



Appeal Decision

Site visit made on 11 March 2025

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/H1840/W/24/3354318

**Croft Farm Leisure and Water Park, Tewkesbury Road, Bredons Hardwick,
Tewkesbury GL20 7EE**

- 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 Newell against the decision of Wychavon District Council.
 - The application Ref is W/23/01798/FUL.
 - The development proposed is erection of a dwelling and associated garage.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Wychavon District Council against Mr Martin Newell. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have taken the revised Framework, as well as any comments made by the main parties, into account as part of the determination of this appeal.
4. A Unilateral Undertaking (UU), dated 8 January 2025, has been submitted to secure the required off-site affordable housing contribution, as well as securing the proposal as a Self-Build. The Council are satisfied that the UU would adequately address the third refusal reason. Therefore, as the Council are no longer defending the third refusal reason, and as I am content that the provisions of the UU would meet the tests set out in Regulation 122 of the CIL Regulations 2010 and Paragraph 58 of the Framework, the third reason for refusal is not a main issue.
5. The Council have set out the timetable associated with the South Worcestershire Development Plan Review (SWDPR), which was submitted for examination last year. It is understood the examination hearings began in March 2025. However, adoption is not expected until December 2025 at the earliest. Given that there are likely to still be unresolved objections to the SWDPR, with the possibility of main modifications, it can only be afforded limited weight at this stage having regard to paragraph 49 of the Framework. The relevant policies of the SWDPR are therefore not referred to any further in my decision.

Main Issues

6. The appeal site is located on a designated Local Green Space (LGS). Accordingly, the main issues are:
- whether the proposal would be inappropriate development in a LGS having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the character and appearance of the area, having particular regard to the LGS designation;
 - whether it would provide a suitable location for housing, having regard to the development strategy for the area; and
 - whether or not the harm would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate Development

7. Policy NP13 of the Bredon Parish Neighbourhood Plan (BPNP) (2017) designated the appeal site as LGS, identified as LGS7 Land at Croft Farm, Bredons Hardwick. Policy NP13 states that new development will not be permitted on land designated as LGS except in very special circumstances. The supporting text to Policy NP13 states that development which is permissible under very special circumstances might include the creation of playing fields, or other open land uses. However, it would exclude residential buildings, employment development, caravan parks, equine development or traveller sites.
8. Paragraph 108 of the Framework states that policies and decisions for managing development within a LGS should be consistent with national policy for Green Belts set out in chapter 13 of the Framework. Paragraph 154 of the Framework states that development in the Green Belt (or in this case in an LGS) shall be regarded as inappropriate development. Paragraphs 154 and 155 of the Framework list a number of exceptions to this.
9. The proposed new dwelling on a LGS would fail to accord with any of the exceptions set out in the Framework. Thus, the proposal would be inappropriate development in an LGS.
10. The wording in the Framework in regard to LGS's is clear, in that decisions for managing development within an LGS should be consistent with national policy for Green Belts. Whilst the previous version of the Framework only related to policies for managing development within an LGS, the revised Framework now refers to both policies and decisions. Therefore, it would no longer be a 'plan making policy' as set out by the appellant. I disagree that 'the Council's blanket restriction on development within these designations is not appropriate' as set out by the appellant, given that the Framework confirms that a LGS designation is more restrictive than the 'Local Gap' policy.
11. The appellant has drawn my attention to 2 other planning approvals or appeal decisions on an LGS, one of which is a recently constructed reception building

serving the Waterpark¹ and the other an allowed appeal relating to a gypsy/traveller pitch², situated on a different LGS in the district. In regard to the latter, the Inspector found harm to the LGS and concluded that the proposal was inappropriate development in the LGS. However, in this decision, the shortfall in gypsy pitches, as well as the personal circumstances and best interests of the children, were given substantial weight which outweighed this harm.

12. In regard to the new reception building and car park in the same LGS as the appeal proposal, whilst this does not fall under the type of development Policy NP13 specifically supports, I do not have full details of this permission before me. However, I note that this permission was granted prior to the changes to paragraph 108 of the Framework. Nevertheless, neither of these decisions are directly comparable to the proposal before me now. I have considered the proposed development on its own merits and have found the proposal to be inappropriate development.
13. The appellant has also drawn my attention to a recent appeal decision³ in the district, which related to a development in a 'local gap, also defined in the BPNP. The appellant states that whilst the 'local gap' designation is different to the LGS, there are a great deal of similarities between what they seek to achieve. They continue to argue that 'the seemingly restrictive wording of these similar NDP policies, in practice, should not be taken as placing a blanket restriction on new development within such areas'. However, as set out by the Council, a local gap does not have the same status under the Framework as an LGS.
14. The appellant sets out the argument that the appeal site would fall under the definition of 'Grey Belt' land as set out by the Framework, and that it would comply with paragraph 155 of the Framework. However, footnote 45 to paragraph 108 confirms that LGS's are excluded from the provisions relating to grey belt and previously developed land as set out in chapter 13 of the Framework. Therefore, in these circumstances, 'Grey Belt' matters do not take my deliberations any further.
15. Consequently, the proposal would represent inappropriate development in an LGS, as set out in chapter 13 of the Framework, which is, by definition, harmful to the LGS. The proposal would not fall under any of the 'very special circumstances' set out by Policy NP13 of the BPNP. Together these policies seek to resist development in the LGS.

Character and Appearance

16. The appeal site relates to a parcel of land situated to the west of Tewkesbury Road. It is positioned to the north of the vehicular access which serves Croft Farm Waterpark, which extends out to the west beyond the appeal site. The prevailing character of the surrounding residential built form is of linear development along Tewkesbury Road, with some limited depth of development along Rectory Lane. Established vegetation encloses the site along Tewkesbury Road, and a mature hedge runs along the northern boundary, with the residential properties to the north visible beyond the hedgerow.
17. The site forms part of the designated LGS which extends to the south and west of the appeal site. I acknowledge that the designation of the LGS in the BPNP was

¹ Approved under Planning Application No W/22/00314/FUL

² Appeal Ref: APP/H1840/W/21/3279365

³ APP/H1840/W/24/3353490

informed by the 'Assessment of Local Green Space in Bredon Parish' which sets out the reasoning behind the designation, stating that the LGS is important for the visual amenity it provides and that it commands exceptional views over the Lower Avon Vale towards the Malvern Hills. I observed that the vehicular access to the waterpark, as well as the aforementioned single storey reception building serving the waterpark are situated within the LGS.

18. Whilst the site is not located in uninterrupted open countryside, and even with a low hedge to the west enclosing it, the site is experienced as part of the larger LGS, and not seen separately, as alleged by the appellant. The appeal site, in its current undeveloped form, and despite it being used as informal storage/bonfire area at the time of my site visit, contributes positively to the visual amenity afforded by the LGS designation. The open nature of the appeal site, even with the presence of the reception building and vehicular access, allows for views out over the verdant open countryside to the west. Its relationship with the surrounding open fields, contributes positively towards the established character and rural setting of Bredons Hardwick. Therefore, the appeal site currently has a greater affinity with the surrounding LGS than the built up form of the village. Its position adjacent to the highway on the edge of the village makes it particularly sensitive to change.
19. The proposal, by virtue of the introduction of residential built form, would appear incongruous within the LGS and the rural landscape setting of the village. The proposal would involve the more formal sub-division of the LGS to create the new dwelling and associated car parking and external private garden, which would fail to protect the landscape character and rural setting of Bredons Hardwick. It would also significantly reduce the established visual amenity value afforded by the LGS and would harm the landscape quality of the local area.
20. It is acknowledged that visual change does not necessarily constitute harm, as submitted by the appellant. The proposal would be seen in the context of the existing built form of the village, including 'the side gable and roof line of residential dwellings in the background and the village pub immediately opposite'. However, due to the appeal site having a greater affinity with the LGS, rather than the built up form of the village, the proposal would have a harmful urbanising effect on the open character of the designated LGS. Whilst the existing vegetation 'would further contain the visual impact of the development', as submitted by the appellant, neither the claimed lack of visibility from Tewkesbury Road, nor the inclusion of a wildflower meadow, would outweigh the significant and permanent harm identified.
21. The proposal would only cover 8% of the LGS, as calculated by the appellant. However, the incremental development of the appeal site would compromise the overall value of the LGS and the reasons behind its designation. This is particularly so given that there is no substantive evidence before me to demonstrate that this part of the LGS is no longer valued by local residents. Furthermore, whilst the wider views to the countryside would still be possible, the presence of the proposal would be highly visible in the foreground of these views, reducing the overall openness of the LGS.
22. The BPNP has also identified key views in the neighbourhood area. However, the appeal site does not form part of the key view VH3 which crosses the site in a west/southwest direction. I also note that the Council has not included Policy NP15 of the BPNP in its reasons for refusal, which seeks to protect the key views identified in the plan. My site visit confirmed that the position of the proposal would

not obstruct this key view. Nevertheless, the lack of harm to this key view is a neutral matter and is a separate consideration to the impact on the LGS.

23. Therefore, for the reasons set out above, the proposal would harm the character and appearance of the area, having particular regard to the LGS designation. It would be contrary to Policy SWDP21 of South Worcestershire Development Plan (SWDP) (adopted February 2016) and policies NP1 and NP13 of the BPNP. These policies, in combination, seek to protect the open countryside. New development will not be permitted on land designated as LGS except in very special circumstances. All new development will be expected to integrate effectively with its surroundings, in terms of form and function, reinforcing local distinctiveness, appropriate to the setting of the site and the surrounding landscape quality of the local area.

Suitable Location

24. Policy SWDP2 of the SWDP sets out the development strategy and the settlement hierarchy for the area. Criteria C of Policy SWDP2 sets out that in the open countryside, development will be strictly controlled and will be limited to dwellings in certain circumstances.
25. The appeal site lies outside of any adopted settlement limits as defined by Policy SWDP2, albeit I acknowledge the proximity of the development boundary of Bredons Hardwick which lies immediately adjacent to the appeal site. Nevertheless, the proposal would be a new dwelling in the open countryside. The proposal does not fall within any of the exceptions set out by the development plan to enable new development in the open countryside, including the exceptional circumstances set out in Policy SWDP2. It would not be supported by any other policies in the SWDP. As such, it would be contrary to the development strategy for the area.
26. The appellant submits that the development boundary is an 'artificial boundary' which 'is not representative of the true built extents of the village'. The appellant continues to state that 'in real terms, the site is located amidst the built up area of the village. It is adjoined by existing residential properties to the north and a recently constructed reception building for Croft Farm to the south. The village pub and a further cluster of residential properties are located on the opposite side of the road to the east'. The surrounding built form was noted on site.
27. However, as set out in the reasoned justification to Policy SWDP2, 'the development strategy is driven by the SWDP Vision and associated objectives. It brings together land use, development and infrastructure considerations that flow from the economic, environmental and social characteristics of the area'. It also states that 'the high quality of the open countryside is an important planning attribute of the area'. Consequently, in this instance while the development boundary may seem arbitrary, it has been positioned based on well-established planning principles underlying the spatial strategy. I have considered the proposed development on its own merits and have found harm to the open countryside for the reasons set out above.
28. In conclusion, the proposed development would not provide a suitable location for housing, having regard to the development strategy for the area. The proposal would be contrary to Policies SWDP1 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, strictly controlling development in the open countryside.

Other Considerations

29. Paragraph 153 of the Framework states that substantial weight should be given to any harm to the Green Belt, or in this case the LGS, and that very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. I turn now to address other considerations that, potentially, might clearly outweigh harm arising from inappropriate development in the LGS, and any other harm resulting from the proposal, so as to provide the very special circumstances required to justify a grant of planning permission
30. The main parties agree that the Council is unable to demonstrate a five-year supply of deliverable housing sites. The Council have confirmed that its housing land supply is now reduced to a 1.10-year supply following the publication of the revised Framework and the updated Standard Method, equating to a shortfall of 3,981 homes. The proposal would therefore provide a dwelling in an area where the Council is unable to demonstrate a five-year housing land supply. This would attract significant weight.
31. However, I have found that the proposal would be inappropriate development in the LGS. Therefore, this is a situation in terms of paragraph 11(d)(i) of the Framework, where the presumption in favour of sustainable development is not engaged because the application of the policies in the Framework that protect land designated as LGS⁴ provides a clear reason for refusing the development proposed.
32. Nevertheless, there would be some economic benefits in employment during the construction phase and support for local businesses. This includes increasing expenditure in local shops and the village pub thus supporting their viability. The appellant also submits 'there have been almost no new houses permitted at the village for some time, which is concerning as even small villages such as Bredons Hardwick benefit from some limited, organic growth to ensure the vitality of their communities'. There would also be some environmental benefits in the provision of the proposed wildflower meadow. Together these benefits carry moderate weight in favour of the development.
33. There would also be some social benefits associated with the provision of the new dwelling, helping to enhance the vitality and social wellbeing of the rural community. I acknowledge that the appellant is a 'valued member of the local community who wishes to build their own home so that they can continue to live in the village where they have grown up and have family ties'. The appeal proposal would also make a financial contribution towards the provision of off-site affordable housing in the district. Paragraph 73 of the Framework acknowledges that small sites can make an important contribution to meeting the housing requirement for an area, with the appellant calculating 'that 23% of the Council's supply consists of sites between 1-5 dwellings so it is clear they make an important contribution'. Again, I attach moderate weight to these collective benefits.

⁴ Framework paragraph 11 d), footnote 7

34. The proposal would also be for a self-build dwelling. The evidence submitted indicates that there is currently a shortfall of 4 plots against the target supply figure required by October 2025, although the Council consider that they should comfortably be able to meet and exceed the target. However, the target supply figure is a minimum requirement and not a maximum. The appellant has also drawn my attention to an earlier appeal decision⁵ where the Inspector addressed the matter of self-build housing, concluding that 'the fact that the proposed development would deliver self-build and custom housing carries significant weight'. Accordingly, I also attach significant weight to the delivery of a self-build dwelling, in particular in the context of an overall housing land supply shortfall.
35. The appellant disputes 'the weight attributed by the Council to the policies most important for determining the application given that both the SWDP and the BPNP are over 5 years old and the relevant policies are no longer consistent with national planning policy'. I note the date of the BPNP and that this 'was examined at a time when the Council had a recently adopted Development Plan and could comfortably demonstrate a 5YHLS', as set out by the appellant. However, under the terms of the Framework, due weight can still be given to them, according to their degree of consistency with the Framework. Therefore, the amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker.
36. It is considered that the relevant policies of the SWDP are still broadly consistent with the Framework in terms of promoting a sustainable pattern of development, delivering a sufficient provision of housing and restricting dwellings in the countryside, except for in certain circumstances. They remain part of the development plan. I therefore still afford the relevant policies a significant amount of weight.
37. Furthermore, it is considered that the LGS designation remains broadly consistent with the Framework in terms of the definition of an LGS. Paragraph 106 of the Framework also recognises that LGS's should be capable of enduring beyond the end of the plan period. The designation remains part of the development plan, and I therefore still afford the relevant policies in the BPNP a significant amount of weight.
38. Finally, the appellant has drawn my attention to a recently approved application on land adjoining the appeal site, for the stationing of a static home as a self-contained dwelling unit⁶. The appellant submits that 'ultimately, the material considerations in terms of housing strategy policy, the lack of 5-year housing supply, and the locational aspects of the sites from a sustainable transport perspective and from the perspective of visual impact on the countryside, are essentially identical'. Nevertheless, there are some notable differences between this consent and the proposal before me now. Firstly, the static home falls under the statutory definition of a 'caravan', and does not represent operational development in itself, and secondly, the adjoining site is situated outside of the designated LGS. I note that the application was approved on the basis that paragraph 11 of the Framework was applicable, with the benefits outweighing the conflict with Policy SWDP2 in these circumstances. However, as noted above, due to the appeal site being within the LGS, and harm being identified, paragraph 11 would not be applicable to the proposed dwelling before me now. Therefore, this recent approval would not be

⁵ Appeal Ref: APP/H1840/W/21/3276845

⁶ Application Ref W/25/00103/FUL

directly comparable to the appeal proposal and would not change my findings above.

Other Matters

39. I note that the appellant states that ‘the Officer’s original Report to Committee only contained two refusal reasons. The third refusal reason (the first listed on the decision notice), was added on the day of the Committee Meeting’. I also note that the Parish Council initially raised no objection, which then changed to an objection, with no explanation given. Whilst these matters would have caused the appellant some frustration, it does not materially affect my consideration of the planning merits of the appeal proposal.
40. The letters of support from interested parties are also noted. However, they do not overcome the harm that would be caused by the proposal.

Conclusion

41. I have identified that the scheme would be inappropriate development in the LGS as defined by the Framework. The scheme would also result in a dwelling in an unsuitable location for new housing, having regard to the development strategy for the area, as well as harm to the character and appearance of the area, including the LGS.
42. My analysis above leads me to give moderate weight to the economic, social and environmental benefits of the proposal, and significant weight to the delivery of a self-build dwelling and the contribution this would make to the housing land supply. However, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal would be contrary to the Framework, which seeks to protect the LGS from inappropriate development.
43. Consequently, the proposal would conflict with the development plan as a whole and the matters raised above, including the Framework, would not outweigh that conflict.
44. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Laura Cuthbert

INSPECTOR