



Appeal Decision

Hearing opened on 24 May 2022

Site visit made on 25 May 2022

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2022

Appeal Ref: APP/H1840/W/21/3289569

Land off Morris Road, Broadway

- 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 Greystoke Land Limited against the decision of Wychavon District Council.
 - The application Ref 21/00623/OUT, dated 3 March 2021, was refused by notice dated 25 June 2021.
 - The proposal is for residential development of up to 9 dwellings with associated access and internal roads, footpaths, parking, landscaping, public open space, pedestrian access to adjoining orchard land, pumping station and other associated works and infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The hearing took place on 24 and 25 May 2022. The site visit took place on 25 May 2022. By agreement with the parties, the site visit was unaccompanied.
3. The application was submitted in outline, with all matters reserved for subsequent approval. An indicative site layout and illustrative landscape proposals were submitted with the application. I have taken account of the illustrative drawings on that basis.
4. A s106 Agreement dated 24 May 2022 (the Agreement) was submitted at the hearing. The Agreement would provide for:
 - a) delivery of one affordable housing unit on site and a financial contribution equivalent to 0.8 of an affordable housing unit;
 - b) a contribution to off-site formal sports pitches;
 - c) a contribution to off-site built sports facilities;
 - d) land to the west of the site to be laid out as a community orchard, including arrangements for public access and future management of the land.
5. The Council submitted a note which sets out how the affordable housing proposals and financial contributions have been derived. The note concludes that the obligations would accord with the tests contained in Regulation 122 of the Community Infrastructure Levy Regulations. These matters were not controversial and no party suggested that the tests would not be met. I see no

reason to disagree. The community orchard would contribute to the achievement of biodiversity net gain and seeks to mitigate the loss of green space through development of the appeal site. The obligation would therefore be related to the development and, to my mind, would accord with the tests. I have taken all of the planning obligations into account in my decision.

6. The development plan includes the South Worcestershire Development Plan 2016 (SWDP). The South Worcestershire Development Plan review is not yet at a stage where weight can be attached to it for decision making purposes.
7. At the time of the hearing, the Examiner's report on the emerging Broadway Neighbourhood Plan (BNP) was not yet in the public domain. The Council and the appellant agreed that no weight could be attached to the emerging BNP at that time. The Examiner's report was published after the close of the hearing. The parties were therefore given an opportunity to comment in writing on the emerging BNP in the light of the Examiner's report. In reaching my decision, I have regard to the emerging BNP, the examiner's report and recommended modifications and the comments of the parties.
8. The Examiner has found that the BNP is in conformity with the development plan. Subject to the adoption of various modifications, he has recommended that the BNP should proceed to referendum. Consequently, although the emerging BNP is not yet part of the development plan, it is a material consideration.
9. The Council's 6th reason for refusal related to ecology and biodiversity net gain. Following submission of additional ecological information and the provisions in the Agreement relating to the community orchard, the Council indicated that this reason for refusal would not be pursued. The 7th reason for refusal related to the archaeological potential of the site. Following the submission of further information, the Council agreed that this matter could be covered by a condition. The 8th reason for refusal related to the absence of a s106 Agreement. This was resolved by the Agreement referred to above.

Main issues

10. The main issues are:

- the effect of the proposal on the character and appearance of the area, including any effects on the Cotswolds Area of Outstanding Natural Beauty;
- the effect of the proposal on green space;
- the effect of the proposal on the historic environment, including any effects on the Broadway Conservation Area through development in its setting and any effects on the archaeological potential of the site;
- whether the proposals would make efficient use of land, including the effect of density on housing mix and the amount of affordable housing that may be delivered; and
- housing land supply.

Reasons

Character and appearance

11. The historic core of Broadway comprises a legible and well preserved medieval street pattern. There is predominantly linear development along the main routes, including High Street. The settlement has seen significant expansion in the modern era, including new residential areas located to the north of High Street on either side of Leamington Road. Broadway is set in the rural landscape of the Vale of Evesham, close to the foot of the Cotswolds escarpment. The whole settlement is within the Cotswolds Area of Outstanding Natural Beauty (AONB).
12. The appeal site forms part of a wedge of open land reaching into the heart of the settlement from the countryside. This results in a clear visual separation between the edge of the historic core, marked by Back Lane, and the modern residential areas to the north. The green wedge is somewhat fragmented by development at Meadow Orchard. However, as experienced on the ground, the part of the wedge formed by the appeal site and the proposed community orchard is less influenced by built form than might be suggested by looking at a two dimensional plan.
13. To the east, there is low density development which has little visual impact. Whilst the development at Meadow Orchard is prominent, other modern housing in and around Morris Road has less impact. Views to the north west (towards the open countryside) are contained by trees in gardens rather than by built form. The site itself is open grassland, with established tree groups along the northern and eastern boundaries. The western boundary, adjacent to a footpath, is enclosed by an attractive stone wall. Within the site there are individual trees that are remnants of a former orchard. The character of the space is strongly influenced by extensive views of the escarpment. Taken together, these features result in a visually attractive and predominantly rural character, situated in dramatic juxtaposition with the closely developed historic core. In my view the site makes a significant positive contribution to the locally distinctive character of Broadway.
14. The proposal would result in the loss of most of the open character of the site. The indicative layout shows that houses need not be sited close to the western boundary, thereby retaining a north/south line of view. However, the view southwards from the end of Morris Road would be dominated by the proposed access road. Although there would still be a view of a section of the escarpment, above buildings between Back Lane and the High Street, the expansive views that are currently experienced would be greatly curtailed. Moreover, the clear visual separation between the historic core and modern residential areas to the north would be significantly eroded.
15. There would also be a detrimental impact on tree cover. Whilst tree groups along the northern boundary, and in the south east of the site, could be retained, the arboricultural impact assessment shows that a group on the western boundary would be removed. The loss of this group would be harmful to the character of the site and surroundings. New tree planting is shown on the illustrative plans. However, it seems unlikely that trees planted in private gardens would replicate the landscape contribution of the trees that would be removed. The individual trees within the site that would be removed also

- contribute to local distinctiveness by recalling the previous use of the land as an orchard.
16. The land that would become a community orchard is currently grassland. As such, it makes a positive contribution to the character and appearance of the area by forming part of the green wedge referred to above. In this context, the planting of fruit trees could add some visual interest and make reference to previous land uses. No details have been provided but I have assumed that a satisfactory scheme could be agreed at a later stage. To my mind this would represent a modest enhancement.
 17. Policy CE1 of the Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 requires that proposals in the AONB should reinforce the landscape character of the location, as described in the Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines. Broadway is in the Unwooded Vale character type, which is described as a soft agrarian landscape that is wide, open and rolling, and sparsely settled. The key features and summary description of the Unwooded Vale appear to be directed mainly at the sparsely settled agrarian landscape, rather than the larger settlements. Consequently, although the expansion of Broadway is identified as a local force for change, I consider that the landscape strategies and guidelines need to be read in that context.
 18. There are views over Broadway from the escarpment, including from a footpath leading to Broadway Tower¹. The whole extent of the settlement and its setting within the Vale of Evesham can be seen in such views. The appeal site can be picked out and the proposed houses would be visible from the escarpment. However, they would be a small element in a broad panoramic view. Seen in the context of the existing settlement, I do not think that there would be a material change to the character of the view.
 19. In conclusion, I do not think that the proposal would result in harm to views from the escarpment. At character area scale, there would not be a material change to the landscape character of the Unwooded Vale, as described in the documents referred to above. The impacts of the proposal would be more localised.
 20. That said, I consider that the site is an important landscape resource in its existing condition. This is due to its visual qualities, its contribution to a locally distinctive settlement pattern and the extensive views that it affords of the escarpment. These qualities would be much diminished by the appeal scheme. Although new planting on the site, and in the proposed community orchard, could provide some mitigation, my overall assessment is that the proposal would be harmful in terms of landscape and visual impact. This would represent harm to the special qualities of the AONB², which include distinctive settlements and views of the escarpment.
 21. With regard to the landscape strategies and guidelines, the proposal would not harm the sparsely settled character that is characteristic of much of the Unwooded Vale because it would be closely related to the existing settlement of Broadway. However, it would adversely affect settlement character and views

¹ View 10 in the Landscape and Visual Impact Assessment is a representative view

² As set out in the Cotswolds AONB Management Plan 2018-2023

of the AONB, contrary to those guidelines. It would not therefore accord with Policy CE1.

22. The proposal would be contrary to Policy SWDP 23, which requires development proposals in an AONB to conserve and enhance the special qualities of the landscape. It would also be contrary to Policy SWDP 25, which requires development proposals to be appropriate to the character of the landscape setting. The proposal would conflict with the National Planning Policy Framework (the Framework) which states that great weight should be given to conserving and enhancing landscape in an AONB³.

Green space

23. The appeal site, together with the land which would become a community orchard, is identified in the development plan as Green Space, to which Policy SWDP 38 applies. The plan notes that such spaces are often valued by local communities and are therefore worthy of policy protection. Whilst most open spaces are publicly accessible, some are in private ownership. The policy states that development of Green Space will not be permitted unless exceptional circumstances apply, one of which is where alternative or replacement Green Space of at least equivalent value to the community has been secured in a suitable location.
24. The proposed community orchard is already designated as Green Space, so in quantitative terms there would be no replacement or alternative to the approximately 1ha of Green Space that would be developed. However, the appellant argued that the land currently has no value for active recreation because there is no public access to it. On this basis, it was submitted that, in qualitative terms, securing public access (together with the proposed environmental enhancements) would be beneficial, such that the scheme would comply with the policy.
25. Having regard to the written representations, together with the evidence of local residents who spoke at the hearing, I have no doubt that the Green Space is much valued by the community in its existing condition. Residents have commented on matters such as a sense of tranquillity, away from the busy High Street, the ability to see and hear wildlife, the views of the escarpment and the contribution that the open space makes to wellbeing. From what I saw, these attributes can readily be enjoyed from the public footpaths, without the need to set foot on the land.
26. The appellant argued that the footpath is merely a functional link between residential areas and services in the High Street, therefore of limited recreational benefit. However, there was no evidential basis for that assertion. It may be that some people use the path with little regard to their surroundings but the representations show that many people use the footpaths with a view to enjoying the Green Space.
27. As noted above, the proposed planting within the orchard would offer some visual enhancement. The Agreement would secure access for public recreation. However, it is not proposed to create sports facilities or equipped play areas. These facilities are provided elsewhere in Broadway and, in any event, would not be compatible with the proposed environmental enhancements. The most

³ The Framework, paragraph 176

likely use would be as a quiet sitting out area, enabling people to rest and enjoy the remaining Green Space as an alternative to viewing it from the footpaths. Whilst that would represent an enhancement, in terms of recreational opportunities, to my mind it would be a modest enhancement. It would not outweigh the loss of the appeal site as Green Space, together with the loss of views to the escarpment.

28. I conclude that the proposal would result in a loss of Green Space, without the provision of alternative or replacement space of equivalent value to the community, contrary to Policy SWDP 38.

Historic environment

29. The potential effects of the proposals on the settings of various listed buildings in the locality have been assessed in the evidence. No party has identified any harm to the significance of these buildings. I agree with that conclusion.
30. Information on the archaeological potential of the site was submitted with the application. This was supplemented with the results of a geophysical survey and, shortly before the hearing, by the results of evaluation trenching. The Council and the appellant agree that there is sufficient information to allow the appeal to be determined. There is not thought to be significant archaeological potential in the majority of the site. In the northern part of the site, the probable remains of two sunken-floored buildings from the Anglo-Saxon period have been identified. The Council and the appellant agree that these remains can be safeguarded through a programme of archaeological recording and, if appropriate, through design measures. The Council and the appellant have submitted agreed wording for a suggested planning condition to secure these measures. The proposal would therefore accord with Policies SWDP 6 and 24 insofar as those policies seek to protect features of potential archaeological interest.
31. The site contains ridge and furrow features which represent a non-designated heritage asset. These features would be removed by the proposed development. Whilst this is a factor which weighs against the scheme, the Council did not suggest that it should be a determinative factor in this case. I share that view because the site represents a small part of an extensive area of such features in the locality.
32. The site adjoins the Broadway Conservation Area. The Conservation Area Appraisal (CAA) identified features that contribute to the character and appearance of the conservation area. These include the survival of the historic form of buildings, plots and village layout, the number and quality of historic buildings, the consistency and high level of survival of architectural detail and the strong relationship between the village and its surrounding rural landscape. No party at the hearing disagreed with this description and I agree that all of these features contribute to the significance of the conservation area. Although much of the significance of the area resides in features found within the designated area, the CAA identifies that this is an asset for which setting is an important contributor to significance.
33. The site is bounded to the south by Back Lane, which forms the boundary of the conservation area at this point. Historically, Back Lane would have given access to burgage plots running back from buildings fronting High Street. It would also have given access to agricultural land to the north, which would

have been farmed under the open field system prior to enclosure in the 18th century. Historic mapping indicates orchard planting on the appeal site and adjoining field parcels in the 19th and early 20th centuries. The appeal site is therefore a surviving part of a field pattern that was established at the time of the enclosures. Notwithstanding the fact that several nearby field parcels have been developed in the modern era, the site itself is a readily recognisable part of the former rural landscape surrounding the village which is recognised in the CAA as an important consideration.

34. The relationship between the site and the historic core of the settlement can be appreciated from Morris Road and the footpaths adjoining its western and southern boundaries. In these views, the close relationship between the historic core of the village and the adjoining field pattern is very apparent. The same viewpoints also encompass the broad sweep of the escarpment, as described above, which is a key element of the wider rural surroundings of Broadway.
35. Moreover, the static viewpoints included in the evidence do not fully capture the dynamic experience of approaching the village along the north/south footpath, which adjoins further fields to the north before passing the houses at Meadow Orchard, then runs between the appeal site and the proposed community orchard. Within a few steps, one moves from an open rural character to the tightly enclosed townscape south of Back Lane, before emerging through an archway into the High Street.
36. The proposal would remove one of the two surviving field parcels in this location, with the landscape and visual effects that have been described above. This would erode the visual separation between the historic core and modern development to the north, thereby reducing the ability to appreciate the historic settlement pattern. It would also harm the ability to experience the relationship between the conservation area and its rural surroundings, both in terms of the immediately adjoining field pattern and the relationship with the escarpment. The appellant argued that there are views of the escarpment from other locations in the conservation area. However, that does not alter the fact that there would be harm to the ability to experience the conservation area in this location.
37. The appellant contrasted the appeal site, which is not within the conservation area, with field parcels to the south of Broadway which are included within the designated area. Whilst I take that into account, it does not alter the fact that the Broadway conservation area is a designated heritage asset for which setting makes an important contribution to significance. The appeal site forms part of that setting.
38. Mindful that it is the significance of the conservation area as a whole that must be considered, I conclude that the harm would be "*less than substantial*", in the terms of the Framework. I would characterise the degree of harm as being at the lower level of harm within the spectrum of "*less than substantial*", although certainly more than minor. This does not mean that the harm would be unimportant. On the contrary, the Framework requires that great weight should be given to the conservation of designated heritage assets, irrespective of the level of harm. Policy SWDP 6 seeks to conserve and enhance heritage assets, subject to Policy SWDP 24, which states that proposals affecting heritage assets will be considered in accordance with the Framework. The Framework

requires that the harm should be weighed against the public benefits of the proposals. I shall consider that balance in the conclusion to this decision.

Efficient use of land, housing mix and the amount of affordable housing

39. Policy SWDP 13 seeks to make effective and sustainable use of land, including through consideration of density. Although part E(iii) of the policy refers to an average net density of 30 dwellings per hectare (dph) on allocated sites in villages, that is not a policy requirement for the appeal site, which is a windfall site. For such sites, the policy requires consideration of the character of the natural and built environment, amongst other considerations.
40. Notwithstanding my findings elsewhere in this decision, it is necessary to consider whether the level and type of development proposed would be appropriate if the site were to be developed. This is necessary to consider the proposal against Policy SWDP 13 and is also relevant to the weight to be attached to housing delivery in the planning balance.
41. The proposal represents a density of around 9dph, which is significantly lower than the density found in the adjoining residential area to the north. The appellant argued that the proposed density is required to achieve a scheme that is sensitive to its surroundings. The application is in outline, and there was no design detail before the hearing, either for the proposal or any alternative scheme.
42. On the basis of the indicative site layout, it appears to me that some of the detached units shown could be replaced by semi-detached units or short terraces without materially changing the built footprint or volume of development. Even allowing for some additional garden boundaries and parking spaces, it has not been shown that such a low density is necessary to achieve a sensitive scheme. It is not for me to say what an appropriate density would be. However, on the evidence before me it is clear that the site, if it were developed, could reasonably provide more housing than this scheme would provide. The proposal would not make effective use of the land.
43. The Parish Council submitted that the proposal would do little to meet housing need in Broadway because it mainly comprises large, detached units with little affordable housing. The officer's report notes that there is a need for houses of varying sizes. Drawing on the Strategic Housing Market Appraisal (SHMA), it states that there is a need for 25% of dwellings to be two bedroom units, 55% to be three bedroom units and only 20% to be four bedroom or larger.
44. The Agreement provides for one of the proposed houses to be an affordable two bedroom unit. I note that the detailed design of the houses would be considered at reserved matters stage. Nevertheless, at the hearing the appellant accepted that, having regard to the plot sizes shown on the indicative layout, it seems likely that, in practice, the other eight units would all be four bedroom units or larger. It follows that, if planning permission were granted in the terms sought, the housing mix would be poorly aligned with the need identified in the SHMA.
45. The Agreement would provide for the equivalent of 1.8 units of affordable housing, representing 20% of the 9 units proposed. Whilst this would, in itself, comply with Policy SWDP 15, the low density would have implications for the amount of affordable housing that would be delivered. For example, if the site

were developed with 14 houses, the policy would require 4.2 affordable units. The appellant commented that there had been no viability testing of a scheme with more affordable units. Whilst that may be so, this is a greenfield site and in the absence of site specific viability evidence it is reasonable to assume that Policy SWDP 15 is soundly based and that greenfield sites can be expected to deliver affordable housing at the levels indicated in the policy.

46. I conclude that the proposal would not make effective use of land and would conflict with Policy SWDP 13. Consequently, it would deliver significantly less affordable housing than a scheme that made more effective use of the site would do. Moreover, the housing mix that is likely to result from the proposal would be poorly aligned with housing need identified in the SHMA.

Housing land supply

47. The SWDP covers the areas of Malvern Hills District Council, Wychavon District Council and Worcester City Council, referred to collectively as the South Worcestershire Councils (SWC). Since 2021 the SWC have calculated five year housing land supply jointly. The most recent statement of the housing land supply position is the *South Worcestershire Five Year Housing Land Report, September 2021* (HLR21). As the SWDP is now more than five years old, the Framework⁴ requires the housing land supply calculation to be based on the standard method set out in national planning guidance (NPG), as opposed to the adopted SWDP annual housing requirement⁵.
48. On that basis, HLR21 calculates that the SWC have 5.76 years of housing supply, allowing for a 5% buffer, consistent with the Framework. The calculation applies a reduction of 1,620 units to the five year target derived from the standard method. This reduction seeks to take account of oversupply against the plan housing requirements over the period 2006 – 2021. The appellant challenged this approach, arguing that NPG makes no provision for past oversupply to be factored in to the standard method. It was common ground that, without the oversupply reduction, there would be 4.31 years of supply.
49. As noted above, the Framework states that the standard method for assessing housing need is applicable in this case. The method, which is described in NPG, involves a two, three or four step process, although only steps one and two are relevant to this case⁶. The first step establishes a baseline, by reference to national household growth projections. The second step requires an adjustment to the baseline to take account of affordability ratios.
50. The NPG states that housing need is an unconstrained assessment of the number of homes needed in an area. To my mind it is a forward-looking snapshot at a given point in time. In this context, I consider that it would be inconsistent to adjust the need figure derived from the standard method to reflect past delivery in relation to policy requirements.
51. The Council argued that the SWC are performing well in terms of the housing delivery test and that the SWDP is effective in terms of delivering housing. Whilst I note the housing delivery test result, that is a separate exercise from the calculation of a five year housing land supply figure. The Council also drew

⁴ The Framework, paragraph 74

⁵ This is based on a total supply of 5,800 units, which was not disputed

⁶ NPG, Reference ID: 2a-004-20201216 (Housing and economic needs assessment)

attention to a decision of the High Court and an appeal decision which considered the question of how to address past oversupply⁷. However, those decisions considered cases where housing land supply was being assessed against a local plan requirement. The cases are not, therefore, comparable with the current situation. That said, the High Court decision noted that the NPG did not engage with a situation where there was past oversupply, therefore the matter was left as a matter of judgment for the situations where it arises.

52. For the purposes of this appeal, I consider that the case for applying an undersupply adjustment to the need figure derived from the standard method has not been made out. On that basis, the SWC are not able to demonstrate the five year supply required by the Framework.
53. The appellant suggests that the calculation should be carried out in relation to the Council's administrative area rather than on the joint basis reflected in HLR21. However, on the appellant's own figures the area of assessment makes no material difference to the outcome in this case, so it is not necessary for me to comment further on this point⁸.

Other matters

54. The appeal site is not within the settlement boundary of Broadway and is therefore defined as countryside for the purposes of Policy SWDP 2. The policy states that development in the countryside will be strictly controlled and limited to various exceptions which are not applicable in this case. The proposal would conflict with Policy SWDP 2.
55. The proposal would result in social and economic benefits, through the delivery of housing, creation of employment during construction and additional spending by new residents. I take account of the general imperative to boost the supply of housing and the fact that there is a shortfall in housing supply in the SWC area, as discussed above. On the other hand, the scale of the shortfall (about 0.7 years) is not great and the housing delivery test result is positive. Moreover, the proposal would not make effective use of land and would deliver only nine units on a site that could reasonably deliver more. Consequently, the provision of affordable housing would be significantly lower than it would be if the site were used in a more effective way. Moreover, the mix of units that would be provided is poorly aligned with housing need. Drawing all this together, I attach only moderate weight to the delivery of market and affordable housing, together with the associated economic benefits.
56. Policy NE.3 of the emerging BNP identifies the appeal site and the land that is proposed to be a community orchard as Local Green Spaces (LGS), where development will not be supported unless there are very special circumstances that outweigh the harm to the LGS⁹. For the reasons given above, I do not consider that the provision of the community orchard would outweigh the loss of the appeal site as LGS. There are no very special circumstances that outweigh the harm. The proposal would conflict with Policy NE.3.

⁷ *Tewkesbury Borough Council v Secretary of State for Housing, Communities and Local Government* [2021] EWHC 2782 and appeal decision relating to land to the north west of Fiddington, Ashchurch and Tewkesbury (APP/G1630/W/21/3283839)

⁸ See table 7.1 in the appellant's statement of case

⁹ See Examiner's recommended modifications

57. I consider that it would also conflict with Policy BE.1, which sets out design principles including respecting the local settlement pattern and maintaining a strong sense of place, with Policy NE.1, which seeks to protect trees, and with Policy HD.7 which relates to housing mix.
58. The emerging BNP is therefore a factor that weighs against the appeal. The Parish Council and the appellant disagree about the weight that should be attached to the BNP. However, for the purposes of this appeal, the weight makes no difference to the outcome because of the conflicts I have identified with the development plan and the Framework.
59. The application was supported by ecological surveys which were supplemented by information provided during the appeal process. The Council and the appellant agree that the proposal would not result in unacceptable impacts on habitats or protected species. The Agreement would provide opportunities for habitat enhancement within the community orchard and enhancements could be achieved within the development site, through the imposition of planning conditions. A calculation of biodiversity net gain has been submitted although this must be regarded as preliminary, given the outline nature of the proposal. In conclusion, the proposal would meet the requirements of Policy SWDP 22, insofar as it can at this outline stage, in that it would be designed to enhance biodiversity. Given the outline nature of the mitigation proposals, I regard this as a broadly neutral factor in the planning balance.
60. Parking provision within the site would be considered at reserved matters stage. The application was supported by a transport assessment which did not identify any issues of highway safety or capacity. This conclusion has been accepted by the Highway Authority. The site could be accessed by the extension of an existing residential estate road and I see no reason to disagree with the conclusions of the transport assessment.
61. The Council and the appellant agree that the site is not at risk of flooding and that a suitable drainage strategy could be secured through planning conditions and reserved matters.

Conclusions

Heritage balance

62. I have found that the proposal would result in harm to the significance of the Broadway Conservation Area through development in its setting. Notwithstanding that the level of harm would be at the lower level of harm within the spectrum of "*less than substantial*", this does not mean that the harm would be unimportant. The Framework requires that great weight should be given to the conservation of designated heritage assets.
63. The public benefits of the proposal relate to the delivery of housing, including affordable housing, and the associated social and economic benefits. However, for the reasons given above, I attach only moderate weight to the public benefits of housing delivery, together with the associated economic benefits. The public benefits would not outweigh the heritage harm. As such, the proposal would conflict with Policy SWDP 6, Policy SWDP 24 and those policies of the Framework relating to the historic environment.

The development plan

64. I have concluded that the proposal would conflict with policies of the SWDP relating to landscape, the AONB, countryside protection, green space, the historic environment and making efficient use of land. The proposal would accord with some development plan policies, including those relating to archaeology, biodiversity, transport and flood risk. However, I consider that the areas of conflict with the plan that I have identified represent fundamental objections, such that the proposal would be in conflict with the development plan as a whole.

Other considerations

65. The approach to decision making set out in paragraph 11(d) of the Framework is engaged due to the absence of a five year housing land supply. However, this is a case where the policies of the Framework relating to designated heritage assets and Areas of Outstanding Natural Beauty provide clear reasons for refusing the proposal. It follows that paragraph 11 of the Framework does not weigh in favour of the appeal.
66. The loss of the non-designated ridge and furrow feature is not of determining importance, for the reasons discussed above. Nevertheless, it adds modest weight to the case against the appeal.
67. Moderate weight should be attached to the social and economic benefits of housing delivery.
68. The other considerations in this case do not indicate that the appeal should be decided other than in accordance with the development plan, whether or not the emerging BNP is taken into account. It follows that, whatever weight is attached to the emerging BNP, the outcome is the same. The appeal should be dismissed.

David Prentis

Inspector

APPEARANCES

FOR THE APPELLANT	
Giles Cannock	Queen's Counsel, instructed by Pegasus Group
David Hutchison BSc DipTP MRTPI	Pegasus Group
Gail Stoten BA(Hons) MCIfA FSA	Pegasus Group
Neil Tiley	Pegasus Group
Paul Harris CMLI	MHP
FOR THE COUNCIL	
Andrew Ford	Senior Planning Officer
Craig Tebbut	Conservation Officer
Gemma Smith	Principal Planning Officer
Eileen Marshall	Landscape Officer
Richard Pestell	Stantec
INTERESTED PARTIES	
Gordon Franks	Broadway Parish Council
Emma Sims	Broadway Parish Council
Elizabeth Zdanko	Local resident
Gloria Marchand	Local resident

DOCUMENTS

DOCUMENTS SUBMITTED AT THE HEARING	
1	The Council's CIL Compliance Statement
2	Landscape photograph submitted by Ms Marshall
3	Tewkesbury Borough Council v Secretary of State for Housing, Communities and Local Government [2021] EWHC 2782 (Admin)
4	Appeal decision relating to Fiddington, Ashchurch, Tewkesbury (APP/G1630/W/21/3283839)
5	S106 Agreement dated 24 May 2022
DOCUMENTS SUBMITTED AFTER THE HEARING	
6	The Council's note regarding the Broadway Neighbourhood Development Plan
7	Report of the Independent Examiner of the Broadway Neighbourhood Development Plan (May 2022)
8	Broadway Neighbourhood Plan – Submission Version (Revised 15 December 2021)
9	Additional comments from Broadway Parish Council
10	Further representations from Pegasus Group on behalf of the appellant