



Appeal Decision

Site visit made on 10 May 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal Ref: APP/H1840/W/21/3276161

Land adjacent to Sumida, Arrow Lane, North Littleton WR11 8QR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr and Mrs Wheeler against Wychavon District Council.
 - The application Ref 20/02718/FUL, is dated 2 December 2020.
 - The development proposed is erection of self-build bungalow and garage.
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Decision

1. The appeal is dismissed and planning permission is refused for the erection of a self-build bungalow and garage.

Procedural Matters

2. The Council failed to determine the application within the prescribed period. However, following submission of the appeal, the Council have prepared an appeal statement. This advises that had the Council determined the application, planning permission would have been refused. The statement identifies that the principal concerns relate to the main issues set out below.
3. The appellant has submitted a signed Unilateral Undertaking (UU) stating that the proposed development would be a self-build dwelling and agreeing to a financial contribution towards affordable housing in the district. I have addressed this in my reasoning below.

Main Issues

4. The main issues are:
 - Whether the proposed development would be consistent with local and national policies relating to the location of new housing development;
 - Whether the proposed development would preserve or enhance the character or appearance of the North and Middle Littleton Conservation Area (CA) and the effect of the proposal upon the setting of a listed building; and
 - Whether the affordable housing contribution is required to make the proposal acceptable in planning terms.

Reasons

Location of site

5. Policy SWDP 2 of the South Worcestershire Development Plan (2016) (SWDP) outlines the development strategy for new development in the area. Part C sets out that permission for development in the countryside, outside the development boundary of settlements will be strictly controlled to development specifically permitted by other SWDP policies. The policy does not support the provision of market housing in countryside locations.
6. The appeal site comprises a field located on one side of Arrow Lane. Whilst the site is flanked by relatively modern houses either side it is located outside of the settlement boundary of North Littleton. Therefore, new development outside of existing boundaries will be considered to be located in the countryside and this proposal has not been presented on the basis of any need for a countryside location.
7. Whilst Arrow Lane benefits from a footpath leading into North Littleton the village is largely devoid of services and facilities that would meet the day to day needs of future occupiers. The nearest accessible settlements containing services and facilities are Offenham and Evesham, therefore, future occupiers would be overwhelmingly reliant on private vehicles to access services and facilities to meet their day-to-day needs.
8. Consequently, I conclude that the appeal site is not a suitable location for a permanent dwelling due to the lack of access to services and facilities and would conflict with the housing strategy for the area. The proposal would, therefore, be contrary to SWDP Policies 1, 2 and 4 which, amongst other things, seek to control development in open countryside and for developments to offer genuinely sustainable travel choices.

Heritage impact

9. The CA reflects the growth of the historic rural settlements of North and Middle Littleton over time and its long-standing connection to agriculture, which is still evident today. This is reflected in the surviving historic road layout, informal and organic layout and functional links to the surrounding countryside emphasised by its built form and green spaces and fields, including the appeal site, that extend through the villages and surround the built form that contribute to their open agrarian character. This agrarian landscape provides the verdant setting for a number of designated and non-designated assets in the villages and contributes to the significance of the CA.
10. Whilst the settlement pattern has extended along Arrow Lane development is sporadic and the character of the site and the nature of the existing housing contribute to the verdant and rural character of the area. The North and Middle Littleton Conservation Area Appraisal (CAA) defines the appeal site as an 'Important green space' that, alongside other fields and spaces are key to the areas character, appearance and special interest. The CAA goes on to state that the retention of these spaces is important to understand the historical development of the Parish as well as promoting the preservation of the area's agricultural heritage.
11. I have paid regard to the appellant's heritage evidence. However, in my view the site has inherent value as an undeveloped green space that extends an

appreciable distance back providing a feeling of openness. Furthermore, the site collectively with neighbouring fields makes an important contribution to the agrarian character of the area and the significance of the CA. Whilst views through the site into the CA from Arrow Lane are in part screened by boundary planting the site still provides an understanding and appreciation of the countryside beyond it.

12. Whilst its set back would reduce its prominence from the road and permit frontage planting and would be similar to existing dwellings in terms of layout, scale and form the proposed development would erode this openness. Moreover, I find that the domestication of the site would unacceptably diminish the site's verdant and rural appearance and its contribution to the rural landscape which would not preserve the character or the appearance of the CA.
13. To the southeast of the appeal site, separated by fields, is Scheduled Monument and Grade I listed Tithe Barn that dates back to the thirteenth century with later additions. Its special architectural and historic interest lies, in part, in its functional use as a barn to store the parishioners tithe shares and its connection to the abbey in Evesham. Its size and detailing contribute to its significance as a barn of some status.
14. I acknowledge that the Tithe barn is best appreciated from its immediate setting. However, it is a prominent landmark in the area, visible from the Public Rights of Way that cut across the field immediately to the north of the barn and is visible from viewpoints along surrounding roads.
15. I note that intervisibility between the site and the Tithe barn is limited and the field pattern has likely changed through the centuries. However, in my view, the site still contributes to the agrarian landscape which forms part of the setting of the Tithe barn. The proposed development through the urbanisation of the site in the form of built form and associated infrastructure would diminish the contribution the site makes to the wider agrarian landscape and the contribution it makes to the setting of the Tithe Barn.
16. In light of the above I find that there is some, albeit limited harm to the CA and the setting of the Tithe barn and its significance as a designated heritage asset. In accordance with Paragraph 202 of the National Planning Policy Framework (the Framework), it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. In this case I conclude that the proposal would lead to less than substantial harm to the significance of the heritage assets. 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.
17. The proposal would contribute to local housing supply in the form of a self-build unit and result in employment during the construction phase, but these benefits are modest. I therefore afford these benefits limited weight. I note that the proposal would include a wildflower meadow and seeks to reinstate a historic feature in the form of an orchard, however, this would largely mitigate the impact of the proposal. As such, I find that it would be of neutral consequence in the balance.
18. Taking into consideration the points above I find that the harm to the CA and the setting of the listed building would clearly outweigh the public benefits of the proposal and afford this considerable weight.

19. As such, in my judgement, the proposed development would not preserve the character or appearance of the North and Middle Littleton Conservation Area or the setting of Grade I listed Tithe Barn, causing less than substantial harm to the significance of both designated heritage assets. The public benefits would not outweigh this harm and therefore the proposal would be contrary to SWDP Policies 6, 21 and 24 which, amongst other things, require development proposals to complement the character of the area including heritage interest and the conservation and enhancement of heritage assets.

Affordable housing contribution

20. In order to support the appropriate provision of affordable housing in the district criterion B. v. of SWDP Policy 15 states that a financial contribution towards local affordable housing should be made on sites of 5 dwellings or fewer. Paragraph 64 of the Framework permits local planning authorities to seek affordable housing on smaller sites in designated rural areas.
21. The Council contend that the site is located within a designated rural area, and I have not been provided with any evidence to suggest otherwise.
22. I note the appellant's comments in respect of the requirement for such a contribution. However, they have provided a signed and dated UU as the mechanism by which to deliver a contribution towards affordable housing in the district in accordance with the Policy.
23. I am satisfied that the contribution would satisfy the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010). As such, I find that the submitted UU would overcome the Council's concerns in relation to this matter.

Other Matters

24. I note reference has been made to developments on Cleve Road. However, the details are not before me and in any event every appeal must be considered on its own merits, as I have done.

Planning Balance

25. There is dispute between the parties as to whether or not the Council can demonstrate a deliverable five-year supply of housing land. The appellant has drawn my attention to two appeals¹ whereby Inspectors have determined that the Council cannot demonstrate a deliverable supply. However, the Council maintain that the South Worcestershire Councils can demonstrate a supply of 5.76 years.
26. There is also dispute as to whether the Council are meeting their duties in respect of self-build and custom-building housing. In any event there are no relevant development plan policies relating to self-build and custom-building housing in the SWDP.
27. In the event that the Council is unable to demonstrate a deliverable five year supply of housing land or where there are no relevant development plan policies Paragraph 11 d) sets out that the most important development policies for determining the application are out-of-date unless the application of policies

¹ Appeal Ref: APP/J1860/W/21/3267054 and APP/J1860/W/19/3242098

in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.

28. Footnote 7 states that designated heritage assets are assets of particular importance and as set out above there is a clear reason for refusing the development in respect of the impact on the CA and setting of the Tithe barn. Therefore paragraph 11 d) and the presumption in favour of sustainable development is not engaged.
29. Whilst the SWDP is more than 5 years old the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of it. Due weight should be given to them, according to their degree of consistency with it. In my view Policies the relevant policies are broadly consistent with the sustainable development principles and heritage objectives set out in the Framework. Therefore, the most relevant policies for determining the application are not out of date.
30. I acknowledge that the construction of a self-build dwelling would make a small contribution towards the district's housing supply and it would also make a financial contribution towards affordable housing in the area. These are both factors in the schemes favour.
31. Based on the evidence before me there are no technical objections to the development proposed. However, these are largely matters of neutral consequence in the planning balance.
32. On the other hand, I have found that the site is not a suitable location for new housing with regard to the development strategy and access to day-to-day services and facilities. In addition, the proposed development would give rise to harm to the significance of the CA and the setting of the Tithe barn undermining its significance. The adverse impact of which would significantly and demonstrably outweigh the benefits.
33. 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 is not outweighed by other considerations.

Conclusion

34. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR