



Appeal Decision

Site visit made on 23 May 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal Ref: APP/H1840/W/23/3331631

Bank Farm, Front Street, Pebworth Worcestershire CV37 8XQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Karl Lockley, Lockley Homes against Wychavon District Council.
 - The application Ref is 23/01124/FUL.
 - The development proposed is demolition of existing agricultural barns and replacement with 5no. detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The South Worcestershire Development Plan Review ('SWDPR') was submitted to the Planning Inspectorate for examination on 27 September 2023. Based on a subsequent letter (January 2024) the Local Plan Inspectors have advised the Council that the examination process is likely to be delayed due to the requirement for further evidence. Therefore, and in accordance with the National Planning Policy Framework ('the Framework'), I attach little weight to the SWDPR in determining this appeal.
3. The floor plans for Barn A (Drawing: 36_02-A2A-V1-ZZ-GA-A-120, Revision P03) submitted with the application do not reflect the elevations for this type of building or the site plan. The appellant has submitted updated floor plans for Barn A, Drawing: 36_02-A2A-V1-ZZ-GA-A-120, Revision P04 ('updated drawing'). This has been updated to match the proposed elevations and site layout plan. As the updated drawing is submitted to correct an inaccuracy which the Council is aware of, I have accepted this in determining the appeal and do not consider that the interests of any party have been prejudiced by my having done so.

Main Issues

4. Although there is no formal decision from the Council, it has offered putative reasons for refusal. Based on these, the main issues are: i) Whether the proposal is in a suitable location for housing having regard to the development plan; ii) Whether or not the proposal would harm designated heritage assets; iii) the effect of the proposal on the landscape character of the area; and iv) whether the proposal provides an appropriate mix of housing for the area.

Reasons

Suitable location for housing

5. The appeal site is a former agricultural holding known as Bank Farm. This is located outside but adjacent to the defined development boundary for Pebworth and is therefore considered as being in the open countryside where development is strictly controlled in accordance with the provisions of Policy SWDP 2 of the South Worcestershire Development Plan (February 2016) ('SWDP').
6. Policy SWDP 2 sets out a settlement hierarchy which in the identified villages makes provision for infill development within defined development boundaries only and the policy details a development strategy encouraging the effective use and re-use of accessible, available, and environmentally acceptable brownfield land. Criteria C of Policy SWDP 2 also restricts development in the open countryside to certain exceptions. The redevelopment of the site would not constitute the reuse of previously developed land and would not fall within any of the exceptions for allowing for development in the countryside as detailed in Policy SWDP2 of the SWDP.
7. The supporting text to the above Policy, 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.
8. Pebworth is identified as a Category 3 Settlement in the SWDP. These settlements have at least one key service (other than a parish/village hall) and have access within the settlement to at least a daily bus service to a "designated town".
9. Pebworth includes a Village Hall and a Public House. The appeal site is within reasonable walking distance of Pebworth First School and a bus stop, which provides 5 bus services a day to Stratford. Whilst the surrounding roads include limited footways and street lighting. Some journeys to local facilities could be undertaken by walking or cycling, but the private car is likely to be needed for employment, shopping and educational needs. As such, I agree with the main parties that the site lies in a reasonably accessible location.
10. The Framework says 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. Nevertheless, because of its location outside the settlement boundary and in a countryside location, the proposal conflicts with SWDP Policy SWDP 2 C.

Heritage assets

12. The appeal site is located outside but adjacent to the southern boundary of the Pebworth CA. There are also other designated heritage assets within the CA which formed part of the appellant's Historic Environment Desk-Based Assessment. However, in its putative reasons for refusal, the Council only refers to Orchard Cottage which is a Grade II listed building.

13. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting. Section 72(1) of the same act imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced. Paragraph 201 of the Framework 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).
14. The significance of the Pebworth CA relates to its history, which includes the survival of its layout and social hierarchy which is evident in the size, design and siting of buildings (including a number of historical buildings) and other visible surviving features.
15. The appeal site is visible from the road to the west, which its access and driveway are located off, and from across the garden of Elford Cottage. There are also some glimpsed views of the appeal site from parts of Pebworth to the east. All these areas are within the Pebworth CA.
16. Orchard Cottage is a two storey dwelling, the significance of this derives principally from its special historic and architectural interest, which is evident in its early date of construction. The setting of this property relates mainly to its garden plot. Nonetheless, this heritage asset is situated adjacent to the appeal site and it is likely that there are interconnecting views between this and appeal site especially first floor level, particularly when the deciduous boundary treatments are not in leaf.
17. The appeal site is occupied by farm buildings some of which are used as stables. These buildings are built of breeze block, corrugated metal and are utilitarian in appearance. In nearby views, these buildings detract from their surroundings though their use and character are consistent with the rural fringe of the village and the open countryside beyond that and form an important part of the setting of the village. Indeed, from more distant views, the buildings at the appeal site are settled in their rural context.
18. Because of its proximity and intervisibility, in its present state, the appeal site makes a degree of contribution to the setting of the above heritage assets through the provision of a rural context. Because of this and its rural context, the appeal site is particularly sensitive to change.
19. The existing farm buildings would be removed and replaced by five detached dwellings. The proposed scheme reflects the existing layout and this is also consistent with the intended design of the development, as a group of agricultural barns. This arrangement would also allow views through the site and space for new landscaping.
20. Notwithstanding that some amendments have been made to the original scheme and this reflects some of the existing forms, scale and heights of buildings at the site, the scheme would include the creation of four substantial detached buildings. Although the proposed palette of materials includes Cotswold stone which is used locally, the new buildings also incorporate a mix of contemporary materials such as timber and standing seam cladding and standing seam roofing finishes, along with modern detailing such as aluminium windows. Moreover, some of the proposed dwellings incorporate detached and

integral garages which would be uncharacteristic of agricultural barns. In particular, one of the garages incorporates an atypical curved roof form.

21. The proposed buildings incorporate numerous openings and the design and arrangement of these are more reflective of modern dwellings than agricultural barns. At night, the extent of openings and lighting associated with these would erode the tranquillity associated with the site and its rural context.
22. Whilst the appearance of the development could, taken in isolation, represent an improvement of the present buildings on the site, for the above reasons, in the context of its rural location, the proposal would result in the creation of a small cul-de-sac of mainly substantial, contemporary houses. Therefore, and because of its lack of compatibility with its surroundings, the proposed development would be particularly conspicuous.
23. I have taken account of the nearby redeveloped Bank Farm Court and other more recent residential developments to the south east of the appeal site. However, these developments incorporate traditional materials and designs which reinforce local distinctiveness and are integrated with their surroundings.
24. Therefore, I am not persuaded by the appellant's assertion that the proposal creates 'a strong sense of place' through respecting the agricultural setting of Bank Farm while embracing the materiality of the wider Pebworth vernacular.
25. For the above reasons, the proposal would introduce a suburbanising impact on the site, resulting in an erosive effect on part of the countryside and rural setting of Pebworth CA and the Grade II listed Orchard Cottage. As such, the proposal, due to its form, design and external materials would fail to preserve the setting of the Pebworth CA and Orchard Cottage. I consider the harm to the setting of these heritage assets to be less than substantial.

Landscape character.

26. The site lies within the 'Village Claylands' landscape type which are strongly defined by nucleations of settlement. The guidance advises that development away from these nuclei will dilute this primary characteristic and new development should be within existing villages.
27. Views of the proposed development would be available from the road to the west and from footpath 562 (c) to the south west of the appeal site. As already stated, the existing buildings are of no architectural merit but their utilitarian forms and arrangement are typical of farm buildings on the periphery of a settlement and are therefore settled within the landscape and reinforce the rural context of the village.
28. However, for the reasons set out under the second main issue, in particular because of its domestic and modern form and design, including use of materials, the proposal would result in a conspicuous development which would result in the suburbanisation of the landscape character of this area to the south of the main part of the village. This would undermine the site's contribution within its rural context.
29. I have taken account of the existing landscaping but I am not persuaded that this would provide sufficient screening of the form of development proposed, particularly during winter months when leaf cover is reduced. Although new planting is proposed, this would take considerable time to establish.

30. Consequently, the proposed dwellings, due to their form, design and external materials would adversely affect the landscape character of the area, contrary to SWDP Policy SWDP 21. This Policy says that all development will be expected to be of a high design quality, complement the character of the area, integrate effectively with its surroundings, in terms of form and function and reinforce local distinctiveness. Also, that detailing and materials of development are of high quality and appropriate to its context. The proposal would also fail to accord with Policy SWDP 25, this says that development proposals integrate with, the character of the landscape setting. Accordingly, I also find conflict with similar design aims of Policy P3 of the Pebworth Neighbourhood Plan ('NP').

Housing mix

31. Policy SWDP 14 of the SWDP says 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.
32. Given the location of the site, Policy P2 of the NP requires that developments of more than 3 dwellings provide a mix of dwellings to meet local needs. These include the provision of single storey dwellings; small family homes up to 3 bedrooms; and starter homes up to 2 bedrooms, unless it is demonstrated this is not viable. This Policy goes on to say that proposals for homes of 4 or more bedrooms will not be supported unless it is demonstrated they are necessary to meet identified local housing need.
33. The reasoned justification for Policy P2 of the NP, says that there is a dominance of large homes in the village, that property prices are exceptionally high in the parish and young people are forced to move out of the area to enter onto the housing market. This, coupled with the limited supply of smaller homes means that younger people and young families are unable to move into the area. Furthermore, that in order to maintain the existing facilities, including the school, it is critical that smaller more affordable homes are developed to encourage younger residents to live in the parish including starter homes and houses with a maximum of three bedrooms.
34. The proposed scheme is designed as 4 x three bedroom dwelling and a two bedroom dwelling. However, the floor plans of 2 x Barns A, B and C, all contain a reading room and playroom/study at ground floor level and office and at first floor level. Because of their sizes these rooms could be used as an extra bedroom without the need for further planning permission if the appeal is allowed.
35. The reference to 'small family homes up to 3 bedrooms' is not defined in the NP. However, using the Nationally Described Space Standards as guidance, I accept the Council's illustration that the Gross Internal Area of Barns A, B and C could not be described as 'small.'
36. Therefore, and whilst I acknowledge that the proposed dwellings have been designed to be adaptable which includes the provision of office space, I share the Council's concerns that based on the proposed floor plans, 4 of the 5 units could easily be used as 4 + bedroomed units. Moreover, no mechanism has been identified to ensure that these would be retained as 3 bedroom dwellings in perpetuity.

