
Appeal Decision

Site visit made on 10 June 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/J1860/W/19/3240345

Land between Church Lane and Broadwas Primary School, Broadwas, Worcestershire

- 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 Richard Parson (Wolverley Developments) against the decision of Malvern Hills District Council.
 - The application Ref 19/00583/OUT, dated 15 April 2019, was refused by notice dated 26 July 2019.
 - The development proposed is the development of a rural exception site of up to 13 affordable dwellings with associated infrastructure and landscaping at Land between Church Lane and Broadwas Primary School, Broadwas.
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. A previously refused outline scheme proposing up to 20 dwellings, nine of them affordable, was dismissed on appeal in March 2017 (Appeal Ref: APP/J1860/W/3159764). Whilst aspects of the previous Inspector's decision are of relevance, there are material differences including in respect of policy and the scale and location of the appeal site. The development now consists of the South Worcester Development Plan, adopted February 2016 (SWDP) and the Broadwas & Cotheridge Neighbourhood Plan, made September 2019 (NDP).
3. During the course of the appeal, an amended layout, street scene and site section plans, as well as a statement of landscape and visual matters, have been submitted. I am satisfied that there has been no prejudice to any interested parties in my taking these into account. A signed Unilateral Undertaking (UU) has also been submitted during the course of the appeal, which provides for a number of planning obligations in the event that planning permission is granted. I have taken the UU into account in reaching my decision.
4. In this outline proposal, all matters are reserved for future consideration save for that of access. Other than the site location and proposed site access plans, I have treated all other plans as being illustrative. However, I have considered them on the basis of a promoted design approach, and whilst they may not be determinative, they have informed my reasoning.

Main Issues

5. The main issues in this appeal are:
- the effect of the proposed development on the character and appearance of the area;
 - the effect on the setting and significance of the relevant designated heritage assets; and,
 - whether, the proposed development satisfies the requirements for a rural exception site, having regard to the development plan and national planning policies.

Reasons

Character and Appearance

6. The appeal concerns a portion of a gently sloping arable field that extends along the south side of the A44 on the outer edge of Broadwas, a medium-sized village situated in a largely rural area. For planning policy purposes, the appeal site is located in the open countryside, where development would normally be strictly controlled. Policy SWDP 2 sets out various principles on which the Council's development strategy and settlement hierarchy are based; these include the safeguarding and, wherever possible, enhancement of the open countryside.
7. In spite of its proximity to nearby residential development and the A44, the characteristics of the appeal site distinguish it from the main settlement of Broadwas. Defined by its mature hedgerow boundaries, a perceptible absence of development, and far-reaching views, the verdant, soft and open characteristics of the appeal site mean it integrates very obviously with the settlement's wider rural landscape setting.
8. A discrete developed enclave is referred to as the historic village of Broadwas, which is apart from the main settlement of Broadwas by the wider tract of agricultural land that the appeal site is a part of. Like the previous Inspector, I experienced the cluster of buildings at the historic village as being distinctly separate from the main area of Broadwas and as having a predominantly rural setting. Indeed, the appeal site is integral to the green and open intervening space that distinguishes between the main settlement and the historic village of Broadwas and therefore influences their separation.
9. Amongst the key characteristics of the Principal Timbered Farmlands Landscape Type¹ are hedgerow boundaries, organic enclosure pattern, and dispersed settlement pattern. The unbroken length of hedgerow along the site's A44 boundary emphasises the scale of enclosure of the wider field. The appeal site's mature hedgerow boundaries, arable use, openness, and the degree of spaciousness it contributes to the separation of settlements, collectively correspond with the key characteristics of the Landscape Type.
10. The indicative plans show up to 13 dwellings, a mix of semi-detached detached houses of one or two storeys, up to two-storeys, each with parking and private gardens. A new access, approximately 20 metres wide, would be created through the existing A44 hedgerow boundary and the dwellings would be arranged off a shared driveway. The developed area of the appeal site would

¹ Landscapes of Worcestershire Principal Timbered Farmlands Landscape Type Information Sheet

be along the eastern side; with some 37% of the site provided as 'green infrastructure' (GI), in addition to supplementary hedge and tree planting.

11. Fundamentally, the proposal would be an urban intrusion onto the appeal site, which would undermine its characteristically open, green and undeveloped nature. Even with the provision of GI, the proposal would influence a gradual 'creep' of built form, extending, rather than softening, the settlement edge and diminishing its countryside setting. By the same effect, the extent of undeveloped space that separates the main settlement from the historic village of Broadwas would be reduced. Thereby, the proposal would contribute to a weakening of the inherent pattern of settlement dispersal that is of value to the character and appearance of the area.
12. The illustrative plans indicate a relatively high building-to-plot ratio on the developed portion of the appeal site, with dwellings orientated around a shared drive, featuring footways, small gardens and hard-surfaced parking. Even if there would be sympathetic material finishes, supplementary garden vegetation, and buildings no more under two-storeys, the proposal would be contrived arrangement akin to a suburban cul-de-sac. Ultimately, the scheme would diminish the soft, organic qualities of the appeal site and fail to respond or integrate with the character of its landscape setting.
13. It is proposed to remove some 20 metres of hedgerow boundary along the A44 to create the site's access and visibility splays. Not only would this reveal the development as a cluster of new houses, which would be atypical of countryside development, it would facilitate a demise in the extant hedgerow structure that is intrinsic to the local landscape character. When supplementary hedgerow and tree planting around the site's boundary eventually reaches maturity, this would serve to compartmentalise the wider field and be at odds with the organic enclosure pattern that characterises the wider landscape.
14. I do not agree that supplementary GI would be an enhancement to existing views, which depend on their openness. Rather, the appeal scheme would contribute to a closing or lessening of open views that would be noticeable from various public vantages, including from the opposite side of the A44 and looking back across the wider field from Church Lane as it rounds towards the historic village. Although Key View 1 and Key View 2 would be harmfully infringed by the proposed development, the scale and location of the scheme in relation to these views would, in my judgement, ensure neither is substantially harmed.
15. Overall, I find that the proposed development would be harmful to the character and appearance of the area. Although there would be no conflict with NDP Policy P5 in respect of Key Views, conflict does arise with Policies SWDP 2, SWDP 21, SWDP 25 insofar as these seek to ensure proposals safeguard and, wherever possible, enhance the open countryside; integrate effectively with its surroundings; are appropriate to, and integrate with, the character of the landscape setting. There would also be conflict with the Framework, notably paragraphs 127 c) and 170 b), which seek to ensure that developments are sympathetic to local character, including in respect of landscape setting; and recognise the intrinsic character and beauty of the countryside. Furthermore, Objective 1 of the NDP, which seeks to protect the rural character of Broadwas and Cotheridge within an open landscape of fields would not be met.

