



Appeal Decision

Site visit made on 25 November 2019 by AJ Sutton BA Hons DipTP DMS MRTPI

by R C Kirby BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2020

Appeal Ref: APP/P1805/W/19/3235431

Land to the West and South of Butlers Hill Farm, Weights Lane, Redditch B97 6RQ

- 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 Mr & Mrs T Quigley against the decision of Bromsgrove District Council.
 - The application Ref 19/00404/OUT, dated 27 March 2019, was refused by notice dated 18 July 2019.
 - The development proposed is described as 'Construction of single detached 5 or 6 bedroomed dwelling'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The appellants seek outline planning permission for a new dwelling with only the matter of access to be considered and all other matters reserved. The plan submitted with the application depicts the access arrangements but also shows a proposed 'build zone' and cross-section of the dwelling. Given that matters of layout and scale are reserved I have treated the build zone and cross-section as being provided for indicative purposes only.

Main Issues

4. The Council and appellants have indicated that the appeal site was historically in the Green Belt but is now subject to Policy RCBD1 of the Bromsgrove District Plan 2017 (District Plan) which allocates land for two mixed use urban extensions adjacent to Redditch. The appeal site falls within the Brockhill urban extension development site, as identified on the Redditch Cross Boundary Development Map.
5. However, the site and the land immediately surrounding it do not form part of the outline application relating to the urban extension which is currently being considered by the Council. Given the status of the land within the District Plan

the Council does not object to the broad principle of the land being developed for residential purposes. From the information before me I see no reason to take a different view.

6. Therefore, the main issues in the determination of the appeal are:
- Whether the appeal site is a suitable location for a new dwelling having regard to its accessibility to local shops, job opportunities and services; and
 - the effect of the development on the character and appearance of the area.

Reasons for Recommendation

Suitable Location

7. The appeal site is accessed by an unclassified road which links to the A441 at the outer edge of Redditch. The initial length of Weights Lane provides reasonable access to the small business park. However, the stretch of lane beyond is a narrow single track, with few passing areas and no lighting or pavements. The condition of this part of the lane, which provides the sole access to the appeal site, requires vehicles users to drive at low speed with significant care. Whilst relatively close to Redditch in physical terms, as the crow flies, the road access is circuitous and less than convenient.
8. The proposed new dwelling would be located in the countryside until such time the Brockhill urban extension is consented and constructed. At which stage the appeal site would be encircled by the urban extension. It is clear from the requirements set out in Policy RCB1 of the District Plan that the proposed urban extension will benefit from a new highway network which will ensure that the extension is integrated well into the urban fabric of Redditch.
9. Although the appeal site falls within a cross boundary development site, the proposal does not form an integrated part of the Brockhill urban extension proposal which is currently being considered, as is illustrated in the Persimmon Homes Framework and Phase 3 Plans, submitted by the appellants. This scheme shows the indicative road network which connects directly with the existing settlement; it is notable that Weights Lane whilst forming an outer boundary, would not be part of the road network serving the urban extension.
10. Furthermore, putting aside the timescale for the delivery of the urban extension, it is not clear in the evidence submitted how the proposed dwelling would integrate into the urban extension, particularly with regards securing the opportunity to improve access to services and providing the ability for future occupants of the dwelling to move away from being dependant on a car. In terms of the existing context, occupiers of the new dwelling would be dependent on the car for access.
11. The appellant indicates that a gate to the rear of the property would connect the proposed dwelling to the planned urban extension and its associated services. However, the connectivity to this wider development is not within the control of the appellants and it is not clear, from the information presently available, that any future residents of a new dwelling at the appeal site would be able to access the road network, any public transport services or shops and services within the new development. In other words, until such time as the layout of the urban extension is clear, I could not assume that the access to the site would be available by means other than Weights Lane.

12. It is noted that consent has been granted for the erection of two new dwellings on Weights Lane. However, the development is significantly closer to the initial phase of Brockhill urban extension currently under construction. Whilst future development is likely to encroach further along Weights Lane, I have nothing before me that indicates that access to the appeal site would be improved in the near future.
13. In light of the foregoing, it is concluded that the appeal site would not be well related to essential services and job opportunities and future occupiers would be reliant on motor vehicles. As such the site would not be a suitable location for a new dwelling and the proposal would be contrary to Policy BDP1 of the District Plan and paragraphs 8, 108 & 110 of the Framework which require a positive approach to the presumption in favour of sustainable development, taking account of any adverse impacts which would outweigh the benefits, ensuring safe and suitable access to the site can be achieved for all users and having regard to the accessibility to public transport options.

Character & Appearance

14. The appeal site is located at the brow of a hill in a rural setting. Butlers Hill Farm is a large detached dwelling, and the appeal site forms part of the existing plot within which the property is situated. The nearest neighbouring property is The Old Piggery, which is also a detached dwelling within a large plot. The appeal site and existing dwelling have an elevated position with a view over open fields, interspersed by trees and hedgerows, towards the outskirts of Redditch in the distance.
15. There is no particular building line which would be disrupted by the proposal, however, the pattern of development in the immediate area is typified by large dwellings set in spacious plots. Butlers Hill Farm and the surrounding properties have an attractive character that is derived not only from the present rural setting but from the degree of separation between the buildings which gives the group of properties a spacious feel, with each retaining its individual character surrounded by generous gardens.
16. The proposal is in outline with all matters reserved apart from access. As such, the precise siting, scale and design would be determined at a later stage. Notwithstanding that point, the proposal explicitly seeks permission for a detached five or six bedroom dwelling which inevitably would be of a substantial scale. The result would be two large dwellings in close proximity to one another. In contrast to the presently open and spacious character the presence of two substantial properties in such close proximity would be at odds with the spacious feel of the development and the presently rural aspect. The comparatively cramped form of development, with correspondingly small plot sizes would cause harm to the established character of the immediate surroundings.
17. I am mindful that the character of the surrounding area will change substantially as the urban extension is built out. That will inevitably give the surrounding area a more suburban feel. However, I cannot conclude on the precise character or form of the development from the information presently available. The current hybrid application under consideration does not include the cluster of buildings adjacent to the appeal site, or the triangular shaped piece of land associated with them to the south. Consequently, from the information currently before me, the buildings would retain their identity as a

distinct group, separate from the urban extension. Even taking account of the likely changes brought about by the urban extension the somewhat cramped form of development described above would appear incongruous in the context of the established and spacious layout of the surrounding properties.

18. The localised harm to the character of the immediate area with the introduction of a large dwelling on a site which currently forms a substantial part of the plot of the existing dwelling. Therefore, it is concluded that the proposal would be contrary to Policy BDP19 of the District Plan and the High Quality Design SPD 2019 which collectively seek to ensure that development enhances the character and distinctiveness of the local area and that the sub-division of a plot would not adversely impact on the grain of the existing area. In that regard the development would also be contrary to the aims of paragraph 122(d) of the Framework which states that planning decisions should have regard to the desirability of maintaining an area's prevailing character.

Other Matters

19. Both Parties accept that the Council is unable to demonstrate a 5 year housing land supply. It is also clear that there is substantial unmet need for housing across the housing market area and the Council has committed to review Green Belt boundaries in that context. Consequently, the contribution that the proposal would make to the supply of housing represents a positive material consideration in favour of the scheme, albeit that the impact of a single dwelling would be small in the context of wider supply issues and the weight I attach is limited as a result.
20. The appellant has highlighted a number of recent appeal decisions. I note that in all cases the proposals did not conflict with development plan policies. The proposals at Drawbridge Road and Broad Street comprised back-land developments and the proximity to services was not an issue.¹ Whilst the appeal proposal may have similarities to that allowed at Copcut Lane, the significant difference in this case was the urban extension was already under construction and the development was assessed as being well related to infrastructure and facilities.² The Inspector in the Lydiard Millicent decision, where the site's location was at issue, concluded that the development would comprise an infill within a small village and as such differs considerably to the proposal before me.³ In summary, although having regard for these decisions, this appeal has been determined on the particular issues and merits of the case.
21. The reference to the GL Hearn Report is noted as is the duty for councils to co-operate when preparing development plans. As indicated above there is no dispute that the District has a significant shortfall in housing land supply and this has been a key matter in the consideration of this appeal.
22. My attention is drawn to a covenant controlling development at Butlers Hill Farm, and the associated Counsel's advice and whilst I note the appellants' predicament regarding the awareness of planned changes to the surrounding area, these are matters which cannot be considered as part of this decision.

¹ Appeal Refs APP/P1805/W/17/3183905 & APP/P1805/W/18/3197878

² Appeal Ref APP/H1840/W/18/3218524

³ Appeal Ref APP/Y3940/W/16/3154507

Planning Balance and Conclusion

23. At the heart of the Framework is the presumption in favour of sustainable development. Where a local planning authority cannot demonstrate a five year supply of deliverable housing land, as is the case here, paragraph 11 d) ii of the Framework requires granting planning 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.
24. The Framework provides support to the Government's objective to significantly boost housing supply. It also promotes an effective use of land in meeting the needs for homes, while safeguarding and improving the environment.⁴ Decisions should support development that makes efficient use of land taking account of the desirability of maintaining an area's prevailing character and setting.⁵
25. The development would contribute one dwelling in the District, and as such would have limited social and economic benefit. Although the proposal would make effective use of previously developed land (PDL) for housing, this would result in the subdivision of an existing plot which would alter and in doing so harm the character of the immediate area.
26. The appeal site is currently poorly related to the nearest settlement and associated facilities and services and future residents would be heavily reliant on the private car to make journeys along the narrow and restricted Weights Lane to reach available facilities. Although there is considerable certainty that the urban extension to the existing settlement would be adjacent to appeal site, it is unclear how the proposed dwelling would link with this planned development or whether it would be able to access the facilities, public transport opportunities or the direct road links into Redditch. Whilst the site may be on land identified for housing development it is clear that the development plan anticipated that the urban extension would be developed in a comprehensive manner with links to surrounding services. In contrast, the access arrangements and connections to local services and employment opportunities are markedly less sustainable than those available to residents in the planned urban extension.
27. Therefore, on balance, the adverse effects of utilising a site which is poorly related to services and alternative transport modes and the harm the development would have on the character of the immediate area significantly and demonstrably outweigh the limited benefits of providing an additional dwelling on previously developed land. Thus, the proposal would not amount to sustainable development in the terms of the Framework.
28. Moreover, I note that the development plan policies considered relevant and which the proposal has been assessed as being in conflict with, generally conform with the Framework. Mindful of the pre-eminence of the development plan and balancing other relevant material considerations, I conclude that the appeal should be dismissed and planning permission refused.

⁴ National Planning Policy Framework Para 117

⁵ National Planning Policy Framework Para 122 d)

Conclusion and Recommendation

29. For the reasons outlined above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and concur that the appeal should be dismissed.

Chris Preston

INSPECTOR