



Appeal Decision

Site visit made on 18 May 2022

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/H1840/W/21/3275584

Corner Farm, School Street, Honeybourne WR11 7PL

- 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 Grist, Honeybourne Homes Limited against the decision of Wychavon District Council.
 - The application Ref 20/02370/OUT, dated 28 October 2020, was refused by notice dated 29 April 2021.
 - The development proposed is 4 four bedroom detached dwellings with integral and detached double garages.
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Decision

1. The appeal is allowed and outline planning permission is granted for 4 four bedroom detached dwellings with integral and detached double garages at Corner Farm, School Street, Honeybourne WR11 7PL, in accordance with the terms of the application Ref 20/02370/OUT, dated 28 October 2020, and subject to Schedule of Conditions attached to this Decision.

Preliminary Matters

2. The application was made in outline form with all matters (appearance, access, landscaping layout and scale) reserved to be determined at a later date. The details shown on the application drawings were provided for illustrative purposes only.
3. The description of the proposal refers to 'new access off existing unmade road'. However, during the application process, the point of access to the appeal site was changed and the existing unmade access no longer forms part of the proposal. In the interests of clarity, I have deleted this reference for the purposes of my Decision.

Main issues

4. The main issues are:
 - a) whether or not the location of the appeal site is suitable for housing with regard to local and national planning policies;
 - b) whether or not the proposal delivers an appropriate density / mix of housing, makes appropriate provision for Green Infrastructure and provides an acceptable access point;
 - c) whether the proposal would affect the setting and significance of the Honeybourne Conservation Area (CA); and,

d) whether or not the proposal makes appropriate provision for affordable housing.

Reasons

Suitability of the location of the appeal site for housing

5. The appeal site is located outside of but adjacent to the defined development boundary of Honeybourne. Therefore, in accordance with Policy SWDP 2 (C) of the South Worcestershire Development Plan ('SWDP') it is classed as being within open countryside where development is strictly controlled, and only defined exemptions are allowed. The proposal does not fall into any of those exemptions and therefore conflicts with Policy SWDP 2 (C) of the SWDP, insofar as it would be located outside a defined settlement boundary, and Policy SWDP 1 of the SWDP, which amongst other things supports planning applications that accord with the policies in the SWDP.
6. However, under Paragraph 4, the reasoned justification to Policy SWDP 2 advises, that the high quality of the open countryside is an important attribute of the area and that sites beyond development boundaries generally are less sustainable as access to local services tends to be poorer and it is, therefore, appropriate that development in the open countryside is restricted.
7. The appeal site is substantially enclosed by residential development to the east, south and west. It incorporates an equestrian facility and includes a stable block, with the remainder of the site being mainly overgrown grassland. Having regard to the definition of Previously Developed Land ('brownfield') in the National Planning Policy Framework ('the Framework') and in the absence of any clear evidence to the contrary, I have no strong reason to dispute the appellant's assertion that the site is brownfield land.
8. Consequently, on the ground, the appeal site has a stronger physical relationship to the built development than the open countryside which includes the agricultural field to the north of the site. Also, because of the existing development on the site, its contribution to the quality of the open countryside is limited.
9. Honeybourne is designated a category 1 village (with at least 4 key services) and is therefore considered one of the villages in the District with a better range of services and facilities. Therefore, in terms of accessibility occupiers of the proposed development would have reasonable access to these local services and facilities and public transport including a train station.
10. Paragraph 79 of the Framework, states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. The development would be consistent with this objective.
11. Policy SWDP 2 of the SWDP states that part of the development strategy is to encourage the effective use and re-use of accessible, available and environmentally acceptable brownfield land. Criterion G also specifically states that encouragement will be given to the redevelopment of brownfield sites. As concluded above, the site is in an accessible location in relation to services and facilities and there is no clear evidence that it is not available or not environmentally acceptable. Furthermore, the redevelopment of four additional dwellings would make a small but positive contribution to the housing land

supply. Accordingly, the development would be consistent with this principle of Policy SWDP 2 of the SWDP and similar objectives of the Framework.

12. Nevertheless, for the reasons already given, the proposal would be in conflict with Policies SWDP 2 (C) and SWDP 1 of the SWDP.

Whether the proposal would be satisfactory with regard to housing density / mix, the provision of green infrastructure and access.

13. Housing density/mix - Policy SWDP 13 of the SWDP seeks to make the most efficient use of land, by amongst other things focusing on housing density and reusing previously developed land.
14. However, this Policy does not set out any specific density requirement for this type of windfall site in an edge of settlement location. Instead, the density needs to be relevant to the locality and the character of the built and natural environment context.
15. The Council has approved a scheme for 5 houses within the broad area of the appeal site, that consent has lapsed but would have provided a similar density to the proposal. Moreover, the illustrative scheme for 4 detached dwellings would reflect the density and character of nearby recent development, which mainly comprises detached dwellings.
16. Policy SWDP 14 of the SWDP states that all new residential developments of five or more units, having regard to location, site size and scheme viability, should contain a mix of types and sizes of market housing. The proposal falls below this threshold. Nevertheless, the appellant's Addendum Statement advises that as part of any reserved matters scheme, the housing mix would be based on the latest need for house types required in the village.
17. Green infrastructure - Policy SWDP 5 of the SWDP states that housing development proposals are required to contribute towards the provision, maintenance, improvement and connectivity of Green Infrastructure. Even so, no specific requirement is identified for brownfield sites, other than any provision will be as a direct consequence of development proposals having to meet other policies in the development plan.
18. The submitted Updated Preliminary Ecological Appraisal (Worcestershire Wildlife Consultancy November 2019) identifies an opportunity to retain and augment an existing orchard habitat at the site. Whilst a third party advises that some of those trees have been removed, there is nothing to suggest that these were protected. Nonetheless, I am satisfied that there is sufficient space to establish an orchard habitat or similar and that appropriate Green Infrastructure could be accommodated on the site.
19. Access - Paragraph 5 (3) of the 2015 Order says, "Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated."
20. The amended site plan shows that the point of access to the site from the public highway (School Street) would be via a private cul-de-sac known as Corner Farm Drive and is shown to continue along part of a private drive, which serves two dwellings (Woodlea House and Wolstone House) to the west of the site. As such, the application includes the minimum information required at this stage in relation to the proposed access.

21. Matters of detail relating to 'access' would be considered at the reserved matters stage.
22. Nevertheless, because the matter of the 'access' goes to the principle of the proposal, if the appeal succeeds it would be necessary to ensure that the reserved matters application(s) secure the detail and the completion of this access before any other development takes place at the site.
23. Conclusions on this issue - Drawing on the above reasons, the proposed housing density / mix are acceptable and the provision of Green Infrastructure could be secured at reserved matters stage, if this appeal were to succeed. Also, at this stage, the level of information provided and required in relation to the proposed access point is acceptable. Accordingly, I find no conflict with SWDP policies SWDP 5, SWDP 13 and SWDP 14
24. The Council's decision also refers to Policy H4 of the Honeybourne Neighbourhood Plan. This mainly deals with matters of detailed design and therefore would be relevant to considering the reserved matters.

The effect of the proposal on the CA

25. The appeal site lies close to, but beyond the boundary of the Honeybourne CA. The significance of this CA is largely derived from the architecture of its built environment including historic buildings reflecting its origins and evolution as a long-standing rural settlement.
26. Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 195 of the Framework also requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
27. Views of the site from the CA are largely screened by existing development and established landscaping. I am also aware of no functional reason why the site adds to the significance of the CA. As such, I see no reason why development at the site should necessarily affect the setting and significance of the CA.
28. Whilst some views from the site are available towards the CA, I am satisfied that subject to this appeal succeeding and the consideration and approval of reserved matters, a residential development for four dwellings could be secured on the appeal site without any harm to the setting or significance of the CA. I, therefore, find no conflict with the aims of the Framework with regard to conserving and enhancing the historic environment, which are similar to SWDP policies SWDP 6 which requires that development proposals should conserve and enhance heritage assets and SWDP 24, which amongst other things requires that development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance.

Whether the proposal makes appropriate provision for affordable housing

29. In order to support appropriate provision of affordable housing in the District, criterion B. v. of Policy SWDP 15 of the SWDP requires that, on sites of fewer than five units, a financial contribution towards affordable housing will be sought.

30. The requirement for, and the amount of the affordable housing contribution are detailed in the Council's submissions. The Council has confirmed that the submitted Unilateral Undertaking (UU) which includes an obligation for a financial contribution towards affordable housing provision is satisfactory and I have no reason to take a contrary view.
31. The site plan (drawing number 2013-25) included with the UU, does not match the extent of the red line defining the appeal site (Proposed Site Plan - drawing number 2013-25, Revision B, dated October 2020) and excludes most of the access road between the site to School Street.
32. The appellant advises that the plan with the UU reflects the land within the appellant's ownership.
33. The land which is not bound by the UU is a strip of land, which is evidently an important strip for gaining access. Nevertheless, to get to build any of the four houses, this clearly requires the main part of the site, which is the land that is bound by the UU. Therefore, I am satisfied that the UU is sufficient to secure the required obligation.
34. As such, the submitted obligation accords with Policy SWDP 15 of the SWDP. On the basis of the above reasons, the obligation is also directly related to the development, fairly and reasonably related in scale and kind to the development and therefore complies with the tests set out in the Framework, the advice in the Planning Practice Guidance and with Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended).

Other Matters

35. In addition to the above matters, third parties have raised concerns in respect of flooding associated with the site, the drainage requirements for the development, the effect of the proposal on the living conditions of neighbours and the ecology of the site, and the development effecting the route of footpath Honeybourne HY-515(C). These matters were addressed in the Council's Delegated Decision Report and did not form part of its reason for refusing the proposal. I have also considered these matters and on the evidence before me I see no reason why these factors, whether alone or in combination, would justify resisting the scheme.
36. The effects of any development on existing landscaping, built environment, including the character of the settlement and the relevant Environmental Character area, along with the quality of the proposed development for future occupiers would be considered at reserved matters stage.
37. Concerns have been raised in respect of the suitability of the proposed access from School Street via Corner Farm Drive in terms of its design, geometry and access for emergency, refuse, construction and delivery vehicles and other users included disabled persons. However, this access point already serves a number of dwellings and the proposed access arrangement would only utilise part of Corner Farm Drive. Furthermore, the existing part of the access incorporates a shared surface for pedestrians and vehicular users and is confined by existing development. Therefore, vehicles using this are forced to drive along it slowly and cautiously. Overall, on the information before me, I am not persuaded that this access point would not be suitable for the additional development proposed.

38. School Street incorporates a relatively narrow carriageway, with one side of it being used for parking associated with existing dwellings and the school. Therefore, in general this operates as a single lane highway. Because of this and the width and geometry of this road, drivers are forced to travel slowly along it. Against this background, whilst I acknowledge that four additional dwellings would add to local traffic, there is no strong technical evidence to suggest that this would unacceptably affect existing traffic and congestion along School Street to the detriment of highway safety.
39. Furthermore, the Highway Authority, who are primarily responsible for ensuring that new development does not result in highway safety problems, raise no objections to the proposal. There is also no convincing evidence before me which brings into question their judgement on this matter.
40. In light of the above reasons, and subject to securing satisfactory details at reserved matters, the development would not have any significant impact on the safe and efficient operation of the local highway or exacerbate existing parking and highways related issues in the area.
41. Highway safety concerns have been expressed by the Council and others in respect of the potential use of the 'unmade access' between properties 31a and 31 School Street by vehicles associated with the proposed development. Although this access does not form part of the appeal site, I accept that it could well be used by traffic associated with this development.
42. However, there is the possibility of the design at reserved matters making the proposed access more attractive and apparent to users. Also, the appellant has suggested measures to control and discourage the use of the 'unmade access' which could also be secured at reserved matters. Whilst there is no certainty that such measures would eliminate any additional use of the 'unmade access', on balance, the suggested measures along with a requirement that the proposed access is secured before any other development commences, should help to establish the proposed access as the main thoroughfare for the proposed development.
43. In any event, because the proposal identifies a dedicated access arrangement, the potential additional use of the 'unmade access' is not a sufficient reason to justify the refusal of this application at this stage.
44. Whilst I have noted the planning history for the appeal site and nearby sites, I have assessed the scheme before me on its merits and having regard to the site-specific circumstances. For these reasons, my Decision does not set a precedent.
45. On the information available to me, the Draft SWDP review is at an early stage and therefore there is no certainty over its final content. As such, I attach limited weight to this.
46. The majority of the proposed access to the site is not owned by the appellant. Whilst ownership of a site is not required in connection with making a planning application, there is a requirement to notify all those with an ownership interest in the land. The Certificate B submitted with the application confirms this. Therefore, disputes over this matter and whether or not the permission could be implemented, along with works to any shared access and the maintenance of this are civil matters between the relevant parties.

47. Whilst I have noted concerns about the proposal affecting property values, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

48. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance and the Framework. In addition to the standard timescale conditions for the submission of reserved matters and implementation of the planning permission, I have imposed a condition specifying the approved plan, insofar as this is relevant to the matters before me. For the reasons already given, I have specified a condition requiring that the details of the vehicular link between Corner Farm Drive and the access in front of Woodlea House and Wolstone House are approved as part of the reserved matters and that this is provided before any other development commences at the site.
49. A condition requiring a Written Scheme of Investigation is necessary to safeguard any archaeological interests of the site. To protect and enhance biodiversity, I have imposed a condition requiring an ecological mitigation and enhancement scheme.
50. Noting the concerns raised by local residents, I agree that conditions to minimise the disruption caused by construction activity on neighbours by requiring a Construction Management Plan both necessary and reasonable. The times for demolition, construction, and deliveries associated with the development could also be incorporated into the Construction Management Plan.
51. I have specified conditions requiring details of renewable or low carbon energy generating facilities which would also include electric vehicle charging facilities to promote sustainable development.
52. A condition requiring details of surface water drainage for the proposal is necessary in the interests of securing satisfactory drainage of the site and managing flood risk.
53. I have not imposed suggested requirements for details of proposed materials, boundary treatments, the provision, retention, maintenance, and the protection of landscaping, the provision of parking spaces, details of refuse storage facilities, details of finished floor levels of buildings and a requirement that any dwellings on the site are no more than two-storeys in height, as these are matters that would be dealt with under the reserved matters.
54. Conditions 5, 7 and 8 which prevent any development approved from commencing until they have been complied with, are considered fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions in order to have their intended effect. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Planning Balance and Conclusion

55. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.

56. Paragraph 12 of the Framework reflects this and makes it clear that the development plan is the starting point for decision making. The importance of the plan-led system is clear. Nonetheless, Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides scope for other factors to be considered in the planning balance.
57. There is conflict with the development plan in respect of the appeal site being outside the defined development boundary and the Council's strategy for the location of development. This conflict weighs significantly against the development.
58. Nonetheless, I have identified no other planning harm and given the modest scale of the proposal (four dwellings) the extent of the conflict is relatively small. Furthermore, some aspects of the proposal would be broadly consistent with the relevant key principles of both local and national policy. In particular, the development of a brownfield site in an accessible location and the social and economic benefits associated with the delivery of four new dwellings. The proposal would also support the Government's objective of significantly boosting the supply of homes and secures financial contributions towards affordable housing. These matters also weigh in favour of the proposal
59. Therefore, in the particular circumstances of this case there are material considerations which justify a decision other than in accordance with the development plan.
60. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR

Schedule of Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for the approval of all reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
4. This permission relates to drawing number 2013-25 Revision B, insofar as this identifies the development site as edged red and the proposed access point.
5. Prior to the commencement of any other aspect of the development hereby permitted, the vehicular link between Corner Farm Drive and the access in front of Woodlea House and Wolstone House (as shown on drawing number 2013-25 Revision B) shall be provided in accordance with details approved under Condition 1 above, and thereafter retained for the use of the development in perpetuity.
6. The application(s) for reserved matters shall include a detailed ecological mitigation and enhancement scheme, which shall be based on the recommendations contained within section 4 of the Update Preliminary Ecological Appraisal by Worcestershire Wildlife Consultancy dated December 2019 and shall also include details of bat roosting and bird nesting features, lighting information in relation to bat roosting and foraging habitat, suitable precautionary measures in respect of birds as well as details of long-term management. The approved ecological mitigation and enhancement scheme shall thereafter be carried out in full, unless otherwise agreed in writing.
7. No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and: 1) The programme and methodology of site investigation and recording. 2) The programme for post investigation assessment. 3) Provision to be made for analysis of the site investigation and recording. 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation. 5) Provision to be made for archive deposition of the analysis and records of the site investigation. 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

8. No development shall take place, until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. Thereafter, the development hereby permitted shall be undertaken in accordance with the approved Construction Management Plan.
9. No later than the submission of reserved matters, details of renewable or low carbon energy generating facilities to be incorporated as part of the development together with a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities and shall include details of water efficiency measures as set out under the Water Management Statement section of the submitted Planning Statement and a timetable for implementation. The approved facilities shall be provided in accordance with approved details and timetable and thereafter retained.
10. No later than the submission of reserved matters, details of the surface water drainage for the development, shall be submitted to and approved in writing by the local planning authority. The details shall include a timetable for the implementation of the surface water drainage. The approved surface water drainage shall be provided in accordance with approved details and timetable and thereafter retained.
11. Prior to its first occupation, each dwelling hereby permitted shall be fitted with an electric vehicle charging point, the specification of which shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be retained for the lifetime of the development.