



Appeal Decision

Site visit made on 14 March 2025

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2025

Appeal Ref: APP/H1840/W/24/3351524

Mayfield, Atch Lench Road, Church Lench, Worcestershire WR11 4UG

- 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 Lockley Homes against the decision of Wychavon District Council.
 - The application Ref is W/23/00715/FUL.
 - The development proposed is Erection of 6no. new build dwellings including associated access, landscaping etc.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 6 no. new build dwellings including associated access, landscaping etc. at Mayfield, Atch Lench Road, Church Lench, Worcestershire WR11 4UG in accordance with the terms of the application, Ref W/23/00715/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development is taken from the Council's decision notice as the scheme was amended during the application process, and so this more accurately reflects the appeal proposal.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Main parties have had the opportunity to comment on the implications of the revised Framework, where received comments have been taken into account.
4. An executed Section 106 Legal Agreement (the S.106) between the Council and those with an interest in the appeal site has been submitted during the appeal. This overcomes the Council's third reason for refusal in relation to securing the appropriate provision of affordable housing.
5. I am also the Inspector dealing with an appeal¹ on a nearby site at the edge of Church Lench, also for residential development. Given the comparable site and policy contexts, and the reasons for refusal in each case, there is a degree of similarity between my appeal decisions. However, each case has been determined on its own individual merits.

Main Issues

6. In light of the above, the main issues are: i) whether the appeal site is a suitable location for residential development having regard to the local development

¹ Ref: APP/H1840/W/24/3349702 - Land to the rear of Brock House, Low Road, Church Lench

strategy; and ii) the effect of the proposal on the character and appearance of the area.

Reasons

Suitable Location

7. The appeal site is located outside any development boundaries defined in the South Worcestershire Development Plan (adopted 2016) the (SWDP). It is therefore in the open countryside for planning policy purposes.
8. Policy SWDP2 of the SWDP outlines the development strategy for the area. It establishes that permission for development in the countryside, outside the development boundaries of settlements, will be strictly controlled to limited defined exceptions or to development that is specifically permitted by other SWDP policies. This is to safeguard the countryside from encroachment but also to contribute towards the delivery of sustainability objectives.
9. Policy SWDP2 takes a somewhat more restrictive approach to development in the countryside than the Framework, but I still find it to be broadly consistent with the aims of the Framework in respect of prioritising development to sustainable locations.
10. The proposal conflicts with Policy SWDP2 as it does not meet any of the identified exceptions whereby development in the open countryside is considered appropriate.
11. Meanwhile, Policy SWDP4 seeks to promote the use of sustainable modes of transport. Amongst other things, the policy requires proposals to demonstrate that the layout of development will minimise the demand for travel and that they will offer genuinely sustainable travel choices. This is largely consistent with the Framework.
12. Church Lench contains a modest range of services, including a school, church, and village hall. On my site visit I observed that these were each within relatively easy walking distance of the appeal site, with a pavement located on the opposite side of the street. Although there is no streetlighting along the route and there are some short sections without continuous pavements or requiring pedestrians to cross the road, these conditions also exist for existing residents of the village. Furthermore, from my observations traffic through the village was generally limited, such that I found walking from the site to these services to be a realistic option to any future occupiers of the appeal proposal.
13. The village, however, does not contain the range of facilities and services that would sustain day to day living. Residents of the development would therefore generally be dependent on journeys to larger centres to meet wider needs including employment opportunities. Notwithstanding, that the village is served by a bus stop, I consider that future residents of the proposal would remain largely reliant on the use of private car given the rural context of the site. The proposal therefore also conflicts with Policy SD4.
14. Still, given the proximity and frequency of bus services to the appeal site, I find that some realistic opportunities for the use of public transport to access facilities, services and employment opportunities would be available. Furthermore, although the Framework seeks to ensure developments are provided with appropriate

opportunities for sustainable transport, it also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

15. Bringing the above together, having regard to the local development strategy, the appeal site is not a suitable location for residential development. Taking account of the appeal site and its situation there are though material considerations that weigh in favour of the appeal scheme in regard to this main issue, which I shall return to as part of my planning balance.

Character and Appearance

16. The appeal site is a grazing field that is largely enclosed by mature boundary vegetation and adjacent residential development. It sits behind dwellings along Atch Lench Road, that lie at the edge of the village. The neighbouring properties are predominantly detached and set in sizeable plots. They have a linear layout, sharing a rather consistent building line, facing onto the highway behind large front gardens.
17. The wider surrounding area, meanwhile, is characterised by its rural setting containing undulating open fields, defined by mature boundary vegetation, as well as pockets of woodland. The Worcestershire County Council Landscape Character Assessment (LCA) identifies the local landscape as 'Timbered Farmlands' whereby the settlement character predominantly consists of a dispersed pattern of farmsteads and hamlets. However, this landscape designation relates to a sizeable geographical area, while, the precise context of the appeal site is such that it is seen against the boundaries of existing built form that define the village.
18. The proposal would involve a small number of dwellings, resulting in an urbanising effect on this open greenfield. There would though be ample space within the site to incorporate landscaping to soften the proposed development. Additionally, the appeal scheme would be rather well contained by a combination of the existing built form and mature vegetation, as well as the site's topography. These factors, together with the single storey nature of the majority of the appeal dwellings, would ensure that public views of the proposal would be highly limited.
19. Indeed, nearby public views of the proposed development are likely to be only partial in nature, glimpsed between existing built form and vegetation. Furthermore, from my observations, where more significant public views of the proposal would be available, these are likely to be from distance, while the development would be seen against a backdrop of existing residential built form. Such views are also likely to be transient in nature.
20. The layout of the proposal is spacious, with suitable plot sizes, that broadly reflect the low-density development of the surrounding neighbouring dwellings. The proposed siting of dwellings to the rear of the established built form, however, would not be consistent with the prevailing linear layout of development in this part of the village. Still the built form within the centre of the village already has a somewhat nucleated form, including backland areas of residential development. As such, although not entirely complementary to its immediate setting, I do not consider that the proposal would be a highly incongruous addition given the wider surrounding context of development.

21. It is also likely that the appeal scheme will more effectively integrate with its surroundings over-time as landscaping proposals (that can be secured via condition) mature.
22. Overall, I therefore find that the proposal would have a slight urbanising effect, while it would not entirely compliment the adjacent layout of built form. The level of harm though would be limited and localised due to the wider surrounding context of development in the area, as well as the scale and rather discrete nature of the proposed development. Nonetheless, the appeal scheme conflicts with Policy SWDP25, which amongst other matters, seeks to protect the area's landscape setting.

Other Matters

23. Due to the scale of the proposed development, I am satisfied that there is sufficient capacity in the local highway network to accommodate the proposal, even accounting for potential nearby emerging developments. Meanwhile, due to the proposed layout, and subject to relevant planning conditions, I am also content that the appeal scheme would not lead to any adverse impacts on highway safety, including in connection with the use of refuse or emergency service vehicles.
24. There is no robust evidence before me to suggest that there is a lack of capacity in existing infrastructure and services to accommodate the proposal. There is also no policy basis for delivery of a community shop/doctors surgery as part of the appeal scheme. Similarly, no robust evidence has been presented that the proposal would lead to harmful impacts to biodiversity, historic assets or flood risk.
25. Disruption during construction is inevitable with almost all development proposals. However, this should be a relatively short-term impact, while the use of a Construction Environmental Management Plan (CEMP) to be conditioned as part of any approval, should ensure that there are no significant harmful effects in respect of the living conditions of neighbouring residents or highway safety.
26. The fact that other houses are for sale in the area, does not equate to a lack of need or demand for the appeal scheme. Nor does residential development taking place in other parts of the authority area negate the need for additional housing. Meanwhile, future planning applications in this locality will each have to be determined on their own individual merits.

Section 106 Legal Agreement

27. The completed S.106 secures the provision of one affordable housing unit on site in the form of a 2-bedroom bungalow (first home). It also secures a financial contribution towards off-site affordable housing provision. This approach, and the level of contributions, follow the requirements of Policy SWDP15 and supporting guidance within the Council's Affordable Housing Supplementary Planning Document (adopted 2016). Together the policy and guidance set out the thresholds and amount of affordable housing to be sought from new residential developments, as well as criteria surrounding their delivery.
28. In these circumstances I consider that the obligations in the S.106 would be necessary to make the development acceptable in planning terms, while it would be directly relevant to the development, as well as fairly and reasonably related in scale and kind to the proposed development.

Conditions

29. The Council suggested draft conditions in the event of planning permission being granted. I have considered the conditions and where necessary have made minor amendments to the wording in the interests of precision and clarity as well as to align with the tests of planning conditions outlined within the Framework.
30. In addition to a standard time limit condition, a condition specifying the approved plans is needed for clarity and certainty.
31. Approval of a CEMP to be adhered to throughout the construction of the development is needed in the interests of the living conditions of neighbouring residents, as well as highway safety. It is necessary for this to be a pre-commencement condition so that it can take effect from the outset of the development.
32. An archaeology condition is reasonable and necessary in the interests of protecting the historic environment. It is required to be a pre-commencement condition given the potential implications of construction activity on archaeology at the site.
33. A construction environmental management plan in relation to biodiversity, as well as conditions in relation to a landscape ecology masterplan and a restriction on the use of external lighting are each necessary in the interests of biodiversity. The Biodiversity CEMP is required to be a pre-commencement condition to ensure that initial construction works do not cause harm to any habitats or species.
34. Conditions relating to the approval of external materials, details of boundary treatments, tree protection measures, as well as landscaping and its future maintenance, are each necessary in relation to the character and appearance of the proposed development. The tree protection and landscaping details are required to be approved prior to commencement given the potential for works to impact upon existing vegetation at the site.
35. Conditions relating to the provision of visibility splays, stopping of the existing vehicle/pedestrian access, and vehicle parking spaces are necessary in the interests of highway safety. Meanwhile, conditions in respect of the provision of cycle storage and travel welcome packs are reasonable and necessary in the interests of promoting sustainable travel.
36. A condition requiring the approval of foul and surface water drainage is reasonable and necessary to ensure that appropriate drainage is provided and so that the proposal does not increase flood risk.
37. A condition in respect of the provision of broadband is necessary to ensure that the proposed dwellings are provided with appropriate infrastructure and to comply with related planning policy.
38. Conditions in respect of energy and water efficiency measures as well as electric vehicle charging points are each reasonable and necessary with the aim of promoting sustainable development.
39. I have not imposed a condition restricting the hours of construction activity and deliveries as this can be suitably incorporated into the CEMP condition. I have also not imposed the Council's suggested condition in relation to the provision of green

infrastructure space on the site, as this can be suitably secured via the conditions in relation to the approved plans and landscaping arrangements.

Planning Balance and Conclusion

40. I have found the location of the proposed development would be contrary to the development strategy outlined under Policies SWDP2 and SWDP4, as such, it would conflict with the development plan as a whole. These policies have also been found to be broadly consistent with the relevant aims of the Framework.
41. The Council sets out that as of February 2025, it can only demonstrate a 1.1 year housing land supply. Given this severe deficit of housing land supply, it is clear that the Council's development strategy is currently failing to deliver a sufficient number of homes. As such, whilst the conflict with the above detailed policies amounts to harm, I have prescribed only modest weight to these harms.
42. There would also be harm to the character and appearance of the area contrary to Policy SWDP25, albeit as set out the level of harm that would arise in this respect would be limited.
43. Due to the Council's housing land supply position, Paragraph 11d) of the Framework is engaged.
44. The provision of six dwellings, including an affordable dwelling, would make a small but nonetheless positive contribution towards housing supply. In addition, the proposal would also provide social and economic benefits associated with the construction and future occupation of the proposed dwellings. I have considered Paragraph 61 of the Framework which seeks to boost significantly the supply of housing. I have also considered Paragraph 73 of the Framework, which recognises the importance of small sites in meeting the housing requirement of an area. Given the Council's housing land supply position, I have given the benefits of the scheme moderate weight. The location and situation of the appeal site also has access to a modest range of facilities, whilst it also finds some support from Paragraph 115 of the Framework as I have explained.
45. With the above in mind, I find that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
46. As such, material considerations, specifically those relating to the appeal site's situation and the approach of the Framework, indicate a decision should be taken other than in accordance with the development plan. The appeal is therefore allowed.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Unless where required and allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the following plans/drawings:
 - 216 01 Location Plan
 - 216 10 Rev D Proposed Site Plan
 - 216 10 Rev C Proposed Site Plan showing Green Infrastructure
 - 216 11 Rev C Proposed Streetscene
 - 216 20 Rev B Plot 1 Plans and Elevations
 - 216 21 Plot 2 Plans and Elevations
 - 216 22 Plot 4 Plans and Elevations
 - 216 23 Rev A Plot 5 Plans and Elevations
 - 216 24 Rev A Plots 4, 5 and 6 Garages
 - 216 26 Plot 6 Plans and Elevations
 - 216 25 Plot 3 Plans and Elevations
 - 1950 P3 Levels Strategy
- 3) No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the following: -
 - Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
 - The hours that demolition and construction activities, including deliveries, will take place and arrangements for unloading and manoeuvring of vehicles;
 - Details of any temporary construction accesses and their reinstatement; and
 - A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full for the duration of the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in the locations approved in writing by the Local Planning Authority.
- 4) (A) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording.
- 2) The programme for post investigation assessment.
- 3) Provision to be made for analysis of the site investigation and recording.
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation.
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 4(A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 5) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environment management plan in relation to biodiversity has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity CEMP shall include the following:
 - a) risk assessment of potentially damaging construction activities
 - b) identification of 'biodiversity protection zones'
 - c) practical measures (including both physical measures and sensitive working practises) to avoid or reduce impacts during construction
 - d) the location and timing of sensitive works to avoid harm to biodiversity features.
 - e) details of when specialist ecologists need to be present on site to oversee works
 - f) responsible persons and lines of communication
 - g) the role and responsibilities on site of an ecological clerk or similarly competent person.
 - h) use of protective fencing, exclusion barriers and warning signs
 - i) pollution prevention measures including drainage and surface water run-off to ensure no adverse effect to the brook during construction.

The approved Biodiversity CEMP shall be implemented and adhered to throughout the construction period in accordance with the approved details.

- 6) Within one month of the commencement of development hereby approved a landscape and ecological management plan (LEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The content of the LEMP shall be based on the recommendations made in the Preliminary Ecological Appraisal dated October 2023 by Dr. Stefan Bodnar, the Biodiversity Net Gain Report version 3.0, updated June 2024 and the BNG Metric 4.0 calculations version V3 dated 20 June 2024, both by Lizzie Breakwell, or any other amended BNG calculations approved by the local

planning authority, and the approved Landscape Plan. It shall include the following:

- a. Details (type and location) of wildlife boxes and refugia/hibernacula;
- b. Description and evaluation of the features to be managed;
- c. Ecological trends and constraints on site that might influence management.
- d. Aims and objectives of management;
- e. Appropriate management options for achieving aims and objectives;
- f. Prescriptions for management actions;
- g. Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and for a minimum of 30 years thereafter;
- h. Details of the body or organisation responsible for implementation of the plan;
- i. On-going monitoring and remedial measures.

The plan shall also set out where the results of the monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP will be implemented in accordance with the approved details and shall thereafter be maintained.

- 7) Temporary fencing for the protection of all retained trees/hedges on site and trees outside the site whose Root Protection Areas fall within the site shall be erected in accordance with BS 5837:2012 (Trees in Relation to Design, Demolition and Construction) before the commencement of development including site clearance, demolition, materials delivery, vehicular movement and erection of site huts.

Any alternative fencing type or position not in accordance with BS 5837 (2012) must be agreed in writing by the Local Planning Authority prior to the commencement of development.

This protective fencing shall remain in place until the completion of development or unless otherwise agreed in writing with the Local Planning Authority. Nothing should be stored or placed (including soil), nor shall any ground levels be altered, within the fenced area without the previous written consent of the Local Planning Authority. There shall be no burning of any material within 10 metres of the extent of the canopy of any retained tree/hedge.

- 8) No development shall take place until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:

(i) a plan(s) showing details of all existing trees and hedges on the application site. The plan should include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any

proposals for felling/pruning and any proposed changes in ground level, or other works to be carried out, within the canopy spread.

(ii) a plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas.

(iii) a schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants.

(iv) a written specification outlining cultivation and other operations associated with plant and grass establishment.

(v) a schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting.

All planting and seeding/turfing shall be carried out in accordance with the approved details in the first planting and seeding/turfing seasons following the completion or first occupation of the development, whichever is the sooner.

The planting shall be maintained in accordance with the approved schedule of maintenance. Any trees or plants which, within a period of five years from the completion of the planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) No development shall take place until visibility splays are provided from a point 0.6 metres above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 50.3 metres westbound and eastbound measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. The visibility splays shall thereafter be retained and kept free of any obstruction exceeding 0.6m in height.
- 10) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details / samples.
- 11) The development hereby permitted shall not be occupied until the existing vehicular/ pedestrian access to the dwelling 'Mayfield' is permanently closed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.
- 12) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. 10 Rev D Proposed Site Plan for a minimum of 12 cars to be parked. Thereafter the spaces shall be retained for the parking of vehicles only.
- 13) Prior to the first occupation of any of the dwellings hereby permitted, sheltered, secure and accessible cycle parking shall be provided on the site in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved cycle parking shall be kept available for the parking of bicycles.

- 14) Prior to the first occupation of any of the dwellings hereby permitted, details of a residential travel welcome pack shall be submitted to and approved in writing by the Local Planning Authority. The travel welcome pack shall be provided to the first residents of each dwelling at the point of occupation.
- 15) A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall include mammal gaps to ensure permeability for small mammals. The boundary treatments shall be completed before the first occupation of the dwellings hereby approved, in accordance with the approved details, and retained thereafter.
- 16) No external lighting shall be installed at the dwellings hereby permitted, or on the wider appeal site, except in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority.
- 17) Details of all foul and surface water drainage systems to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The drainage works shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and shall be retained thereafter.
- 18) Prior to the first occupation of any of the dwellings hereby permitted, renewable or low carbon energy generating facilities shall be incorporated into the development in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that at least 10% of the predicted energy requirements of the development will be met through the use of renewable/low carbon energy generating facilities.
- 19) Prior to the first occupation of any of the dwellings hereby permitted, a schedule of maintenance for all landscape areas (excluding domestic garden areas) shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation, long-term design objectives, management responsibilities and maintenance schedules. The approved landscape maintenance schedule shall be fully implemented.
- 20) Prior to the first occupation of any of the dwellings hereby permitted, details of superfast broadband facilities or alternative solutions to serve the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details.
- 21) Prior to the first occupation of the dwellings hereby permitted, details of water efficiency measures to be incorporated in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 22) Prior to the first occupation of the dwellings hereby permitted, each dwelling shall be fitted with an electric vehicle charging point. The charging point shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. The electric vehicle charging point shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.