



Appeal Decision

Site visit made on 4 March 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st April 2025

Appeal Ref: APP/H1840/W/24/3349397

The Willows, Station Road, Pershore, Worcestershire WR10 2BU

- 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 The Willows Development Company against the decision of Wychavon District Council.
 - The application Ref is W/23/02376/FUL.
 - The development proposed is construction of 2no. detached bungalows.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal has been amended in the banner heading above to omit the wording *resubmission of application W/23/00552/FUL*, as it is not a description of development.
3. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 with a further minor revision on 7 February 2025. The main parties were given an opportunity to comment. I have had regard to the latest version of the Framework in my decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - flood risk.

Reasons

Character and appearance

5. The appeal site wraps around the southern and western sides of The Willows, a detached 2 storey house that faces Station Road. The site consists of two elements; a linear strip with access off Station Road and a larger, roughly triangular shaped, parcel of land that narrows to its western edge. To the immediate north of the appeal site and The Willows is a ditch, which runs in a broad east west direction. On the northern side of the ditch is an area of open space containing footpaths and a large modern housing development. South of the appeal site is an open field and beyond that is a further modern housing development. These modern housing developments are predominantly arranged in

perimeter blocks with principal elevations facing roads, footpaths and areas of open space.

6. Plot 1 would be positioned to the eastern section of the triangular part of the appeal site and plot 2 would be located to the western end. Their principal elevations would both face the access road, with plot 1 looking towards the southern boundary and plot 2 looking along the length of the access towards Station Road. Both properties would be sited in a general tandem arrangement behind The Willows. This would be at odds with the perimeter blocks of the surrounding modern housing developments that dominate the western side of this section of Station Road.
7. Moreover, the proposed development would be highly visible from the open space and the houses to the north. The visual impact would also be compounded by the size of the bungalows' footprints compared to the relative narrowness of the site and their proximity to the boundaries.
8. I acknowledge the appellant's claim that the proposed layout is effectively as per a 2019 consent¹ on the site. However, the previous scheme consisted of 2 storey dwellinghouses with smaller footprints. I also note the Council's suggestion that this permission may not have been implemented and may have now expired. There is nothing before me to clarify whether the 2019 permission has been lawfully implemented or not, and I have considered the appeal on its individual merits.
9. For the reasons given above, the proposal would comprise a cramped and over-development of the constrained site, which would be at odds with the more neatly arranged modern housing developments nearby. As such, the proposal would harm the character and appearance of the area. This would conflict with Policy SWDP21 of the South Worcestershire Development Plan (SWDP), which requires all development to be of a high design quality that integrates effectively with its surroundings, as well as requiring the siting and layout of the development to reflect the given characteristics of the site and complement the character of the area.

Flood Risk

10. The appeal site lies within Flood Zone 1 and is identified as having a very high surface water flood risk. Due to the site's poor soakage rates, the proposal would have rainwater discharged direct to the adjoining ditch in accordance with the drainage hierarchy. A cellular attenuation tank would be located under the driveway where water would, via a flow control device, be released to the ditch.
11. The proposed dwellinghouses would also have elevated finished floor levels, with voids underneath, and a subbase replacement system installed above the attenuation tank to address a storm event. The intention is that during such an event, overland flows of water could flow laterally unobstructed. A proposed swale along the southern boundary would also divert any runoff flows into the ditch.
12. The proposal shares some similarities with the 2019 permission in that those houses were to be raised above ground level on piers, with space underneath to accommodate the natural flow of water discharging from the site.

¹ Application Ref: 18/02702/FUL

13. The proposed surface water flooding mitigation measures would require a collaborative approach from future occupiers to take responsibility and maintain the voids and attenuation tank within the site. No evidence has been provided to show that this type of scheme could be managed successfully between occupiers without resulting in additional flooding issues or being unreasonably onerous upon future occupiers. For example, cleaning the storage areas may be difficult following a significant rainfall event. However, there is also little to suggest that, in principle, the proposed measures could not achieve their objective and that future occupiers would not be able to work collaboratively.
14. I note claims that the proposals would provide clear betterment over and above the previous scheme, with the crate system being maintenance-free. However, there are insufficient details before me to support these claims and show how the proposed measures would be effectively managed and maintained for the lifetime of the development.
15. If the proposed surface water drainage measures were to fail, because of an inadequate management and maintenance plan, it would represent a serious flood risk to the proposed properties and elsewhere. Therefore, on the evidence presented, I cannot conclude with reasonable certainty that future occupiers would be able to effectively manage and maintain the flood mitigation measures. Insufficient details have been provided to address this matter, and it is unclear whether such details could be secured by planning conditions.
16. I acknowledge that more details on flood mitigation measures were submitted with the current proposal than the 2019 permission, and that no specific drainage details were approved in respect of the 2019 permission. In addition, there would be a significant reduction in potential surface water flows once the nearby housing development has been built out. However, as detailed above, it is unclear whether the 2019 permission has been lawfully implemented and I have considered the appeal before me on its individual merits.
17. Accordingly, the proposal would not comply with Policies SWDP 28 and SWDP 29 of the SWDP, which require all development proposals must ensure there is no increase in flood risk or harm to third parties. Furthermore, these policies seek that developments are safe from flooding for their lifetimes, are appropriately flood resistant and resilient, and secure the long-term maintenance of Sustainable Drainage Systems.

Planning Balance

18. The council have confirmed that they have a 1.1 year housing land supply and, as per footnote 8 to paragraph 11 of the Framework, relevant development plan policies are taken to be out of date. Therefore paragraph 11 d) of the Framework identifies that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The proposed development would make a positive contribution to housing supply, providing small, accessible and flexible homes within walking distance of services and facilities. There would also be associated social and economic benefits during the period of construction and once the dwellinghouses are occupied. The dwellinghouses would also benefit the move towards a low carbon economy by being energy efficient and utilising renewable energy.

20. However, the scale of the development means that the contributions in the above regards would be limited. As such I afford the benefits listed above, in the context of the shortfall in housing land supply, only moderate weight in favour of the proposed development.
21. On the other side of the balance, there would be harm to the character and appearance of the area, as well as a flood risk. I give significant weight to the conflict with Policies SWDP 21, SWDP 28 and SWDP 29, of the SWDP, which are consistent with the Framework in ensuring that development is of a high design quality, sympathetic to local character and made safe from flooding for its lifetime without increasing flood risk elsewhere.
22. Therefore, I conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

23. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Barton

INSPECTOR