



Appeal Decision

Site visit made on 3 June 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/H1840/W/23/3329615

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 planning permission.
 - The appeal is made by SEI Holdings Ltd against the decision of Wychavon District Council.
 - The application Ref is W/22/02163/FUL.
 - The development proposed is 4no. live/work units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. I have taken the revised Framework into account as part of the determination of this appeal.
3. This appeal was submitted alongside another appeal¹ for Permission in Principle for up to 5 dwellings. Whilst the red line boundaries are the same, there are differences between the proposals, and they were refused on different grounds. Therefore, I consider it appropriate to write two separate decisions.
4. The main parties have set out the relevant planning history related to the site, which includes an earlier appeal decision² for 4 bungalows on the same site. It was dismissed. I have had regard to this appeal decision insofar as it is relevant to the development before me now.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the effect on the amenity value of the Public Right of Way.

Reasons

6. The appeal site is a parcel of land situated on the eastern side of Flyford Flavell, on the northern side of Radford Road. It lies outside of the adopted settlement limits, with the settlement boundary of the village approximately 90m away. I observed that the settlement pattern in Flyford Flavell has a strong north-south linear arrangement, along Old Hill, Church Lane and Bishampton Road, with a short section on Radford Road where those roads meet. On the north side of Radford Road lies a number of modern dormer style

¹ Appeal Reference APP/H1840/W/23/3326919

² Appeal Reference APP/H1840/W/23/3329178, decision date 15 April 2024

bungalows which are low level in height. The southern side of the road around the local shop and primary school is characterised by more traditional detached and terraced dwellings. To the east of the junction of Bishampton Road and Radford Road, there is very limited built form on the northern side of Radford Road, apart from an isolated brick built detached property further to the east. The more prevalent character to the northern side of Radford Road, and one which the appeal site forms part of, is open fields.

7. Whilst the site is enclosed, it doesn't contrast with the 'larger and open agricultural fields around the village' as alleged by the appellant. In my mind, the appeal site has a greater affinity with the surrounding countryside than the built up form of the village, due to the site being free of any built form and its natural relationship with the surrounding open fields. As identified by the Inspector in the earlier appeal, its position adjacent to the highway on the edge of the village makes it particularly sensitive to change. Therefore, I consider the appeal site currently contributes positively towards the established character and landscape setting of Flyford Flavell.
8. There is also a Public Right of Way (PROW) to the east of the site, which forms part of the 'Millennium Way', a promoted walking route, from which public views of the appeal site are possible. Users of the PROW are sensitive receptors to change.
9. The appeal site falls within the Landscape Type (LT) Village Claylands, as identified in the County Landscape Character Assessment (LCA). The settlement pattern for the 'Village Claylands' is identified as a 'Nucleated settlement pattern of usually small, rural villages'. It goes on to state that 'the pastoral land use is one of the key elements of this landscape, together with the pattern of settlement and hedged fields'. In regard to settlement pattern, it states 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.' Consequently, the settlement pattern of Flyford Flavell is crucial to the character of the village.
10. Criterion C of Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) (February 2016) sets out the limited circumstances where development beyond the settlement boundary will be supported. One of these circumstances is where it is permitted by other SWDP policies, including Policy SWDP 8, which relates to 'Providing the Right Land and Buildings for Jobs'. Criterion G of Policy SWDP 8 supports live/work accommodation, subject to 7 criteria. The Council are content that the proposed development would meet the criteria set out in Policy SWDP 8. I also note the Council's Economic Development team have allegedly indicated that there is support for the live/work development, due to its contribution to the local economy.
11. However, irrespective of the proposals compliance with Policy SWDP 8, the live/work units would still be subject to the rest of the development plan. Most notably Policy SWDP 21, which states that *all* development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function and reinforce local distinctiveness. The supporting text to Policy SWDP 21 expands on this, stating that the policy criteria is applicable to all aspects of design, including those associated with residential and employment development.

12. By virtue of the open fields to the north, east and west of the appeal site, the proposal would appear as divorced and incongruous to the more established north-south settlement pattern of the village. It would be separated from both the existing property further to the east and the existing dwellings to the west by sizeable open fields. The live/work units, rather than harmonising with the 'spatial pattern of development', as alleged by the appellant, would be located away from the village nuclei, which would dilute this key characteristic of Flyford Flavell.
13. I acknowledge the recent development at Flyford Green to the south of Radford Road, albeit I have limited evidence before me regarding the planning history of this site. However, whilst this development has extended the built form of Flyford Flavell out to the east slightly, it still addresses the north-south routes through the village. Furthermore, although the proposal may only be situated approximately 30m away from the closest dwelling in the Flyford Green development, Radford Road would provide a clear separation between the appeal site and Flyford Green. Due to the limited built form on the northern side of Radford Road, the proposal would be seen in isolation and would be uncharacteristic to the open fields which are found to the north of the road.
14. There are a variety of properties in the village, of various ages, designs, and finishes. The overall design and materials of the live/work units would be appropriate to the village, and it is acknowledged that certain elements of the proposal are dictated, to a degree, by the requirements of Policy SWDP 8 (floorspace split and separate accesses). However, rather than 'replicating the character and form of the 5no. detached properties set on the northern side of Radford Road to the west of the appeal site', the proposed live/work units would be approximately 8.7m in height. This would be significantly higher than the other properties on the northern side of Radford Road. Consequently, they would be distinctly different to the character and form of the dwellings in the immediate surroundings, failing to integrate effectively.
15. Furthermore, the close clustering of the proposal, along with the parking and hardstanding to the front, would also be incongruous to the edge of village setting. The proposed live/work units would not appear as a 'typical rural building', rather they would represent an overly urban and visually dominant development, harming the established character and appearance of the area.
16. The proposal would be prominent from a section of the PROW which runs to the east of the site, from which it would be a stark contrast with the existing rural character of the area. This would harm the visual amenity value of the PROW currently enjoyed by its users. It is noted that users of the PROW 'would have come off the Radford Road public highway where the modern, predominately two-storey, Flyford Gardens housing estate is visually prominent'. However, as you turn off Radford Road, users of the PROW have clearly entered into a different landscape, one of open countryside. Furthermore, due to the existing house to the east being located significantly further away from the PROW than the proposal would be, this mitigates its visual impact on current users of the PROW. Its presence would not outweigh the harm that I have identified above.
17. It is noted that the proposal would be set away from the eastern boundary and that a hornbeam hedge would be planted to the east to 'ensure instant visual screening' from the PROW, as stated by the appellant. However, irrespective of the retention and enhancement of the existing field boundary treatments,

including additional landscaping that would be provided, given the significant height of the proposed live/work units, it is unlikely any screening would sufficiently outweigh the harm to the character and appearance of the area.

18. I note the lack of harm in regard to the living conditions of existing occupants of neighbouring properties, and that the proposal would provide suitable living conditions for future occupants. Furthermore, the proposal would be acceptable in regard to highways, drainage, flooding, and ecology. However, none of these matters would outweigh the harm identified above.
19. Therefore, I conclude that the appeal scheme would cause harm to the character and appearance of the area and would harm the amenity value enjoyed by users of the PROW. It would be contrary to Policies SWDP 21 and SWDP 25 of the SWDP. In combination, these policies seek to ensure that development integrates effectively into its surroundings, in terms of form and function, reinforcing local distinctiveness and with development complementing the character of the area. They require development proposals to take in to account the latest Landscape Character Assessment and its guidelines, including conserving, and where appropriate, enhancing, the primary characteristics defined in character assessments. Development should also be appropriate to, and integrate with, the character of the landscape setting.
20. It would also be contrary to the LCA which states that any development located away from the village nuclei will dilute this primary characteristic.

Planning Balance and Conclusion

21. The main parties agree that the Council is unable to demonstrate a five-year, supply of deliverable housing sites. In July 2023, the Council could only demonstrate 3.81 years supply of housing. The most recent position statement, published in December 2023, confirms that they can only demonstrate a 2.65 years supply. Therefore, Paragraph 11 of the Framework is engaged, which states that 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, or there are specific policies in the Framework which indicate that development should be restricted.
22. The proposal would harm the character and appearance of the area, which would lead to conflict with elements of the Framework, specifically where it recognises that planning decisions should enhance the natural environment by recognising the intrinsic character and beauty of the countryside. The harm would be significant and long lasting. It would accordingly attract substantial weight.
23. The proposal would make a small contribution towards the provision of market housing, in association with a business use, consistent with the Government's stated aim in the Framework of significantly boosting the supply of homes. The development would secure new business premises into the local area, with potential for the continued growth and future employment opportunities for that business, or indeed any future business occupying the units. There would also be economic benefits contributing to building a stronger, responsive and competitive economy, supporting growth with construction and post-construction benefits, in particular supporting a local small housebuilder and associated local supply chains. In addition to this, the proposal would provide on-going benefits through Council Tax and business rates. The development

would encourage associated economic growth with future occupants contributing to the local economy and continued viability of services in the local area.

24. It would also deliver some environmental benefits in the provision of live/work units that do not require the occupier to commute daily to and from their place of work. The live/work units would be energy efficient and incorporate renewable energy facilities. The proposed development would provide both landscaping and biodiversity enhancements. Together these benefits carry moderate weight in favour of the development.
25. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
26. Therefore, in conclusion, the proposal conflicts with the development plan as a whole and there are no material considerations, including the Framework, which outweigh that conflict. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Laura Cuthbert

INSPECTOR