Designated Heritage Assets

16. Although there are no designated heritage assets within the appeal site, the Council and interested parties have raised concerns regarding the effect of the proposals on the setting and significance of the Grade II listed building known as Ivy House Farmhouse (list entry number 1302181), and the Grade II* listed building known as the Church of St Mary Magdalene (list entry number 1349345). In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special regard to the desirability of preserving these listed buildings, their settings or any features of special architectural or historic interest they may possess.
17. The current appeal proposal would be on a reduced site area compared with the dismissed appeal. However, in consideration of the Grade II listed Ivy House Farmhouse, like the previous Inspector, I also find that the appeal site and the larger field of which it forms a part provide a strong link with the building's rural surroundings and makes a positive contribution to its setting. Even though the number of dwellings has been reduced and more of the A44 frontage retained, the extant scheme would still impose a modern, suburban form of development into the currently open, agricultural setting of Ivy House Farmhouse. Compared with the previous scheme, the impact on the open and undeveloped character of the wider tract of agricultural land would be lessened, however, a weakening of the link between the Farmhouse and its rural surroundings would persist. Consequently, the appeal scheme would fail to preserve the listed building and diminish its setting, causing harm to the significance of the designated heritage asset.
18. In respect of the Grade II* Church of St Mary Magdalene, in addition to its unusual bell tower, the previous Inspector identified the physical separation and detachment of the church from the main part of the village as being of importance in understanding the origins of the Church and its significance within the small group of buildings in the historic core, and the subsequent development of Broadwas as a settlement. I concur. I also consider that the appeal site is a component part of the open land that provides physical and visual detachment of the Church. Therefore, even though reduced in size compared to the previous scheme, the appeal site nonetheless forms part of the setting of the highly graded listed building.
19. The previous Inspector concluded there would be harm caused to the significance of the church by almost completely filling the 'substantial and visual break between the historic core of the village... and the main area of the modern settlement'. Covering a much-reduced site area, the extant proposals would inevitably fill less of that important gap. Some physical separation and detachment of the Church from the modern part of Broadwas would be retained but not entirely. In advancing encroachment of built form out of the modern settlement towards the historic village and the church, the proposed development would fail to preserve the listed building and diminish its setting, causing harm to its significance and special interest.
20. Failing to preserve the setting of the Grade II and II* listed buildings runs counter to the statutory provisions of Section 66(1) of the Act; conflict also arises with Policy SWDP 6. The degree of harm to the setting and significance of the relevant designated heritage assets would in both instances be less than substantial, and, in each case at the lower end of that scale. In line with

paragraph 196 of the Framework, the harm to both designated heritage assets should be weighed against the public benefits of the proposal. I turn to this within the overall planning balance.

Rural Exception Site

21. SWDP 2 C) sets out various exceptions for open countryside development, which includes rural exception sites (RES) that are in accordance with Policy SWDP 16. Policy P2 of the NDP also supports the principle of RES development on small sites that accord with SWDP 16. Rather than promote general-needs affordable housing per se, Policy SWDP 16, which is consistent with paragraph 77 of the Framework, supports bringing forward RES that will provide affordable housing to meet identified local needs. The explanatory text for SWDP 16, emphasises that "local need" for the purposes of part A.i means the parish and adjoining parishes.
22. I have taken note of the concerns raised regarding the accuracy and approach to the Housing Needs Survey² (HNS). Inevitably local needs are likely to fluctuate, and the specific reasons why affordable dwellings within the Highcroft and Berryfields Close developments were slow to be taken up may no longer be pertinent. However, the HNS is only two years old and the response rate of just 26% indicates to me that it would represent a conservative assessment of any local need. Overlaying the HNS is data from Home Choice Plus (HPC). At the time of the previous appeal decision, none of the 58 people registered on HPC had indicated a local connection to Broadwas and Cotheridge. Before me, however, is HCP data indicating that in Spring 2019, eight households with an address in Broadwas were on the register, and a further 25 from the surrounding parishes. Having regard to relevant local data, I find that there is a proven and as yet unmet local need for affordable housing.
23. The UU provides for a number of planning obligations in the event that planning permission is granted. The proposed mix of dwellings reflects proactive discussions between the appellant and the Council's housing officer, I am therefore content that it would be an appropriate mix to satisfy local needs. I note the concerns of the Parish Council that the 'cascade approach' proposed would undermine the Policy SWDP 16 requirement. In my view, such an approach would not undermine the availability of the affordable dwellings to meet the continuing needs of local people. Rather, it would provide a reasonable degree of flexibility in the event that local needs change. I am satisfied that the affordable housing obligation meets the requirements of SWDP 16.
24. Notwithstanding that the appeal proposal may constitute 'major development'³, this does not necessarily preclude it being on a small site for the purposes of SWDP 16. Relative to the size of Broadwas, and considering no market housing is proposed, I consider that the appeal site would be small and reasonably adjacent to the boundaries of the village, where there is no demonstrable evidence of another suitable or available site within its development boundary.
25. Drawing all of the above together, I am of the opinion that the proposal would satisfy SWDP 16, Criterion c) of SWDP 2, NDP Policy P2, and paragraph 77 of

² Broadwas Parish Housing Needs Survey Report (April 2018), Gloucestershire Rural Community Council

³ Town and Country Planning (Development Management Procedure) (England) Order 2015

the Framework. The appeal site forms part of a wider area 'land between Berryfields Close and Church Lane' that has been designated as Local Green Space (LGS) under NDP Policy P3. However, the proposal would be in accordance with paragraph 145 (f) of the Framework, and so would be 'not inappropriate' development NDP policies.

Planning balance and public benefits

26. I consider the UU and planning obligations to be directly related to the development, is reasonably related in scale and kind and is necessary to make the development acceptable in planning terms. As such, I consider it meets the relevant tests set out in Regulation 122(2) of the Community Infrastructure Regulations 2010. Consequently, the proposal would contribute to the provision of affordable housing that would satisfy a proven and as yet unmet local need, in accordance with development plan and national policies. This would be a significant benefit that carries significant weight in favour of the development.
27. The delivery of up to 13 dwellings would be a boost to housing supply and dwellings would be located within easy walking distance of local services and public transport within the Category 2 village of Broadwas. There would also be economic benefits associated with the construction phase. There would also be social and economic benefits associated with supporting local services, including the local primary school and businesses. Although I am sensitive to the current economic uncertainty, I am not convinced that local services or facilities would be under threat in the absence of the appeal scheme. In the context of an up-to-date development plan, all such benefits would be realised from a well-located residential development and cumulatively, I give moderate weight to these as benefits.
28. Supplementary landscaping and ecological aspects of the proposal would largely be in mitigation. That said, the provision of 37% of the site for GI would exceed the 20% required to make the development acceptable as set out in Policy SWDP 5. However, the reasoned justification for SWDP 5 establishes that any GI provision will be as a consequence of development proposals meeting other policy requirements. As already concluded, the scheme would conflict with SWDP 21 and this diminishes the weight to the GI provision to a limited level.
29. On the other hand, the proposal would cause serious harm to the character and appearance of the area. Although the proposal would qualify as RES development, meeting Policy SWDP 16, in failing to safeguard or enhance the open countryside, SWDP 2 would not be fully met, causing conflict with the Council's development strategy and settlement hierarchy. Given the priority in both development plan and national policy to achieving good design that respects its context, and protection of the local landscape and the open countryside, significant weight is given to these policy breaches.
30. Paragraph 193 of the Framework establishes that, when considering the impact of a proposed development on the significance, including from development within its setting, of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Whilst in both instances the harm to the relevant designated heritage assets would be less than substantial, this should not be equated with less than substantial planning objection, particularly when the statutory duties to preserve listed buildings and their settings have not been met.

31. Great negative weight is therefore given to the less than substantial harm to the Grade II listed Ivy House Farmhouse; and even greater negative weight is given to the less than substantial harm to the Grade II* listed Church of St Mary Magdalene. I consider the benefits already outlined to be public benefits, and their collective weight to be significant. Even so, in the overall balance the public benefits do not outweigh the considerable importance and weight ascribed to the desirability of preserving listed buildings or their settings, and the great weight that even less than substantial harm to the relevant designated heritage assets' settings. This indicates a breach of SWDP 24, which seeks to underpin the national policies and statutory duties in respect of preserving the setting of listed buildings.

Conclusion

32. Though significant, the cumulative benefits of the appeal scheme are not sufficient to outweigh the totality of the harms I identified. On balance, the proposal would fail to achieve sustainable development for the purposes of the Framework. I find that the proposed development would fail to accord with the development plan read as a whole, and there are not material considerations to indicate the proposal should be determined other than in accordance with it.
33. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR