



Appeal Decision

Site visit made on 29 February 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/H1840/W/23/3329178

Land at (Os 9822 5498) Radford Road, Flyford Flavell

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by SEI Holdings Ltd against the decision of Wychavon District Council.
 - The application Ref is W/23/00431/FUL.
 - The development proposed is development of 4 No. bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) whether the appeal site is in an acceptable location for housing; ii) the effects of the proposal on the character and appearance of the area; and iii) whether the proposal makes adequate provision for affordable housing.

Reasons

Location for housing

3. The appeal site falls entirely outside of the settlement boundary for Flyford Flavell and is therefore on land classified as open countryside, as defined under Policy SWDP 2 of the South Worcestershire Development Plan ('SWDP'). This Policy sets out the development strategy and site allocations within the plan area and seeks to direct new development towards sustainable areas within development boundaries.
4. In setting out the development strategy for the District, Policy SWDP 2 of the SWDP strictly controls new development in the open countryside in order to safeguard and, where possible, enhance the natural environment, save for certain exceptions and where development is supported in such areas by specific SWDP policies. On the information before me, the proposal does not meet any of those exceptions and is not development specifically permitted by other SWDP policies.
5. Indeed, the supporting text to Policy SWDP 2 of the SWDP, recognises that the high quality of the open countryside is an important planning attribute of the area. Adding that, sites beyond development boundaries generally are less sustainable as access to local services and employment opportunities tends to be poorer and therefore it is appropriate that development in the open

countryside is restricted to proposals which are supportive of more specific SWDP policies.

6. Within Annexe D of the SWDP, Flyford Flavell is identified as a Category 2 village for the purposes of the settlement hierarchy. These settlements are described to have at least two key services including a shop and have access to at least daily services for employment and shopping purposes. Notwithstanding the submitted Locational Sustainability, the village has suffered a loss to its local services such as the village shop and church.
7. The proposed scheme would incorporate a pedestrian access along the south west corner of the site. This would allow the future occupants of the development to access the pavements that run through Flyford Green, which then lead on to the local pub/restaurant, primary school and bus stops. Therefore, residents of the proposed scheme would be able to access the existing, albeit limited village facilities on foot or by bicycle. Whilst the services from nearby bus stops are relatively infrequent, these would allow access to some additional shops and facilities.
8. Nevertheless, I acknowledge that future residents of the appeal scheme would need to leave the village in order to access work, education beyond primary school and many other routine health and retail facilities that are only available in larger settlements. As such, this would require the use of private cars.
9. Even so, the Framework advises that opportunities to maximise sustainable transport solutions will vary between areas. Moreover, Permission in Principle for the construction of up to 9 dwellings, has been approved at a site off Bishampton Road, which is marginally closer to the existing facilities within the village than the appeal site. In determining that application, the Council concluded that the site would lie in a relatively sustainable location.
10. Therefore, on balance, the location of the appeal site would offer some sustainable travel choices and would not be contrary to the aims of Policy SWDP 4 of the SWDP, which amongst other things requires that proposals offer genuinely sustainable travel choices.
11. Nevertheless, for the above reasons, the appeal site would be in an unacceptable location for housing with regard to the development strategy for the District and conflicts with Policy SWDP 2 of the SWDP.

Character and appearance

12. The appeal site is a field which is enclosed by hedgerows and trees of various heights. Moreover, with the exception of its road frontage, this site is largely bound by open fields. As such, the appeal site is not an uncharacteristic feature of open countryside. The appeal site is also free of any significant development and together with the adjoining fields, positively contributes to the rural character and appearance of the open countryside.
13. Because it faces a main road and there is a Public Right of Way ('PRoW') running along its eastern boundary, the appeal site is prominent and particularly sensitive to change.
14. The appeal site lies within the Landscape Type ('LT') 'Village Claylands Landscape Type,' as identified in the County Landscape Character Assessment ('LCA'). The LCA identifies this LT as having a 'Nucleated settlement pattern of

usually small, rural villages.’ The LCA advises that ‘The pastoral land use is one of the key elements of this landscape, together with the pattern of settlement’ The Planning and Development Landscape Type Advice Sheet, advises that ‘This Landscape Type is strongly defined by nucleations of settlement. Any development located away from these nuclei will dilute this primary characteristic and so, from a landscape character perspective, new development should be sited within existing villages.’

