



Appeal Decision

Site visit made on 19 November 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 December 2024

Appeal Ref: APP/H1840/W/24/3347185

Land off Middle Lane, Crothorne WR10 3LZ

- 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 Karl Lockley of Lockley Homes against the decision of Wychavon District Council.
 - The application Ref is W/23/01538/FUL.
 - The development proposed is erection of 7no. detached dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Permission in principle was granted for up to 9 carbon neutral, self/custom build dwellings on the appeal site (Ref W/23/00278/PIP) (the fallback scheme). In the absence of a successful appeal, it appears reasonably likely that the appellant would seek to bring forward that proposal. However, that would require a technical details consent and there is no requirement for such a consent to be automatically given. Also, there is no requirement for that consent to be for the maximum of nine dwellings. Therefore, whilst I consider there is a greater than theoretical possibility of the fallback scheme coming forward, these uncertainties temper the weight that it can be afforded in this decision. As such, it attracts moderate weight. I return to this subsequently.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of its surroundings;
 - the effect of the proposed development on highway safety, with particular regard to pedestrians; and
 - whether the proposal is acceptable with regard to affordable housing provision.

Reasons

Character and Appearance

4. Middle Lane (the Lane) is relatively narrow leading out from the central part of Crothorne. In the vicinity of the appeal site, houses are predominantly on the other side of the Lane. Whether or not they are characteristic of the local

vernacular, those houses are mainly short terraces or semi-detached houses and are generally modest in scale. Together with the mature boundary hedge along the appeal site frontage this creates a pleasantly rural, edge of village character. Field Barn Lane also adjoins the appeal site. This is similarly narrow, without pavements and with the character of a country lane.

5. Proposed plot 7 would appear as a modest detached house, with a plot width akin to those of houses on the opposite side of the Lane. That plot would adjoin the proposed single storey detached garage for plots 6 and 7. The hipped roof of that garage would help to minimise its dominance in the street scene. However, plots 1 to 6 would comprise substantial, two storey, detached houses of considerably greater width than the proposed house on plot 7. Plots 1 to 5 would also have front projecting gables which would emphasise their presence and bulk in the street scene. Also, the main part of these houses would have pitched rather than hipped roofs, creating a substantial built form at first floor level. In addition, those plots would each have an adjoining garage with a pitched roof, such that there would be very little gap in the built form at ground floor level.
6. Consequently, the built form on proposed plots 1 to 6 would appear excessively large here. Whilst much of the development would be set back behind a hedge, the considerable bulk of those houses would remain highly visible from the Lane. As such, they would appear suburban and would thus detract from the pleasant edge of village setting. Even in oblique views, the presence of a number of substantial buildings would be a clear and obtrusive addition on this rural village edge site. As the volume and scale of built form is at issue, it could not be adequately resolved through additional landscaping. No substantive evidence indicates otherwise.
7. Regarding sites being considered for residential allocations in the Council's Local Plan Review, the design of those schemes is yet to be determined. As such, the potential for future development on those sites does not alter my reasoning here. The fallback scheme comprises two more dwellings than is proposed in this appeal. However, the design and scale of those dwellings did not form part of the permission in principle. Moreover, the indicative site layout plan submitted with that scheme showed narrower house designs than the appeal scheme. Those narrower footprints appear more comparable to the width of the houses opposite and would result in a scheme with more substantial gaps between buildings. As such, the fallback scheme appears less harmful to the character of its surroundings than the appeal scheme, and does not justify reaching a different conclusion on this matter.
8. Therefore, the proposal would harm the character and appearance of its surroundings. As such, it would conflict with Policies SWDP21 and SWDP25 of the South Worcestershire Development Plan (February 2016) (Local Plan). These generally seek to ensure proposals integrate with the character of their surroundings.

Highway Safety

9. The main built-up area of Cropthorne has limited services and facilities, including a primary school, church, village hall and playing fields. The pedestrian route from the appeal site to those facilities would involve walking on some stretches of road that are without pavements and are also unlit. The presence of pedestrians in the road is unlikely to be an uncommon occurrence

as the occupants of other nearby houses that choose to walk into the main part of the village would need to do the same. Also, traffic flows and speeds on the Lane are shown to be relatively low.

10. However, given the narrowness of the Lane in parts, there are limited places for pedestrians to step off the road to let vehicles pass. This would be particularly challenging for wheelchair users or those with pushchairs. It would also be a concern in hours of darkness and when there are parked cars along the route that would further restrict the space and visibility between pedestrians and vehicles. Consequently, the Lane would not provide a sufficiently safe route for occupants of the proposal when walking to and from the main street.
11. The personal injury collision data and CrashMap data do not show a history of accidents on the Lane. I note the forecast trip generation for the proposal shows only a modest increase in traffic and pedestrians on the Lane. Nonetheless, the development would give rise to a corresponding increase in the risk of conflict between pedestrians and vehicles there. Furthermore, even with a relatively low volume of traffic and low speeds, the Lane has not been designed with the intention of being a shared surface. A characteristic of shared space schemes may be minimal signage and road markings. However, I am not persuaded that the characteristics of the Lane are conducive to it being widely recognised as a shared space. Moreover, given the concerns in respect of pedestrian safety, no robust evidence is before me to indicate that with the addition of seven substantial dwellings, it would meet the definition of a quiet lane.
12. Alternative routes from the appeal site to Main Street, via Field Barn Lane and Blacksmith Lane, also pose safety concerns as they involve walking on roads that are unlit. Access to the bus stop would also require walking on an unlit country road without pavements, raising safety concerns for pedestrians from the appeal site, particularly in hours of darkness.
13. As reasoned above, sites put forward for residential allocation in the Council's Local Plan Review, including one to the west of the appeal site, are still in draft. Moreover, the detailed design of those and any associated improvements to connectivity with facilities in Cropthorne is unknown. As such the presence of draft allocations does not indicate that the appeal scheme is acceptable with respect to pedestrian safety. The appellant refers to planning permission for seven dwellings on Field Barn Lane (Ref 16/00941) that is not served by a footpath connecting it to the village centre. Nevertheless, the circumstances under which that scheme was permitted are not before me to enable a meaningful comparison.
14. In light of the fallback scheme, the appellant could submit a scheme for up to nine dwellings to be considered under an application for technical details consent. Nonetheless, that does not justify reaching a conclusion that this proposal would be acceptable with respect to pedestrian safety in circumstances where the evidence before me indicates that it would not. I note the appellant's concern that there has been a change to the Council's balancing of the highways safety effects of developing the appeal site. However, an application for permission in principle requires a less detailed submission than the fully detailed scheme that is the subject of the appeal. In any event, determination of this appeal can only be based on the evidence

submitted, and reasoned planning judgement on the effects of this particular proposal.

15. The appellant has drawn my attention to other appeal decisions in rural locations. However, the Drakes Broughton decision did not raise concerns in respect of pedestrian safety. Similarly, the Fladbury decision referred to a footpath from the appeal site into the settlement where there are a modest number of services and facilities. In the Bretford decision, the need to walk a short distance on the road is only said to be to access the pavement on the opposite side of the road. Also, the Upper Moor decision refers to that site being accessible, with a lit footpath a short distance from it. As such, the circumstances of those proposals are not sufficiently comparable to indicate that a different approach is required here.
16. Access to services and facilities will vary between urban and rural areas and this should be taken into account in decision making. However, this should not be at the expense of ensuring proposals would be sufficiently safe for future occupants.
17. Therefore, given the increase in conflict between pedestrians and vehicles associated with the appeal scheme, the proposal would have an unacceptable impact on highway safety, with particular regard to pedestrians. Therefore, it would conflict with the requirement in Policy SWDP4 of the Local Plan for developments to address road safety. It would also conflict with the National Planning Policy Framework (2023) (Framework) which requires that developments provide safe access and minimise conflicts between pedestrians and vehicles.

Affordable Housing

18. During the course of the appeal, the appellant submitted a signed section 106 planning obligation (the s106) dated 30 August 2024. That contains an obligation for a financial contribution towards affordable housing and a commitment that plot 7 would be constructed as a First Home. Policy SWDP15 of the Local Plan requires the provision of 20 per cent of the proposal to be affordable. In this case, the provision of one First Home on site, together with an offsite affordable housing contribution equivalent to 0.4 of a unit would comply with that Policy.
19. Accordingly, the s106 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 2010 (as amended). Therefore the proposal makes an acceptable provision for affordable housing in accordance with Policy SWDP15 of the Local Plan.

Other Matters and Planning Balance

20. The appellant refers to the Written Ministerial Statement (WMS), 'Building the homes we need' to which I afford considerable weight. This emphasises the severity of the current housing crisis including in respect of affordability. Reference is also made to the potential change to the National Planning Policy Framework following the consultation published in July 2024. If taken forward, that could have implications on the Council's housing requirement and the

severity of its housing land supply shortfall. Nonetheless, the definitive implications of the draft proposals are not yet known. Therefore this attracts limited weight in the reasoning below.

21. The main parties refer to the latest housing land supply as 2.78 years. Consequently, Framework paragraph 11.d)ii is engaged. The proposal would make a modest contribution to the supply of housing in the district. In light of the scale of the housing land supply shortfall, this benefit attracts considerable weight. The provision of a policy compliant contribution to affordability through on-site provision and contribution is a further modest benefit. There would be small economic advantages of construction of the proposal which would be short term and a further modest benefit from its occupation and associated spending in the locality.
22. There would also be a small benefit associated with the proposed development's potential to support existing services and facilities in and around Cropthorne, and in nearby communities. The proposal would achieve policy compliance with regard to matters such as housing mix and renewable energy. Together with an absence of harm from matters such as drainage and biodiversity, these are neutral considerations.
23. Whereas, the appeal scheme is unacceptable with respect to its effect on the character and appearance of its surroundings, contrary to Local Plan Policies SWDP21 and SWDP25. Furthermore, the proposal is unacceptable with respect to highway safety, contrary to Policy SWDP4. For the purposes of this appeal those policies are broadly consistent with the Framework. Therefore, these harms attract considerable weight.
24. Accordingly, I have found the contribution to housing supply to be a considerable benefit alongside other modest benefits. However, in combination with unacceptable highway safety impacts, the enduring harm to the character and appearance of the surroundings is of considerably greater significance. Consequently, the adverse impacts of the appeal scheme significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, the proposal does not represent sustainable development.

Conclusion

25. Therefore, the appeal scheme is contrary to the development plan as a whole and there are no material considerations, including the provisions in the Framework, that outweigh this finding. Accordingly, the appeal should be dismissed.

Rachel Hall

INSPECTOR