sufficient to override the harm associated with the conflict with policy SWDP21. This conflict indicates that the development would not realise the opportunity the Framework identifies to improve the character and function of an area but would be the form of development that the Framework explicitly seeks to avoid.
18. Therefore, for the reasons given, the development would be contrary to the development plan and the appeal is dismissed.

R Walmsley

INSPECTOR