



Appeal Decision

Site visit made on 6 August 2024

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/H1840/W/24/3342074

Manor Farm Bungalow, Farm Lane, Westmancote, Worcestershire GL20 7ES

- 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 Martin Hagley against the decision of Wychavon District Council.
 - The application Ref is W/23/01952/FUL.
 - The development proposed is a single detached dwelling with detached car port on land to the east of Manor Farm Bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for a single detached dwelling with detached car port on land to the east of Manor Farm Bungalow, Farm Lane, Westmancote, Worcestershire GL20 7ES, in accordance with the terms of the application, Ref W/23/01952/FUL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - whether the proposal would provide a suitable location for housing, having regard to the development strategy for the area;
 - whether the proposal would provide a suitable location for housing, having regard to the accessibility of services and facilities; and
 - the effect on the character and appearance of the countryside, with particular regard to the Cotswold National Landscape (NL).

Reasons

Development Strategy

3. The appeal site lies 120m outside of the defined development boundary of the village of Westmancote, which is categorised as a Category 4B Village (Lower Category Village) under Policy SWDP 2: Development Strategy and Settlement Hierarchy of the South Worcestershire Development Plan (SWDP) (adopted 2016). Policy SWDP 2 states that within these 'lower category' villages, infill development within the defined development boundary is acceptable in principle, subject to the more detailed Plan policies. Nevertheless, the site lies outside of any defined settlement boundary and is classed as open countryside. It is not allocated for housing and the proposal would not fall within any of the

exceptions set out by the development plan to enable new development in the open countryside. It would not be supported by any other policies.

4. Therefore, by virtue of its location outside of any defined settlement limits, the proposal would be contrary to Policies SWDP 1 and SWDP 2 of the SWDP which, in combination, set out the overarching development strategy and settlement hierarchy for the District, including the sustainable development principles. Criterion C of SWDP 2 states that in the open countryside, development will be strictly controlled.

Accessibility of Services and Facilities

5. Westmancote, as a Category 4B village, is characterised as having low to medium levels of public transport provision and low services and facility provision. There are no convenience shops or other facilities, such as a post office, in Westmancote at the time of writing. Future residents of the proposal would therefore be expected to travel to the closest larger, higher category villages to utilise any services and facilities.
6. Bredon is the closest village, which is identified as a Category 1 village in the SWDP. Facilities and services on offer in Bredon include a post office, Spar grocery store, a GP surgery, hairdressers and playing fields with football and rugby clubs, and a church, as well as takeaways, pubs, and a car repair garage.
7. The closest bus stop to the appeal site is located at the junction between the main road through Westmancote and Kemerton Road, approximately a 12 minute walk from the site. The bus stop is served by the 540 Evesham to Tewkesbury bus service and the bus timetable that I observed at the bus stop confirmed that the 540 service offers an at least hourly weekday service running from either 0742 or 0817 depending on which direction you are travelling, and finishing at either 1801 or 1835. The Saturday service runs hourly from either 0742 or 0817 terminating at either 1857 or 1835. The bus journey to Bredon takes around 3 minutes, which means that the total journey to Bredon would be around 15 minutes by walking and bus. The bus journey to Tewkesbury, a market town which offers a much greater range and order of facilities and services takes around 13 minutes, making walking and bus combined a 25 minute journey. Therefore, I am satisfied that the bus service provided at the closest bus stop would represent an accessible alternative to the car.
8. The distance to the bus stop from the appeal site would not be prohibitive. As I experienced, there is a footpath along the majority of the route to the bus stop, along Hill End Road, the main road through Westmancote. However, the footpath varies in quality and size throughout its course and does not benefit from any lighting. In addition to this, there is also a short section along Hill End Road which does not have a pavement nor any safe refuge for pedestrians. However, this road is subject to a 30mph speed limit and is lightly trafficked, in part due to it being a dead-end road, only serving the village of Westmancote. It is also a relatively flat and straight road, which allows for good intervisibility between pedestrians and other road users.
9. I noted the initial section of the route from the application site to Hill End Road, involves walking along Farm Lane, which does not benefit from either a footpath or any lighting. However, the traffic along Farm Lane is light, given

that this road only serves a handful of properties, and any traffic travels at relatively slow speeds given the rural form of the lane, with the appellant's Transport Note¹ recording 85th percentile vehicle speeds of under 16mph. In addition, there are grass verges along Farm Lane which provide temporary safe refuge for any pedestrians whilst a vehicle passes. There is also a lack of road safety issues within the immediate vicinity of the site, including Farm Lane and Hill End Road. Therefore, on balance, I consider that future residents of the proposal would have a viable option to access the local bus service on foot, which would offer a genuinely sustainable travel choice.

10. There would also be opportunities for cycling from the site, with various routes providing favourable connections to surrounding towns and villages. Notably, the services in Bredon would be around 7 minutes away by bike. The transport note also confirms that Tewkesbury and Ashchurch for Tewkesbury Railway Station are all accessible within a 30-minute cycle. Given the lightly trafficked nature of Hill End Road, along with its suitable topography and form, cycling would therefore be a practical and attractive option for future occupants of the proposal, representing another sustainable travel choice.
11. I acknowledge that future residents of the appeal scheme would need to travel further in order to access work, education and many other routine health and retail facilities that are only available in larger settlements. As such, this would require the use of a private car. Visitors to the site would also likely be reliant on the car. Furthermore, the Wychavon's Intelligently Green Plan (IGP), which was published in 2020, in response to the UK Government declaring a 'Climate Emergency', found that due to low levels of access to public transport outside of the three main towns and few dedicated cycle paths, much of the District is highly reliant on road transport. Consequently, one of the IGP's main priorities is encouraging residents to utilise more sustainable modes of travel, such as walking, cycling and public transport.
12. Nevertheless, the National Planning Policy Framework 2023 (the Framework) advises that opportunities to maximise sustainable transport solutions will vary between areas. My findings above do not necessarily mean that future occupants would choose not to have a car. However, the site's location does not make car use essential to enable occupants to reasonably carry out day-to-day activities. Therefore, it is considered that due to the sustainable travel opportunities available, this would reduce the reliance on the private car.
13. Therefore, taking all the above into account, the location of the proposal would be suitable, having regard to the accessibility of services and facilities. It would be in accordance with Policies SWDP 4 and criterion viii of SWDP 21 of the SWDP which, in combination, set out that proposals must demonstrate that development will minimise demand for travel, and that they offer genuinely sustainable travel choices. Design and layouts should maximise opportunities for pedestrian and cycle linkages to the surrounding area and local services and should be generally accessible for all users, including those with disabilities.

Character and Appearance

14. The appeal site relates to a parcel of land, which is associated with Manor Farm Bungalow, a detached bungalow situated at the end of Farm Lane, to the north of Westmancote. Whilst it forms part of Manor Farm's private garden area, its

¹ Transport Note, dated 09 August 2023 – Prepared by Evoke Transport

current state is of scrub land and storage of building materials. Open fields lie to the north of the site, with a Public Right of Way (PROW) also to the north. However, it is an enclosed parcel of land and there is existing built form in its immediate context, with Manor Farm Bungalow to the west of the appeal site and a large agricultural building situated immediately to the east, alongside some riding and livery stables. Along Farm Lane to the south-east, there is also a further cluster of dwellings incorporating Manor Farmhouse and Manor Farm Barns, a group of converted barns.

15. The site lies within the Cotswold National Landscape (NL)² and the Landscape and Visual Appraisal (LVA)³ submitted by the appellant acknowledges that the site has 'a high landscape character sensitivity'. However, whilst it is currently free of built form, due to its enclosed nature, its current use and surrounding built form, I consider that the appeal site currently has a neutral impact on the scenic beauty of the landscape.
16. The proposal would not be isolated development in the countryside. The lack of any existing buildings on the site is noted and, by virtue of it being a new building, the proposal would reduce the visual openness of the site and would 'alter the characteristics of the open countryside', as alleged by the Council. However, it would be seen in the context of the surrounding built form along Farm Lane. The proposed scale, height and massing of the proposal would be reflective of the surrounding residential buildings. This would allow the proposed dwelling to be introduced without appearing as an intrusive feature in the countryside setting. Therefore, despite it being in the countryside in planning policy terms, the proposed development would relate closely to existing built form and would be suitably designed. Consequently, the character and appearance of the area would not be materially harmed.
17. Users of the PROW currently experience open views over the verdant open countryside to the north and views of the existing buildings surrounding the appeal site to the south. Whilst the proposal would be visible from the PROW, it would be seen in the context of the existing built form already visible from the footpath and would not be materially incongruous. Accordingly, it would not harm the overall quality or character of the view from the PROW currently enjoyed by users.
18. As the proposal would not harm the character and appearance of the area, for the same reasons as above, the proposal would also conserve and enhance the contribution the appeal site makes towards the landscape and scenic beauty of the Cotswold NL. The proposal would be consistent with the current landscape character of the site and its surrounding context. An appropriately worded condition would ensure a suitable landscaping scheme would be secured on the site, which would include management of the existing hedgerows that run around the site boundaries and additional planting within and around the site, as suggested by the LVA.
19. The Council have alleged that the proposal would set a precedent for further encroachment into the open countryside. However, my decision is based firmly on the merits and circumstances of the appeal development. As such, it does not set any precedent that can apply more generally in the open countryside.

² Formally known as the Cotswold Area of Outstanding Natural Beauty.

³ Landscape and Visual Appraisal, prepared by LVIA Ltd, dated August 2023

20. Consequently, the proposal would not harm the character and appearance of the area, with particular regard to the Cotswold NL. The proposal would be in accordance with Criterion A (iii) of Policy SWDP 2 of the SWDP, which requires development to safeguard and, wherever possible, enhance the open countryside.

Other Matters

21. I observed the flood lights on the adjacent stable block, the closest one of which would be on the northeastern elevation of the stables, to the east of the proposed dwelling. However, the presence of this light would not be a nuisance to the future occupants of the dwelling as it would be positioned adjacent to the double carport of the proposal and a small area of private garden, away from the main dwelling.
22. A water management statement was submitted with the application which outlined foul and rainwater drainage. The proposal would utilise the existing foul drainage infrastructure which serves Manor Farm Bungalow. A suitably worded planning condition would ensure that the details as set out in the Water Management Statement are implemented, which would ensure that any shared services including water and foul drainage, are suitably incorporated.
23. The access to the proposal also serves the adjacent riding and livery stables, and it is appreciated that during construction, there would be an increase of delivery vehicles and people travelling to the site. However, these effects would be short lived and given the small scale of the proposal, are not considered to be significant.
24. The Council has referred to an earlier appeal decision at Land off Broadway Road, Fladbury⁴. Whilst I note the contents of the specific paragraphs that the Council has referred me to, the overall conclusion of this Inspector in their 'planning balance' in paragraph 17 is that 'the adverse impacts of up to two new dwellings arising from the location of the site and its accessibility constraints would not significantly and demonstrably outweigh the combination of its benefits, when assessed against the policies in the Framework as a whole'. Nevertheless, I have determined this appeal on its own merits and as such, this other decision has not been determinative in my decision.
25. Whilst the appeal site itself is situated outside of the Westmancote Conservation Area (CA), the boundary to the CA runs along the south-western boundary of the appeal site. Consequently, the proposal would be situated immediately adjacent to the CA. The special interest of the CA, for the purposes of this appeal, is derived, in part, from its built form and layout. The setting of the CA includes those areas in close proximity to it, like the appeal site, which are part of the surroundings in which the heritage asset is experienced. Given that I have found no harm to the character and appearance of the area, I consider that the development would avoid harm to the setting of the CA, and thus the significance of the CA would be preserved. Notably, the Council have not raised an objection to the proposal on the grounds of the CA and based on the information before me, I have no reason to come to a different conclusion on the matter.

⁴ Appeal Reference APP/H1840/W/23/3315676

Planning Balance

26. I have found no harm to the character and appearance of the area, with particular regard to the Cotswold NL and that the location of the proposal would be suitable, having regard to the accessibility of services and facilities. Consequently, the proposal would comply with criterion A (iii) of Policy SWDP 2, Policy SWDP 4, and criterion viii of SWDP 21 of the SWDP. However, I have found conflict with Policies SWDP 1 and SWDP 2 of the SWDP, by virtue of the site being outside of any defined settlement boundary and it not being allocated for housing. Therefore, the proposal would conflict with the development plan as a whole.
27. However, the Council is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application 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 or specific policies in the Framework indicate development should be restricted. Footnote 8 of paragraph 11 confirms that this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
28. The most recent position statement, published in December 2023, confirms that the Council can only demonstrate 2.65 years supply. Whilst the conflict with the development plan amounts to harm, the development strategy is clearly failing to deliver a five-year supply of housing. Accordingly, the weight to be afforded to the conflict with the development strategy, in light of the land supply shortfall, is reduced and I attach moderate weight to the conflict in these circumstances.
29. Such a level of housing land supply shortfall would mean that the provision of even just 1 dwelling would attract significant weight in the balance, consistent with the Government's aim in paragraph 60 of the Framework of significantly boosting the supply of homes.
30. The proposal would also provide some socio-economic benefits, including supporting strong, vibrant and healthy communities. There would also be economic benefits contributing to building a stronger, responsive, and competitive economy, supporting growth with construction and post-construction benefits, and additional Council Tax Payments. The proposal would encourage development and associated economic growth, with future occupants contributing to the local economy and continued viability of services in the local area. Together these benefits carry moderate weight in favour of the development.
31. In the context of paragraph 11 of the Framework, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. Consequently, while the proposal would conflict with the development plan as a whole, material considerations, including the Framework, outweigh that conflict and indicate that planning permission should be granted for development which is not in accordance with it.

Conditions

32. The Council have suggested 12 conditions. I have assessed these in light of the advice provided in the Planning Practice Guidance (PPG). A condition setting a time limit for the commencement of the development is required by statute. It is necessary that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty.
33. Conditions regarding details of materials, and details of boundary treatments are both necessary to safeguard the character and appearance of the area. As already alluded to, a landscape condition is necessary in the interests of the character and appearance of the area.
34. A condition to ensure that the details of any external lighting are submitted for the Council's approval is considered reasonable and necessary to ensure that there would be no adverse impact on the rural character of the area.
35. It is both reasonable and necessary to ensure details of renewable or low energy generating facilities are submitted and approved which demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities.
36. It is reasonable to request details of the refuse storage facilities to be submitted to the Council. As already noted, a condition is considered necessary for the Water Management Statement to be implemented to ensure that an appropriate sustainable drainage system is provided to serve the development.
37. A condition for details of the parking area to be submitted and then retained throughout the lifetime of the development is considered necessary in the interests of highway safety. In order to encourage the use of more sustainable modes of transport, and to ensure the Council's Parking Standards are met, it is considered reasonable to ensure that the proposal is provided with secure cycle parking facilities.
38. Finally, details of a bat roosting feature and/or bird nesting box are necessary to ensure the development contributes to the conservation and enhancement of biodiversity within the site and the wider area.

Conclusion

39. For the reasons set out above, the appeal should therefore be allowed.

Laura Cuthbert

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - J1121 10(d) – Manor Farm Location Plan
 - J1121 01(e) – Hagley Site Plan
 - J1121 04(a) – Hagley Carport
 - J1121 03 (a) – Proposed Elevations
 - J1121 02(d) – Hagley Floor Plans
 - J1121 01 (f) – Site Plan including PROW
 - 7051-25APR23-01 – Topographical Survey 1 of 2
 - 7051-25APR23-02(1.0) – Topographical Survey 2 of 2
- 3) Details of the form, colour and finish of the materials to be used externally on the walls and roofs of the dwellings hereby approved shall be subject to the approval, in writing, of the local planning authority before any work on the site commences. The development shall be carried out in accordance with the materials so approved and retained in that form.
- 4) Before the commencement of construction works on the development hereby permitted a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:-
 - i. a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.
 - ii. a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.
 - iii. a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.
 - iv. a written specification outlining cultivation and other operations associated with plant and grass establishment.
 - v. a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation/use of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five

years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 5) Before the first use/occupation of the development hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed before in accordance with a timetable agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Prior to the first use/occupation of the development hereby approved, details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the local planning authority. The details shall include times when the external lighting will not be switched on. Only external lighting in accordance with approved details shall be provided on the application site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external lighting provided on the application site.
- 7) Prior to the occupation of any part of the development hereby permitted details of renewable or low carbon energy generating facilities to be incorporated as part of the development shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to any part of the development hereby permitted being first occupied or in accordance with a timetable submitted to and approved by the local planning authority as part of the details required by this condition.
- 8) Prior to the commencement of development, details of refuse storage facilities to serve the development and/or each of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. The approved refuse storage facilities shall be implemented prior to the first occupation of the associated development and/or building(s) and retained thereafter.
- 9) Prior to the first use/occupation of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and remain thereafter.
- 10) Prior to the first occupation of the dwelling hereby approved, an area shall be laid out within the curtilage of the property for the parking of 2 cars and this area shall be properly consolidated, surfaced and drained in accordance with details to be submitted to and approved in writing by the local planning authority. This area shall not thereafter be used for any other purpose than the parking of vehicles.
- 11) Prior to the first occupation of the dwelling hereby approved secure parking for 2 bicycles to comply with the Council's standards shall be provided within the curtilage of the dwelling and these facilities shall thereafter be retained for the parking of cycles only.

- 12) Prior to the first occupation of the development hereby approved, details of a bat roosting feature and / or bird nesting box shall be submitted to and approved in writing by the local planning authority. The details to be submitted shall include an implementation timetable. The feature(s) shall be provided in accordance with the approved details and in accordance with the approved timetable.