15. Development in Flyford Flavell is largely nucleated along a north-south axis. Notwithstanding some limited dwellings further east of the appeal site, the extent of the main built form to the east of this village is broadly in line with the eastern edge of the development at Flyford Green.
16. Most notably, when travelling east from Flyford Flavel, the area north of Radford Road, which includes the appeal site, because of its undeveloped nature, reinforces the nucleated settlement pattern of Flyford Flavell.
17. Whilst I have limited information regarding the more recent development at Flyford Green, the dwellings associated with this are a continuation of the development to the south of Flyford Green and are arranged around a large green space. The green space, which is free of any significant development and, in part, enclosed by hedges, contributes to the rural character and appearance of the area.
18. Irrespective of its design and attention to materials, development at the appeal site would result in encroachment into the countryside. In particular, development at the appeal site would be divorced from the main extent of built development associated with the village by the existence of the undeveloped land to the west of this site.
19. As such, development at the at the appeal site, would, therefore, undermine the spatial pattern of the village, and so, would be uncharacteristic of the identified landscape character ‘Village Claylands Landscape Type.’
20. Notwithstanding that the proposed dwellings are designed as single storey; these would comprise large family dwellings and would introduce sizeable built forms with gardens and associated domestic paraphernalia and parked vehicles. Part of the hedgerow along the frontage of the site would also be removed and modified to facilitate new access points. Together, these would result in the urbanisation of this prominent plot.
21. Moreover, despite the retention of some existing landscaping and proposed planting, built forms of the scale proposed on a plot mainly surrounded by fields would appear particularly conspicuous and would have an erosive effect on the rural character of this part of the open countryside. This would be particularly noticeable, from the main road and nearby PRow.
22. For the above reasons, the proposal would harm the character and appearance of the area and conflicts with Policies SWDP 21 and SWDP 25 of the SWDP. These policies collectively, and amongst other matters, require that development proposals must complement the character of the area, that the distinct identity and character of settlements should be safeguarded, and that they conserve, and where appropriate, enhance the primary characteristics defined in character assessments. Accordingly, I also find conflict with the similar aims of part F of SWDP Policy SWDP 2.

23. The development would also conflict with similar objectives of the Framework, which amongst other things with regard to recognising the intrinsic character and beauty of the countryside, and ensuring that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Affordable housing

24. In order to support appropriate provision of affordable housing in the District, Policy SWDP 15 of the SWDP requires that, within the Designated Rural Areas on sites of less than 5 dwellings a financial contribution towards local affordable housing provision should be made, based on the cost of providing the equivalent in value to 20% of the units as affordable housing on site.
25. The requirement for, and the amount of the affordable housing contribution are detailed in the Council's submissions. The submitted Unilateral Undertaking includes an obligation for a financial contribution towards affordable housing provision.
26. 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 considerations

27. Based on the Council's evidence, it has a about a 3.81 year housing land supply and cannot therefore currently demonstrate a 5 year housing land supply. However, the appellant advises that this is now reduced to about a 2.65 year housing land supply. Irrespective, Paragraph 11d) ii of the Framework applies.
28. The appellant asserts that because of their single storey design, the proposed dwellings would help meet the accommodation needs of the elderly, persons with mobility concerns and those looking to downsize. However, there is no certainty of this and therefore I afford this assertion and any policy support associated with this limited weight.
29. Nevertheless, the proposal would secure four additional dwellings, which would contribute towards the provision of housing in the District. This would accord with the aims of Paragraph 60 of the Framework of boosting significantly the supply of homes. The scheme would also secure a financial contribution towards affordable housing in the District. Therefore, when taking the appellant's position on housing land supply, which indicates an acute housing shortage, these are important social benefits associated with the proposal.
30. There would also be jobs created during construction of the development. When complete occupiers of the development would also support local shops and facilities. However, because of the modest facilities in Flyford Flavell and infrequent bus services from here, such support would be limited. Nevertheless, there would be some economic benefits.

Planning balance and Conclusion

31. To develop the appeal site as proposed would be contrary to Policy SWDP 2 of the SWDP regarding the development strategy of the development plan. However, in this instance, given the site's accessibility to facilities within the village and availability of some sustainable travel options, this would not be unacceptably harmed.
32. Nevertheless, the proposal would harm the character and appearance of the area. Furthermore, the proposal would undermine certain principles of the Council's spatial strategy including: safeguarding and (wherever possible) enhancing the open countryside, and encouraging the effective use and re-use of accessible, available and environmentally acceptable brownfield land. Such, principles are also consistent with the aims of the Framework. As such, I attach significant weight to such harm.
33. On the other hand, the development would provide four new dwellings and includes a financial contribution towards affordable housing.
34. There would also be some economic and social benefits as a result of the proposal. These considerations weigh in favour of the development, and I afford them moderate weight, having regard to the modest scale of the proposal.
35. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts, would significantly and demonstrably outweigh the benefits arising from the proposal. Consequently, the presumption in favour of sustainable development does not apply. The conflict with the development plan is not outweighed by other considerations including the Framework.
36. As such, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR