



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: 18 September 2024

Appeal A Ref: APP/H1840/W/23/3326178

Land off Broadway Road, Childswickham, Worcestershire WR12 7HD

- 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 Mr Stephen Wreford, Appletree Ventures Limited against the decision of Wychavon District Council.
 - The application Ref is W/22/02369/FUL.
 - The development proposed is construction of 9 new dwellings with garages, new access and associated landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. A separate planning application for development at the appeal site was subsequently submitted which was also refused by the Council. This is also the subject of an appeal and I have dealt with this under a separate Decision.

Main Issues

3. The main issues are:
 - i) Whether the proposal is in a suitable location for housing having regard to local and national planning policies;
 - ii) the effect of the proposal on the character and appearance of the area;
 - iii) whether the proposal makes appropriate provision for affordable housing and,
 - iv) whether the proposal delivers an appropriate housing mix for the area.

Reasons

Suitability of location for housing

4. The appeal site is located outside but adjacent to the defined development boundary of Childswickham. Therefore, and in accordance with Policy SWDP 2 (C) of the South Worcestershire Development Plan ('Development Plan') it is classed as being within open countryside.
5. Development Plan 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 this Policy also restricts development in the open countryside to certain exceptions. The

- proposal does not fall within any of the exceptions for allowing development in the countryside as detailed in Policy SWDP 2 of the Development Plan.
6. Under Paragraph 4, the reasoned justification to Policy SWDP 2 of the Development Plan, says 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. Policy SWDP 4 of the SWDP, requires that proposals minimise demand for travel and offer genuinely sustainable travel choices.
 8. These policies are broadly consistent with the National Planning Policy Framework ('the Framework'), which states that to promote sustainable development in the rural areas housing should be located where it will enhance or maintain the vitality of rural communities; seek opportunities to promote walking, cycling and public transport; limit the need to travel, and offer a genuine choice of transport modes.
 9. Childswickham is a category 4 village, which is a lower order settlement with regard to facilities and access to services. Facilities within the village are limited to a public house, church and a community hall.
 10. Other day to day services and amenities are located in Broadway, which is about 2.5km walking distance from the centre of the site. Because of limited footways and no street lighting, the walking route would be unappealing to pedestrians, especially in the dark or during inclement weather.
 11. Whilst Broadway is within the accepted 5km cycling distance for short/medium trips, there is no offroad cycle infrastructure and the lack of street lighting means cycling along the highway is not encouraged, especially by less experienced or novice cyclists.
 12. Although there are bus stops within 400m of the site, existing bus services are limited. Service 606 operates just three buses per day, Monday to Saturday and Service 608 is a single Thursday service. Such limited bus services are unlikely to encourage residents to travel by bus for local services. The appellant advises that it is also possible to access Evesham in the north via public transport. However, I have limited information in respect of this.
 13. The scheme would include the provision of electric charging points at each dwelling, and when the dwellings are completed the purchasers could be provided with sustainable travel packs, which would include information on the local bus services, cycle and walking routes and how to utilise means of transport other than the car. whilst I support such initiatives, there is no certainty that future occupiers would use electric vehicles, and because of the site's poor accessibility, take up of the other options is likely to be limited. Irrespective, visitors to the development are also likely to be largely reliant on private motor vehicles. Therefore, the location of the appeal site does not offer a genuine choice of transport modes, promote walking, cycling and public transport and minimise the need to travel.
 14. Because of its location, the appeal site's accessibility would be similar to nearby developments within the settlement. Even so, this in itself is not a reason to

encourage further development in areas with poor accessibility, contrary to the aims of the Development Plan.

15. Therefore, and even when taking account of the Framework, which acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the location of the appeal site does not offer genuinely sustainable travel choices. As such, occupiers of the proposed dwellings would be largely reliant on private car travel.
16. For the above reasons, the proposal would introduce new development in an unsuitable countryside location with poor access to shops, facilities and services by sustainable modes of travel. This conflicts with Development Plan policies SWDP 2 and SWDP 4.

Character and appearance

17. The appeal site is a broadly rectangular parcel of agricultural land, located along Broadway Road. The site is bordered to the north by a row of trees and beyond this and to the west of the site are fields. Along its southern boundary with the highway is a low hedgerow. An access track to the east separates the appeal site from dwellings along this part of the road. As an undeveloped field with an extensive road frontage, the appeal site is prominent and sensitive to change.
18. Also, the appeal site is located within the Landscape Type - Principal Village Farmlands, as identified in the County Council's Landscape Character Assessment ('LCA'). The Primary Key Characteristics of this Landscape Type are 'nucleated pattern of expanded rural villages' and 'arable/cropping land use.' Landscape Guidelines for the Landscape Type include 'retain pattern of strongly nucleated villages with associated low dispersal of settlement in between.'
19. Leedon Park to the south east of the appeal site mainly comprises low-lying mobile homes, screened by mature landscaping and is separated from the settlement by intervening fields. On the ground, this has limited effect on the character of the Landscape Type. Notwithstanding this, and some development to the east of the appeal site and to the west at Murcot Road and Hinton Road, Childswickham has a largely nucleated settlement pattern, which is contained to the south of Broadway Road.
20. I acknowledge that built development along Broadway Road gives the appeal site a village edge influence. Even so, the appeal site distinctly forms part of the swathe of land to the north and north east of Childswickham, which provides a largely development free rural setting for this village and reinforces its nucleated pattern. Furthermore, the appeal site is representative of its Landscape Type because of its landscape features and landform.
21. Because along Broadway Road, the general pattern of development is linear, the proposed cul-de-sac arrangement and the depth of development associated with this, would not reflect the pattern of development in the area. This would be a particularly intrusive arrangement of development, which would be apparent in views from along Broadway Road. Although the appellant is willing to provide landscaping to mitigate the effects of the development, this would take considerable time to establish.

22. The extent of development proposed, would result in considerable encroachment into the countryside and the urbanisation of this undeveloped plot. Overall, the proposed arrangement of development would be particularly conspicuous.
23. Furthermore, the introduction of new development, north of the main built form of Childswickham, in combination with the existing development to the east, would further dilute its nucleated settlement pattern to the detriment of the Principal Village Farmlands Landscape Type.
24. The appellant suggests that in long range views towards the village from Murcot Road, Evesham Road or the A44, the proposals would be acknowledged within the wider context of the existing settlement to which it is adjacent to. However, I have no substantive evidence to support this.
25. For the above reasons, the proposal would harm the character and appearance of the area. This conflicts with Development Plan Policy SWDP 21, which says that all development complements the character of the area, integrate effectively with its surroundings, in terms of form and reinforces local distinctiveness. The proposal would also fail to accord with Policy SWDP 25 of the Development Plan. This Policy requires that development proposals integrate with the character of the landscape setting. The aims of these policies are consistent with the Framework for securing high quality design and recognising the intrinsic character and beauty of the countryside.

Affordable housing

26. Policy SWDP 15 of the Development Plan requires that on sites of 5 – 9 dwellings, 20% of units should be affordable and be provided on site. The appellant's submissions identify that 2 of the proposed dwellings (22%) would be for affordable housing.
27. Although I do not dispute the appellants intention to provide affordable housing, at the time of determining this appeal, no robust mechanism has been provided to secure this. Therefore, the proposal fails to make appropriate provision for affordable housing and conflicts with Policy SWDP 15 of the Development Plan.

Housing mix

28. Policy SWDP 14 of the Development Plan 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. This is consistent with the Framework, which says that within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing.
29. On the information before me, the most up to date data is the Strategic Housing Market Assessment ('SHMA') 2021, which states that in Wychavon that there should be a maximum of 25% 4/4+ bed market dwellings. In this case, the scheme exceeds this 25% maximum. As such, and notwithstanding the Council's housing land supply position, the scheme proposes a greater number of larger open market homes than smaller 2 and 3 bedroom dwellings, which are required to meet the needs of smaller households in the locality.

30. The appellant advises that the proposed scale and design of the housing complements the built form in the immediate area. However, I am not persuaded by this argument based on my findings on the second main issue and, because in the subsequent planning application for the appeal site, the appellant was able to provide an acceptable housing mix.
31. Therefore, the proposal fails to provide a suitable mix of housing for the area and conflicts with Policy SWDP 14 of the Development Plan. Also, in light of my findings in respect of affordable housing, the proposal fails to provide housing needed for different groups in accordance with the Framework.

Other considerations

32. The Council's housing land supply stands at about 3.81 years. Consequently, Paragraph 11d) ii of the Framework applies.
33. The delivery of 9 dwellings would positively contribute towards the Council's housing land supply and this would boost the delivery of homes in accordance with the Framework.
34. 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.
35. The scheme would deliver Green Infrastructure above the Council's policy requirement. Together with the proposed landscaping, these would secure some environmental and biodiversity enhancements.
36. When taking the Council's position on housing land supply, which indicates a housing shortage, I attach significant importance to the provision of new housing and the social, economic and environmental benefits associated with this. Nevertheless, given the modest scale of the development (9 dwellings) and because this fails to include any affordable housing and a suitable housing mix for the area, this and the benefits associated with it attract less than moderate weight.

Other Matters

37. The appellant's Statement of Case refers to several legal judgements. In summary, these have been used to inform how to assess the provisions of the Development Plan, including its consistency with current national policy. Even so, this is largely a matter of planning judgement for the decision maker.
38. I have also been referred to a number of appeal decisions, where Inspectors have found in favour of proposals in light of the lack of a 5 year housing land supply and also one situation where a 5 year housing land supply was available. However, in each of these cases, the main issues and quantum of development are not directly comparable to the appeal scheme.
39. Under planning application Ref. W/22/00896/FUL, the Council supported a development on a site which was outside but adjacent to a settlement boundary. However, this was acceptable with regard to other matters and because of its location was largely surrounded by existing development or areas where new development had already been approved.

40. Overall, the site specific circumstances in all of the above examples are different to the proposal before me. Therefore, these do not alter my findings on the main issues.

Planning balance and conclusion

41. To develop the appeal site as proposed would be contrary to the development strategy, set out in the Development Plan, which seeks to direct new development towards sustainable areas within development boundaries. Conflict with this policy amounts to harm. Even though the Council's development strategy is currently failing to deliver sufficient homes to meet its housing land supply target, this broadly aligns with the Framework. Accordingly, I still attach considerable weight to such harm. Furthermore, the proposal would result in harm to the character and appearance of the area, and fails to provide any affordable housing and a suitable housing mix for the area.
42. When taken together, I attach substantial weight to the harm and policy conflict I have identified.
43. The proposal would provide additional dwellings. This, and the benefits associated with it attract less than moderate weight.
44. As a result, when assessed against the policies in the Framework, the adverse impacts associated with the proposal, would significantly and demonstrably outweigh the benefits arising from this. Consequently, the presumption in favour of sustainable development does not apply and this indicates that the appeal should be dismissed. Accordingly, I also find conflict with Policy SWDP 1 of the SWDP, which amongst other things supports the presumption in favour of sustainable development. I, therefore, conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR