



Appeal Decisions

Site visit made on 18 February 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2020.

Appeal A Ref: APP/R1845/W/19/3241012

Land off Church Road, Bewdley DY12 2BZ

- 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 J McConnell against the decision of Wyre Forest District Council.
 - The application Ref 19/0291/PIP, dated 9 May 2019, was refused by notice dated 9 July 2019.
 - The development proposed is permission in principle for the erection of 4no. bungalows.
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Appeal B Ref: APP/R1845/W/19/3241014

Land off Church Road, Bewdley DY12 2BZ

- 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 J McConnell against the decision of Wyre Forest District Council.
 - The application Ref 19/0621/PIP, dated 20 September 2019, was refused by notice dated 8 November 2019.
 - The development proposed is permission in principle for the erection of 2no. bungalows (re-submission).
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Decisions

1. Appeal A is dismissed, and Appeal B is dismissed.

Application for costs

2. An application for costs was made by Mr J McConnell against Wyre Forest District Council. This application is the subject of a separate Decision.

Procedural Matter

3. As set out above there are two appeals on site. They differ only in respect of the number of dwellings proposed. Appeal A relates to a proposed development for 4 dwellings and Appeal B relates to a proposed development for 2 dwellings. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. In respect of Appeal A I have taken the site address from the Council's decision notice as it appears the address on the application form does not relate to the appeal site.

5. Following determination of planning application 19/0291/PIP by the Council, the appellant has prepared a Heritage Appraisal. It appears that the appraisal was later submitted in support of planning application 19/0621/PP and was before the Council when it made its decision and on which all parties were consulted. I have paid regard to the Heritage Appraisal in consideration of both appeals. I am satisfied that no interested parties have been prejudiced by my approach.

Background

6. The appeal applications are for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance (PPG)¹ advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved. This appeal relates to the first of these two stages.
7. The PPG sets out that the scope of permission in principle applications is limited to location, land use and amount of development. In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application.

Main Issues

8. The main issues are:
- Whether the proposed development would be consistent with local and national policies relating to the location of new housing development; and
 - The effect of the proposal upon the setting of the Bewdley Conservation Area (CA).

Reasons

Location of new housing

9. Policy DS1 of the Wyre Forest Core Strategy (2010) (CS) sets out the number of houses required in the District, albeit based on figures derived from the revoked Regional Spatial Strategy (RSS). The policy sets out a sequential approach to locating new development based on the settlement hierarchy with housing being directed towards regeneration sites within the Kidderminster Central Area, major brownfield sites in Kidderminster and Stourport-on-Severn and then small brownfield sites in the main towns and market towns including Bewdley. The policy sets out that in Bewdley housing to meet local needs will be suitable.
10. The CS recognises that the market towns, including Bewdley, have a range of services and facilities and are well connected to Kidderminster. In terms of housing Policy DS3 limits it to affordable dwellings to meet local need on allocated sites.

¹ Paragraph: 001 Reference ID: 58-001-20180615

11. Policy SAL.DPL1 of the Wyre Forest Site Allocations and Policies Local Plan (2013) (LP) states that residential development will be permitted on allocated sites or, within Bewdley, on windfall sites of 5 dwellings or less, on previously developed land and in areas allocated for primarily residential development.
12. These policies are broadly consistent with the National Planning Policy Framework's (the Framework) aim to direct housing to accessible locations and the re-use of brownfield land.
13. The site is located within the settlement boundary of Bewdley, in a primarily residential area and on the edge of the town centre. The site is within walking distance of a range of day-to-day services and facilities. However, as the site is not allocated for development, is not previously developed land and as the proposal is not for affordable housing it would be contrary to CS Policies DS1 and DS3 and LP Policy SAL.DP1 which do not support the provision of housing in this location.

Bewdley CA

14. The appeal site comprises an irregular shaped parcel of land located at the end of Church View – a relatively modern residential cul-de-sac sitting on a hillside. The site has been largely cleared but still contains perimeter hedging and scrub planting but contributes to the sense of spaciousness just outside the CA. Church View is elevated from the historic town centre below and occupies a prominent position on the hillside. Due to the significant level differences across the town the site and properties in Church View are an established part of the skyline and visible from a number of viewpoints including from Bewdley Bridge.
15. This side of the CA extending from the river to the site is characterised by a steep change in levels and noticeable clusters of modern and historic houses built on the hillside with pockets of trees and green spaces creating pleasant interludes between the built form. The CA largely derives its architectural and historic interest from the origins of the town as a principal crossing point of the River Severn and later a market town.
16. The Bewdley Conservation Character Appraisal (CAA) sets out a desire for the site and the area around Church View and Richmond Road to remain undeveloped to maintain a green setting on the edge of the CA.
17. The appellant contends that the development parameters, outlined in the Heritage Appraisal, including low level dwellings; maintaining views of the historic town centre and landscaping would mitigate the impact of the development. However, I find that the proposed development and the introduction of built form, associated infrastructure and residential paraphernalia in the form of either 2 or 4 dwellings would erode this green area and unacceptably diminish the contribution it makes to the setting of the CA.
18. Notwithstanding the potential for landscaping low level houses would be highly visible from within the CA and would not, in my view, successfully integrate into the skyline.
19. In light of the above I find that there would be some, albeit limited harm to the setting of the CA. Accordingly, the proposal would be contrary to Policy SAL.UP6 of the LP and Paragraph 127 (c) of the Framework.

20. In this case I conclude that the proposal would lead to less than substantial harm to the setting of the CA. This harm should be weighed against the public benefits of the proposal including, where, appropriate, securing its optimum viable use, which I now turn to.
21. In this regard, the proposal would contribute to local housing supply and help to maintain services and facilities in the town and reduce the potential for fly tipping, but these benefits are modest. I therefore afford them limited weight. Taking into consideration the points above I find that the harm to the CA would outweigh the public benefits of the proposed development.
22. As such, it would harm the setting of the CA contrary to Policy SAL.UP6 of the LP which, amongst other things, seeks to ensure that proposals would not have a detrimental impact on the setting of heritage assets.

Planning Balance

23. Both the CS and the LP are more than five years old and the housing need is derived from the now revoked Regional Spatial Strategy. The Council acknowledge this fact. As a consequence, the minimum supply of five years worth of housing sites should be based on the Local Housing Need (LHN) and the standard methodology set out in the Framework². Notwithstanding previous under delivery of housing the Council submit that they can demonstrate five years supply of deliverable housing sites.
24. Notwithstanding the date of adoption of the CS and LP, the Framework³ sets out that existing policies should not simply be considered out-of-date because they were adopted prior to the publication of it. Due weight should be given to policies depending on their degree of consistency with the Framework.
25. Based on the evidence before me I find that Policies DS01 and DS03 of the CS and Policy SAL.DPL1 of the LP are consistent with the aims and objectives of the Framework. Whilst the housing need is based on the revoked RSS I have not been provided with any credible evidence to indicate that the Council are currently not delivering the required amount of housing in the District.
26. I acknowledge that the site is located within an accessible location on the edge of the town centre within walking distance of a range of day-to-day services providing an alternative to a car and would maintain services and facilities in Bewdley. However, the construction of either 2 or 4 bungalows would make a modest contribution towards the District's housing supply.
27. The economic benefits from the construction of the dwellings would be short term and limited, based on the size of the development. Council Tax mitigates the impact of new development upon services in the area. These are neutral factors in the balance.
28. On the other hand, I have found that both proposals would give rise to harm to the setting of the CA. The adverse impact of which would significantly and demonstrably outweigh the benefits.
29. Therefore, taking the above into consideration paragraph 11(d) of the Framework is not engaged and the presumption in favour of sustainable development does not apply.

² Paragraph 73 of the Framework

³ Paragraph 213 of the Framework

30. Planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The conflict with the development plan in respect of both Appeal A and B is not outweighed by other considerations including the Framework.

Conclusion

31. For the reasons set out above both Appeal A and Appeal B do not succeed.

B Thandi

INSPECTOR