



Appeal Decision

Site visit made on 11 March 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/H1840/W/24/3349147

**Land At (OS 8402 7347), Summerfield Lane, Summerfield, Hartlebury,
Kidderminster DY11 7SA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Joe Nugent, of SHEN, against the decision of Wychavon District Council.
 - The application Ref is W/23/01689/OUT.
 - The development proposed is outline planning permission for the development of up to 8 self-build residential dwellings. All matters reserved apart from access.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Joe Nugent, of SHEN, against the decision of Wychavon District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline, with all matters reserved except for access. Layout, scale, appearance and landscaping are reserved for subsequent approval. I have therefore dealt with the appeal on that basis, treating all submitted plans and drawings as illustrative unless related to access.
4. The appeal site address in the banner heading above is taken from the original planning application form. However, I have included a postcode for clarity.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, including its effects on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on biodiversity;
 - whether or not the proposal would make adequate provision for affordable housing;

- whether or not the location would be suitable for housing having regard to accessibility to services and facilities; and
- if the proposal would be inappropriate development, whether any harm by reason of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the 'very special circumstances' required to justify the proposal.

Reasons

Whether inappropriate development

6. The appeal site comprises an undeveloped field located within the Green Belt. Policy SWDP 2 of the Worcestershire Development Plan (Adopted 2016) (the DP) states that the West Midlands Green Belt will be maintained, and development proposed within the Green Belt will be considered in accordance with national policy as set out in the Framework.
7. The Framework establishes that new buildings in the Green Belt are inappropriate other than for specified exceptions that are set out in paragraphs 154 and 155. Paragraph 154 of the Framework includes amongst other exceptions; e) limited infilling in villages; and g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
8. The Framework does not define 'village' or 'limited infilling'. As such, it is a matter of judgement for the decision maker depending upon the individual circumstances of the case and appeal site.
9. Summerfield is a Lower Category (4B) settlement, primarily centred around a staggered crossroads off the A449. There are a number of buildings in commercial use around the crossroads and built development, primarily residential dwellings, extends down Stanklyn Lane and Summerfield Lane. As such, the crossroads forms the nucleus of the settlement.
10. Summerfield Lane is primarily characterised by residential development on both sides of the road. The existing dwellings have a linear built form along the road frontage, with sizeable rear gardens. Commercial land and buildings are located at the end of the lane. Built development is also located beyond the rear boundary of the appeal site and the gardens of properties that front the road. Within this context, for the purposes of paragraph 154 of the Framework, the appeal site is located within a village.
11. The appeal site represents a sizeable gap in between the linear row of properties along the road. Land beyond the linear row of properties has a spacious and open appearance and the appeal site contributes and is characteristic of this appearance. The land extends a considerable distance past the rear gardens of neighbouring properties, up to the built development beyond.
12. The construction of up to eight residential dwellings on the land would spread across the site, extending past the linear row of properties and their rear gardens, up to the built development beyond. As a result, although the proposal would redevelop the whole of the site, a large, spacious gap beyond each side boundary

of the appeal site would remain. Consequently, the proposed development would not infill a gap in the existing built form and pattern of development. In addition, the site is large and the construction of up to eight new dwellings on the land, within the context of the surroundings identified, would not represent limited infilling

13. For the development to benefit from the provisions of paragraph 154 g), it must also not cause substantial harm to the openness of the Green Belt. Openness is an essential characteristic of the Green Belt; it can be perceived both spatially and visually.
14. The construction of eight new houses and access road, on undeveloped, greenfield land would inevitably lead to additional built mass and a reduction in the openness of the Green Belt. This would be a significant negative change in terms of the existing spatial and visual openness of the Green Belt, which would cause substantial harm to the openness of the Green Belt. For the reasons given, the proposal would not benefit from the exemptions listed in paragraphs 154 (e) and (g).
15. The Framework also sets out at paragraph 155 that the development of homes in the Green Belt should not be regarded as inappropriate where (a) the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; (b) there is a demonstrable unmet need for the type of development proposed; (c) the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework; and (d) where applicable the development proposed meets the 'Golden Rules' requirements set out in Framework paragraphs 156-157.
16. Grey belt land as defined in the Framework is land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of the purposes (a), (b), or (d) in paragraph 143.
17. The criteria of paragraph 143 are the purposes of including land within the Green Belt and include a) to check the unrestricted sprawl of large built-up areas, b) to prevent neighbouring towns merging into one another and d) to preserve the setting and special character of historic towns. Additional guidance is provided in the national Planning Practice Guidance.
18. Although the proposal would not represent 'limited infilling', the site is partially enclosed by existing development. It is visually and physically confined by the surrounding development within and around the small settlement. Therefore, the site-specific characteristics and setting of the site does not contribute strongly to the relevant Green Belt purposes and would accord with criterion (a). Likewise, due to the location of the site and it represents a relatively contained gap, it does not strongly contribute to criterion (b). The site does not form part of the setting and special character of an historic town so does not contribute to purpose (d). For these reasons, it would not strongly contribute to any of the three Green Belt purposes (a), (b) or (d) in paragraph 143 of the Framework, and it can therefore be classified as grey belt land. Thus, the proposal accords with criterion (a) of paragraph 155 of the Framework.
19. The Council highlight that it is unable to demonstrate a five year housing land supply. At around 1.1 years, this represents a severe shortfall in the supply of housing land. Therefore, for the purposes of paragraph 155 (b) of the Framework,

there is a demonstrable unmet need for the type of development proposed, which would provide a positive contribution to housing supply in the area.

20. There are pavements on Summerfield Lane and the bus stops, public house and some other local services in Summerfield are a short walk from the appeal site. Therefore, the appeal site would encourage future occupants of the proposed development to walk and cycle to access services and public transport opportunities nearby, offering a genuine choice of transport. For similar reasons, although services and facilities locally are somewhat limited, not all trips would require the use of the car. For these reasons, taking into account that opportunities to maximise sustainable transport solutions varies between urban and rural areas, the site is a sustainable location and would comply with criterion (c) of paragraph 155.
21. Paragraph 155(d) sets out that for a development not to be regarded as inappropriate, it needs to meet the 'Golden Rules' requirements set out in paragraphs 156-157 of the Framework. Paragraph 156 deals with major development.
22. At 0.52 hectares, even though the development was not advertised as major development it meets the definition of major development contained within the glossary of the Framework as it has an area of more than 0.5 hectares. I have no evidence before me that the Golden Rules would be met. It therefore follows that the proposed development would not meet the exception in paragraph 155 (d).
23. Consequently, for the above reasons, I conclude that the proposed development does not meet any of the exceptions listed in paragraphs 154 and 155 of the Framework. The proposal is therefore inappropriate development in the Green Belt, which would by definition be harmful to the Green Belt and should not be approved except in very special circumstances as per paragraph 153 of the Framework.

Character and appearance

24. The appeal site comprises a relatively large plot of undeveloped, open land, occupying a prominent position along the road, located in between Ivy Bungalow and 30 Summerfield Lane (No 30). The land extends significantly back from the road frontage and wraps around the rear boundary of No 30.
25. The existing dwellings on both sides of Summerfield Lane are of a varying size, form, and appearance. However, they have a consistent linear built form along the road frontage, primarily with long rear gardens. This is the main characteristic of the pattern of development along the road.
26. The proposed access would be located next to the side boundary of Ivy Bungalow and due to the modest width of the site frontage, there is limited opportunity for dwellings on the road frontage. In addition, the site opens up beyond the rear garden of No 30 and dwellings would be spread across a significant proportion of the site. This would not be consistent with the pattern of development in the area and up to eight houses would transform the appeal site from an open field to a housing development.

27. Furthermore, even though trees and vegetation provide some screening of the site from wider public vantage points, from the lane many of the dwellings would appear as backland development, visible from the new access road.
28. Overall, the proposed development would introduce a significant amount of built form and mass beyond the established rear boundaries of the existing dwellings that front the road. This would interrupt the established linear built form and prevailing pattern of development on Summerfield Lane. Therefore, the proposal would be significantly at odds with the prevailing pattern of development in the locality and the spread and density of the development would result in an inharmonious development within the context of the area.
29. For these reasons, I conclude that the proposal would harm the character and appearance of the area. Accordingly, it would conflict with Policies SWDP 21 and SWDP 25 of the DP, which together and amongst other things, seek high design quality and development proposals which complement the character of the area.

Biodiversity

30. The submitted Preliminary Ecological Appraisal, November 2023 (PEA), identifies that grassland on the site may qualify as a priority habitat listed in the Natural Environment and Rural Communities Act 2006 (as amended) (NERC Act). The PEA indicates that the grassland is likely to be lost to accommodate the proposed development. As such, the PEA advises that further work is necessary, at an appropriate time of year, to establish conformity with the NERC Act.
31. There is no substantiated evidence before me which suggests that further appropriate work has been carried out. Given the scale of development proposed on the land, without further work and mindful of my statutory duty under Section 40 of the NERC Act, I must conclude that the proposed development would cause harm to biodiversity. Therefore, there would be conflict with Policy SWDP 22 of the DP, and the Framework, insofar as they seek to ensure developments conserve biodiversity.

Affordable Housing

32. As the proposal is for up to eight dwellings in a designated rural area the policy requirement, as set out by Policy SWDP 15 of the DP, is for 20% of units to be affordable and provided on site. However, the Council accept that an off-site contribution may be appropriate.
33. The appellant suggests that a planning condition could secure an affordability formula for selected plots of the development. However, a formula or a financial sum has not yet been agreed between the main parties. A draft condition has also not been suggested by the appellant. Therefore, on the evidence before me, notwithstanding the appeal decision¹ (previous appeal decision) submitted by the appellant, I am not satisfied that a condition would meet the tests of paragraph 57 of the Framework and would secure an adequate provision of affordable housing.
34. Additionally, the appellant suggests that the Council did not request a S106, but that one would have been acceptable to them. Nonetheless, a completed planning obligation has not been provided with the appeal.

¹ Reference: APP/F2415/W/22/3303898 - Land at Sutton Lane, Sutton in the Elms, Broughton Astley, Leicestershire LE9 6QF

35. Accordingly, in the absence of a Section 106 legal agreement there is no mechanism for the proposed development to make adequate provision for affordable housing. As such, the proposal fails to accord with Policy SWDP 15 of the DP.

Suitable location

36. Policy SWDP 2 of the DP sets out that development within the open countryside will be strictly controlled and will be limited to certain types of development. Policy SWDP 4 of the DP requires that development should be sited where it will encourage sustainable travel modes and reduce the reliance on the private car. Furthermore, Policy SWDP 21 requires design and layouts to maximise opportunities for pedestrian and cycle linkages to the surrounding area and local services. These policies are broadly consistent with the Framework, which states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
37. The Framework also seeks to ensure that sustainable transport modes are prioritised, whilst acknowledging that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and should be taken into account in decision-making.
38. The proposed development does not meet any of the listed exceptions set out in Policy SWDP 2(C). As such, it is contrary to the Council's development plan strategy for housing and would thereby conflict with Policy SWDP 2 of the DP.
39. Nevertheless, as I have already identified, the appeal site is within walking distance to bus stops and some services and facilities locally. There are pavements on Summerfield Lane and the appeal site would offer a genuine choice of transport and not all trips would require the use of the car.
40. Therefore, notwithstanding the conflict with Policy SWDP 2 of the SWDP, I conclude that the location would be suitable for housing having regard to accessibility to services and facilities. As such, the proposal would not conflict with Policies SWDP 4 and SWDP 21 of the DP and it would also be in accordance with the objectives of the Framework.

Other considerations

41. As identified above, the Council cannot currently demonstrate a five-year supply of deliverable housing sites, and the shortfall is severe.
42. The proposal has been put forward as Self Build and Custom Housing (self-build). The Framework at Paragraph 73 b) supports small sites to come forward for self-build housing. Furthermore, The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. The Housing and Planning Act 2016 added to the above Act a duty to grant planning permission subject to exemptions at s2A. This provides that authorities must give development permission in respect of enough serviced plots of land to meet the demand for self-build housing in the authority's area arising in each base period.
43. There is dispute between the main parties about the level of delivery of self-build housing in the area. Indeed, the Council suggest that they are meeting their target,

whereas the appellant suggests that there is a significant shortfall. In particular, the appellant has submitted data² from the Governments website, which demonstrates a considerable and growing shortfall.

44. The construction of up to eight self-build dwellings would contribute to the Council's delivery of new homes on a good mix of sites. However, while I note the previous appeal decision, the appellant does not identify an appropriate mechanism for securing the dwellings as self-build plots. In particular, a signed legal agreement has not been submitted with the appeal. As such, without an appropriate means to secure the development as self-build, I attach limited weight to the matter.
45. While not secured as self-build housing, the construction of up to eight additional dwellings would contribute to boosting the supply of new housing, as referenced in the Framework. The construction of new dwellings would also provide both short and long term associated social, economic, and environmental benefits during the construction phases and following occupation. In the context of the severe shortfall in housing land supply I attach moderate weight to these benefits.
46. There is no dispute between the parties that the Council has raised no concerns with regard to highways impacts, or flood and drainage matters. However, these are a requirement of planning policy and are neutral matters to which I attribute limited weight.

Green Belt Balance and Conclusion

47. The proposed development would be inappropriate development in the Green Belt which in line with Paragraph 153 of the Framework is harmful by definition. I have also found that the appeal proposal would reduce the openness of the Green Belt which also amounts to harm and carries substantial weight. Also, while the site is a suitable location for housing having regard to accessibility to services and facilities, the proposal would be unacceptably harmful to biodiversity and the character and appearance of the area. Adequate provision of affordable housing would also not be secured. As a result, these are matters to which I attach substantial weight.
48. The other considerations I have identified, including the contribution to the area's housing supply, are of moderate weight in favour of the proposal. Those other considerations would not, in their totality, clearly outweigh the harm to the Green Belt and other harm that I have identified. Therefore, the 'very special circumstances' necessary to justify inappropriate development in the Green Belt do not exist. The development would thus conflict with the Green Belt protection aims of the Framework and Policy SWDP 2 of the DP. It also conflicts with Policies SWDP 15, SWDP 21, SWDP 22 and SWDP 25 of the DP.
49. The lack of a five-year housing supply means the policies which are most important for determining the proposal are out of date in accordance with paragraph 11.d of the Framework. However, bullet (i) of paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including Green Belt, provide a clear reason for refusing the development. As I have explained, there would be harm to the Green Belt that would not be clearly outweighed. This provides a clear reason for refusing the proposed development. Therefore, the

² Wychavon Self-Build Monitoring Data 2019-22 and Wychavon Self-Build Monitoring Data 2020-23

proposal would not benefit from the presumption in favour of development in this instance.

50. The development would conflict with the development plan taken as a whole and material considerations do not indicate that the decision should be made other than in accordance with the development plan.

51. For the above reasons, the appeal should be dismissed.

N Bromley

INSPECTOR