37. Accordingly, the proposal would fail to provide a suitable housing mix for the area and therefore conflicts with policies P2 of the NP and SWDP 14 of the SWDP.

Other Matters

38. Policy SWDP 15 of the SWDP requires that on sites of 5 – 9 dwellings, 20% of units should be affordable and be provided on site. In light of a District wide need for affordable housing, the Council's Housing officer has requested that a single 'First Home' dwelling is provided on site.
39. The dated and signed S106 Agreement includes an obligation which requires that along with other stipulations Barn D, Plot 5 on the submitted drawings, is to be disposed to a first time buyer at a discounted price.
40. For the above reasons, the obligation in the submitted S106 Agreement is necessary in order to make the development acceptable in planning terms, directly related to the development, and reasonable in scale and kind. This accords with the tests that are set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations (as amended).
41. A previous scheme for redevelopment at the appeal site was refused in 2012 and a subsequent appeal in relation to this was dismissed. However, that scheme was for outline planning permission and was determined under a previous development plan. As such, I have determined the scheme before me on its merits having regard to the proposal and the current development plan.

Other Considerations

42. The delivery of 5 dwellings, including an affordable housing unit would result in a modest but positive contribution towards the Council's 5-year housing land supply, which is at about 2.65 years. This would boost the delivery of homes in a location which has reasonable access to public transport, and a limited range of services and facilities. These would all be social benefits arising from the proposal.
43. The proposal would create employment during the build phase. Thereafter, new residents would enhance or maintain the vitality of rural communities, in accordance with the Framework.
44. The scheme will also deliver at least 10% of the predicted energy requirements through low carbon or renewable sources. There would also be new landscaping and biodiversity enhancements. These would deliver environmental benefits.
45. Together, the above are important social, economic and environmental benefits arising from the proposal. However, given the modest scale of the development (5 dwellings), I afford these moderate weight in favour of the proposal.

Planning balance and Conclusion

46. I have found development plan conflict in relation to the spatial strategy, which includes safeguarding the countryside. Even so, because of the reasonable accessibility of the appeal site, new dwellings here would enhance or maintain the vitality of rural communities. The proposal would also harm the landscape character of the area and fails to provide a housing mix specific to the needs of Peabworth.

47. The proposal would also cause less than substantial harm to the setting of a listed building and the conservation area. Policy SWDP 24 of the SWDP, amongst other things says that proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance.
48. With regard to the heritage assets, the Framework states that great weight should be given to an asset's conservation, with any harm to the significance of a designated heritage asset, including from development within its setting, requiring clear and convincing justification. Moreover, if less than substantial harm is caused to the significance of any asset, that harm should be weighed against the public benefits in what I shall call the heritage balance.
49. A second balance is found in section 38(6) of the Planning and Compulsory Purchase Act 2004, which says development should be in accordance with the development plan unless material considerations indicate otherwise (the planning balance).
50. I accept that cumulatively the benefits are matters to which moderate weight is attached. On the other hand, I have found less than substantial harm would be caused to the setting of the Pebworth CA and the Grade II listed Orchard Cottage, and I do not consider the benefits associated with the proposal to be sufficiently forceful to outweigh the less than substantial harm that I have identified and the great weight that must be given to the conservation of heritage assets.
51. I therefore conclude that the proposal would conflict with Policy SWDP 24 of the SWDP. I also find conflict with SWDP Policy SWDP 6, which says that proposals will be supported where they conserve and enhance the significance of heritage assets, including their setting. Accordingly, the proposal also fails to accord with similar aims for safeguarding heritage assets under Policy P3 of the NP.
52. Furthermore, given my findings in relation to heritage matters, then under paragraph 11d i) and Footnote 7 of the Framework, irrespective of the Council's housing land supply situation, the presumption in favour of sustainable development does not apply.
53. Overall, in making the planning balance, I am mindful that the appeal site could secure the provision of new housing including an affordable unit in a location which is reasonably accessible. However, even if all the above factors in favour of the proposal are taken together, including some local support for the proposal, to my mind they are not clearly and demonstrably outweighed by the harm to the setting of heritage assets, the landscape character of the area, and the failure of the scheme to deliver a housing mix needed in the area, and so do not justify a decision otherwise than in accordance with the development plan.
54. Therefore, I conclude that the appeal should be dismissed and planning permission refused.

M Aqbal

INSPECTOR