



Appeal Decision

Site visit made on 16 August 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2022

Appeal Ref: APP/H1840/W/22/3297160

Littleton Auction, The Croft Barn, School Lane, Middle Littleton, Evesham, Worcestershire WR11 8LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Stuart Homer against the decision of Wychavon District Council.
 - The application Ref 22/00230/PIP, dated 10 December 2021, was refused by notice dated 1 April 2022.
 - The development proposed is one self build dwelling and enhancement to barn and yard.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of one dwelling and enhancement to barn and yard at Littleton Auction, The Croft Barn, School Lane, Middle Littleton, Evesham, Worcestershire WR11 8LN in accordance with the terms of the application, Ref 22/00230/PIP, dated 10 December 2021.

Preliminary Matters

2. In addition to the erection of a dwelling, the proposal incorporates external alterations to The Croft Barn (the auction centre) and erection of a new façade to disguise the adjacent shipping containers. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. When granting permission, the decision must specify the minimum and maximum net number of dwellings which are, in principle, permitted. Details of the proposal that might properly fall for consideration at the technical details consent stage have been treated as indicative.
4. The Council's decision notice makes reference to the Council's assessment that it could at that time demonstrate a five year housing land supply of 5.76 years. However, the Council has since confirmed that it can no longer demonstrate a

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

five year housing land supply. On that basis, National Planning Policy Framework (Framework) paragraph 11.d)ii. is engaged. This states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5. The site is located within North and Middle Littleton Conservation Area (Conservation Area). This includes listed buildings such as the Tithe Barn Middle Littleton (the Tithe Barn) which is a grade I listed building and Scheduled Monument, and the grade II* listed Church of St Nicholas (the Church). Notwithstanding that heritage matters did not form one of the Council's reasons for refusal, I am conscious of my statutory duty under section 72(1) and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Therefore I address heritage matters as a main issue in my reasoning.

Main Issues

6. The main issues are whether the site is suitable for residential development, having regard to location, land use and amount of development proposed, with particular regard to:
 - the effect of the proposal on housing land supply, including self-build plots;
 - the development strategy for the area and access to services, facilities and sustainable travel choices; and
 - the effect of the proposal on the character or appearance of the conservation area and on the setting of nearby listed buildings and the Scheduled Monument.

Reasons

Housing land supply

7. The Council acknowledge that it is presently unable to demonstrate a five year supply of deliverable housing sites in line with the Framework paragraphs 11 and 74. The extent of the shortfall has not been defined. However even if only a very slight shortfall, the proposal would make a small contribution to the supply of housing. I have given this contribution modest weight which I take forward in the overall planning balance below.
8. Under Section 2A of the Self-build and Custom Housebuilding Act 2015 (as amended) the Council is required to grant sufficient planning permissions to meet the demand for self-build and custom housebuilding in the authority's area in each base period. The Council maintains that the number of such permissions it has granted currently exceeds the demand for self-build plots by at least five. The appellant has challenged the robustness of the Council's evidence in that respect and references an appeal decision dated July 2020 (Ref APP/H1840/W/19/3241879). In that decision the Inspector found that evidence at appeal was not sufficiently reliable to conclude that the Council had met its duty.
9. Relatively limited details are provided of the permissions that the Council considers are addressing the current demand for self-build plots. Nevertheless,

even were I to accept that the number of self-build permissions meets or exceeds current demand as expressed through the Council's self-build and custom housebuilding register, the proposal would make a modest contribution to diversifying the housing market and increasing customer choice.

Development strategy and accessibility

10. It is not a matter in dispute between the main parties that the site is located outside of the settlement boundaries of both North Littleton and Middle Littleton. Under Policy SWDP2 of the South Worcestershire Development Plan (February 2016) (Local Plan) it therefore comprises open countryside where development is to be strictly controlled. The proposal would not comprise a rural worker dwelling, rural employment development, rural exception site, building for agriculture and forestry, replacement dwelling, house extension, replacement building or renewable energy project. Further, it is not submitted as one that would be specifically permitted by other SWDP policies. Therefore it would not meet any of the exceptions to development within open countryside (Policy SWDP2 criterion C).
11. Services and facilities within North Littleton and Middle Littleton appear reasonably limited. Whilst there may be some opportunity for employment in the locality, occupants of the appeal scheme would be likely to need to travel to other settlements for employment and to meet their day-to-day needs. Rural footpaths connect the site with North and Middle Littleton, albeit these would not be conducive to travel on foot in hours of darkness and for those with reduced mobility. I note that bus stops are located in Middle Littleton and North Littleton. The bus stop in North Littleton would require occupants of the appeal scheme to walk a short distance on the road or on grass verges, and is not well lit. However this would not be uncommon for a rural village location. Furthermore, the existing auction centre contains residential accommodation which makes use of the same appeal site access from School Lane.
12. Alternatively the bus stops in Middle Littleton are approximately 800m from the appeal site and accessible by pavement. The width of the pavement is relatively narrow and not particularly well lit, however it is reasonably flat. Although the desirability of the route would be less favourable outside of daylight hours, it would offer the potential for future occupants to make some use of the rural bus service. Nevertheless, given these constraints, an increase in travel by private car remains a likely consequence of the appeal scheme.
13. Consequently, whilst the site is previously developed, due to its open countryside location and constraints to accessibility, it would be contrary to the development strategy for the area. As such, it would conflict with Local Plan Policy SWDP2 as a whole. This seeks to focus development on urban areas where housing needs and accessibility to public services are greatest. The proposal would also be contrary to Local Plan Policy SWDP4. This seeks to ensure proposals minimise demand for travel and offer genuinely sustainable travel choices.

Conservation Area and Listed Buildings

14. The Conservation Area spans the two villages and incorporates green space and ridge and furrow land adjacent to the built settlements. Within the Council's Conservation Area Appraisal (2014) (CA Appraisal), the appeal site is classified as one of neutral features. In contrast, the Croft Barn (Littleton

Auction) is considered to detract from the appearance of the Conservation Area and as such is indicated as an enhancement opportunity. Insofar as it is relevant to this appeal, the significance of the Conservation Area is derived from the range of buildings of historic and architectural interest and their association with the villages' historic agricultural setting.

15. School Lane connects North Littleton and Middle Littleton. Existing houses front on to the Lane from the same side of the road as the appeal site. Therefore the proposed development would appear broadly consistent with the prevailing pattern of development. The topography of the area is relatively flat and the appeal site is not particularly prominent in the locality. The proposal would be contained by the form of the auction building to its rear and would not appear to encroach on undeveloped agricultural land.
16. The CA Appraisal identifies a significant viewpoint from School Lane, adjacent to the appeal site entrance, towards the Tithe Barn. The proposal would not encroach on this view or any of the other identified significant viewpoints. Consequently, from the evidence available at this point I am satisfied that the proposal could be designed so as to preserve or enhance the character and appearance of the Conservation Area.
17. Amongst other notable buildings within the Conservation Area are the Tithe Barn, and the Church. The Tithe Barn is a substantial building thought to date from the 1300s. It is constructed of blue lias stone with Cotswold stone dressings and a stone tile roof. Close to the Tithe Barn is the Church, also a substantial stone building and, together with the Tithe Barn, likely formed part of the historic village core. Insofar as it is relevant to this appeal, the significance of these buildings is primarily derived from their architectural interest and historic connection with the villages and their farmland.
18. The appeal site has a functional appearance due to the modern barn-like appearance of the auction centre, adjacent storage containers and the pylon at the site entrance. The appeal site appears as part of the auction centre site and is separated from the Tithe Barn by the intervening auction car parking area as well as the adjacent field. The Church is further separated by intervening houses fronting on to School Lane. Any visibility of the appeal site from the Tithe Barn and Church is likely to be an incidental rather than planned vista. Consequently, I find that the appeal site makes little contribution to the significance of the setting of those assets.
19. Accordingly, given the nature of the site and its surrounding context and from the evidence available at this point, I am satisfied that the proposal could be designed so as not to result in any harmful effects on the setting of nearby listed buildings and Scheduled Monument. I also note that the Council's Conservation Officer and the National Trust did not object to the proposal in principle. Further consultation and scrutiny of detailed design proposals would be necessary at technical details consent stage. As my assessment is context specific, I foresee no potential for this decision to set an unwarranted precedent or to justify proposals that might be considered to lead to harm to these or other heritage assets in the Conservation Area.

Other Matters

20. As the site is identified as being within flood zone 2, a sequential test is necessary to determine whether there are any reasonably available, lower risk

sites, appropriate for the proposed development. As no sequentially preferable sites were identified, the sequential test has been satisfied. I note also that flood risk did not form one of the Council's reasons for refusal on that basis. In addition, further consideration of flood risk and drainage would be required prior to the granting of any technical details consent.

21. I acknowledge that the proposal would occupy a proportion of the parking area for visitors to Littleton Auction. Whilst parking demand may increase over time following the Covid-19 pandemic, a reasonably large area for vehicle parking would remain available on site. Moreover the layout and efficiency of parking arrangements would reasonably be addressed at technical details consent stage. On the evidence available at this stage, the proposal would not unacceptably constrain the existing business or impair its continued operation.
22. The North and Middle Littleton footpath NM-524 runs along and partly on the northern boundary of the site. This is confirmed by Worcestershire County Council's public rights of way team with reference to the Council's definitive map. Therefore I am satisfied that the proposal could be designed to maintain this existing public right of way. A public footpath is also shown crossing the appeal site but is not recorded as a public right of way. No robust evidence is before me to indicate otherwise. In any event, matters relating to the detailed appeal scheme layout would be addressed at technical details consent.

Planning Balance

23. Framework paragraph 11.d)ii. states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development through the delivery of the mutually dependent economic, social and environmental objectives.
24. There would be a small benefit to the auction centre business should the proposed enhancements to the existing barn come forward. There would also be small economic advantages of construction and occupation of this development. I afford these modest weight. The proposal's contribution to the Council's overall supply of housing attracts modest weight, as does its contribution to diversifying the housing market through a self-build development. Paragraph 69 of the Framework recognises that small sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. There would also be a small benefit associated with the proposed development's potential to enhance the vitality of the existing rural community and surrounding settlements.
25. In the context of the development plan I have found the location of the proposed development would be contrary to the development strategy. It would also have only limited access to services, facilities and sustainable travel choices. It is therefore contrary to policies SWDP2 and SWDP4 and to the development plan as a whole. For this appeal, I have found policies SWDP2 and SWDP4 to be generally consistent with the relevant aims of the Framework. However, paragraph 105 of the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account in decision-making.

26. In addition, whilst the conflict with these policies amounts to harm, the Council's development strategy is currently failing to deliver sufficient homes to meet the five year housing land supply. Therefore in the context of the appeal, this reduces the weight to be afforded to this policy conflict. Accordingly, I afford modest weight to these harms.
27. Subject to its design at technical details consent stage, the proposal would preserve or enhance the character and appearance of the Conservation Area and would not harm the setting of nearby listed buildings or the Scheduled Monument. These are neutral considerations. Given my reasoning above, flood risk, drainage and vehicle parking are also neutral in the planning balance at this permission in principle stage.
28. Therefore, the adverse impacts of the proposed development in respect of the location of the site and its accessibility would not significantly and demonstrably outweigh the combination of its benefits, when assessed against the policies in the Framework as a whole. Despite the conflict with the development plan, material considerations indicate in this case that permission in principle should be granted for the proposal.

Conclusion

29. For the above reasons, and having had regard to all other matters raised, the appeal should be allowed.

Rachel Hall

INSPECTOR