



Appeal Decision

Site visit made on 20 March 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2025

Appeal Ref: APP/H1840/W/24/3355681

The Firs, Cheltenham Road, Kinsham, Worcestershire GL20 8GF

- 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 & Mrs R Jones against the decision of Wychavon District Council.
 - The application Ref is W/23/02310/FUL.
 - The development proposed is the erection of detached dwelling with associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposed development would be in a suitable location, taking account of development plan policies and access to services and facilities; and (ii) the effect of the proposed development on the character and appearance of the area, including the settings of the Kinsham Conservation Area and Grade II listed buildings.

Reasons

Location

3. The appeal site is located just outside of the Kinsham development boundary, and as such, is regarded as being within the open countryside for planning purposes. The Council's spatial strategy is set out within Policy SWDP2 of the South Worcestershire Development Plan, February 2016 (the LP). Part C of the policy explains that development will generally be restricted within the open countryside, subject to various exceptions. The proposed development, being a single open market dwelling, would not meet any of the exceptions listed. As a result, there would be a clear conflict with the spatial strategy.
4. Kinsham is a very small settlement with no services and facilities. While there is a bus stop on Cheltenham Road, close to the appeal site, the service that operates in this area is very limited indeed. The village is situated in close proximity to the settlement of Bredon which benefits from various services and facilities, including public houses, a shop and a school. However, while it is possible to walk or cycle between the two settlements, the route is partly unlit and is therefore unlikely to be an attractive option in the hours of darkness.
5. I therefore conclude that the proposed development would not be in a suitable location, taking account of the adopted spatial strategy and access to services and facilities. It would therefore conflict with the relevant aspects of LP Policies

SWDP1, SWDP2, SWDP4 and SWDP21 which seek to ensure that development is located in suitable areas and encourages the use of sustainable modes of transport.

Character and Appearance

6. The site forms part of the curtilage of the dwelling known as The Firs and currently contains an outbuilding. It is immediately adjacent to a large paddock which together form part of a designated Green Space. LP Policy SWDP38 states that Green Spaces can include a range of private and public open spaces, while the reasoned justification sets out that designated land in private ownership can perform a valuable function, including by contributing to local character and providing a sense of openness.
7. The appeal site also forms part of Key View VK2 as identified within the Bredon Parish Neighbourhood Plan, July 2017 (the NP). The description refers to views into the paddocks in the centre of the village from Cheltenham Road, Watery Lane and Chapel Lane.
8. There can be no doubt that the designated Green Space provides a sense of openness and that it contributes very strongly to the fundamental character of the village. During my site visit I walked along Cheltenham Road, Chapel Lane and Watery Lane, and it was clear that the appeal site, including the existing outbuilding, is at least partly visible from several vantage points. Where this is the case, the appeal site contributes to the general sense of openness in the immediate area.
9. The proposal would involve the demolition of the outbuilding and the construction of a single storey dwelling and detached garage. The dwelling would only be marginally taller than the existing outbuilding. However, by the appellant's own assessment, the new home would be a third larger in terms of footprint. This increase is fairly considerable, and when also taking into account the built form of the garage building, it is inevitable that the existing sense of openness of the Green Space and the Key View would be eroded to a significant extent.
10. Any additional planting to screen the development would do little to mitigate this harm in my view. Irrespective of this appeal, the appellant could of course introduce further planting which may in itself reduce the openness of the area. However, this would be much less harmful than the provision of additional built form onto the site.
11. Furthermore, while I acknowledge that the site is currently used by the occupiers of The Firs, including for parking vehicles, this activity would be fairly sporadic. It is likely that the introduction of a new dwelling would greatly intensify the activity on the site, and this would also have a negative effect on openness and character.
12. The site is also immediately adjacent to the Kinsham Conservation Area (the CA). From the evidence before me, and my observations on my site visit, it seems to me that the significance of the CA is derived from the evolution of the village and the architectural tastes and styles of the time. It has an aesthetic quality due to the design and appearance of many of the buildings. The designated Green Space forms a key part of the setting of the CA, and so the harm caused to the character of the immediate area would extend to the setting of the CA.

13. The site is located in very close proximity to several dwellings of traditional red brick construction which form part of the CA. The proposed dwelling would be of a very modern design with a flat roof, zinc cladding and wooden boarding. In isolation, this would be a high quality design, but in the context of the red brick dwellings immediately to the west, I find that the appearance of the new dwelling would appear highly incongruous and would detract from the character of the area. This again would result in harm to the setting of the CA.
14. There are several Grade II listed buildings in the village, including the Gateway to Trueblue Farmhouse, Box Cottage and Saunders Cottage. Their significance is derived from their attractive appearance and historic interest. To a greater or lesser extent, the Green Space forms part of the setting of these assets. However, their significance is appreciated from fairly close range, and given the distance between each of them and the appeal site, I do not consider that the proposal would affect their setting or significance to any discernible degree.
15. However, I conclude that the proposed development would result in harm to the character and appearance of the area, including the setting of the CA. It would therefore conflict with LP Policies SWDP6, SWDP21, SWDP24, SWDP25 and SWDP38, as well as NP Policy NP15. Taken together, the relevant aspects of these policies seek to preserve character and appearance, including designated Green Spaces, the settings of designated heritage assets and key views. I do not find conflict with NP Policy NP13 given that the local green space that it refers to is to the north west of the appeal site and would be unaffected by the proposal.

Other Matters

16. The absence of a financial contribution towards affordable housing formed a further reason for refusal. This would be required to conform with LP Policy SWDP15. However, the appellant has presented a unilateral undertaking which secures the necessary payment. I note that the Council is satisfied that this addresses their concerns, and I am also content that the issue has been satisfactorily dealt with.

Conclusion

17. It is not in dispute that the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, at less than 2.3 years, the current shortfall is significant, and I have no evidence before me to suggest that this position is likely to improve in the short-term. As a result of the shortfall, policies related to the location and supply of housing are deemed to be out of date. In such circumstances, Paragraph 11d and footnote 8 of the National Planning Policy Framework (the Framework) require that 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 as a whole.
18. In this instance, the benefits of the proposal include the provision of a single new home that would assist in meeting need in the area, including by allowing the existing elderly occupiers of The Firs to move into more suitable accommodation. It would also provide support for local facilities, create jobs during the construction phase and have the potential to increase biodiversity through additional planting. Despite the level of shortfall in housing land supply, which leads me to attribute increased weight to the benefits, I still only afford limited weight to them overall given that they are relatively minor in nature.

19. I have concluded that there would be conflict with the development plan in terms of the suitability of the location and in relation to the character and appearance of the area. The support for the principle of development within the Framework is countered by the importance it places on the provision of development that is located in sustainable areas and that preserves character and appearance, including the setting of conservation areas.
20. In this instance, the harm in relation to location is very limited indeed. This is because services and facilities can be accessed via sustainable means, while any car journeys to nearby settlements would likely be very short and also relatively few in number given that the proposal is for only one additional dwelling. However, it is clear that the harm in relation to character and appearance, including the setting of the CA, would be both significant and enduring. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR