



Appeal Decision

Site visit made on 9 April 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/H1840/W/24/3358012

Land off Low Road, Church Lench, Evesham, Worcester WR11 4UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Hagley Homes Limited against the decision of Wychavon District Council.
 - The application Ref is W/24/01367/PIP.
 - The development proposed is for up to 2no dwellinghouses.
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Decision

1. The appeal is allowed and permission in principle is granted for up to 2no dwellinghouses at Land off Low Road, Church Lench, Evesham, Worcester WR11 4UH in accordance with the terms of the application, Ref W/24/01367/PIP.

Preliminary Matters

2. I have removed wording from the description above that does not describe development.
3. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second, 'technical details consent' stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. The Council's objections relate to character and appearance and effect of the proposal on biodiversity. I have determined the appeal accordingly.
5. A Preliminary Ecological Appraisal¹ (PEA) and Landscape Appraisal² has been submitted with the appeal. These do not alter the proposal in any way, and all parties have had opportunity to comment on their contents. As such, natural justice is not prejudiced by my consideration of these documents.
6. The appellant has clarified that the submitted layout in the PEA is indicative only, and I have considered it as such.

¹ By Djogs November 2024

² By Djogs, November 2024

7. There is no evidence before me that the South Lenches Neighbourhood Development Plan is an adopted plan, and I have not been provided with a copy of any relevant policy or documents in this regard. As such, I cannot give this document any weight in my considerations.

Main Issues

8. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with specific reference to the character and appearance of the surroundings and the effect of the proposal on the biodiversity of the site.

Reasons

Location

9. The site is located outside the settlement boundary of Church Lench, in accordance with Policy SWDP2 of the South Worcestershire Development Plan (2016) (DP), and for the purposes of planning policy, the site is located within the open countryside. Part C of this policy sets out that development in the open countryside is strictly controlled. The purpose of this policy is, amongst other matters, to provide for and facilitate the delivery of sufficient housing and to safeguard and, wherever possible, enhance the open countryside.
10. The proposal would not comprise of development that meets the exceptions set out in Policy SWDP27 or other SWDP policies.
11. The proposal does not therefore meet any of the circumstances for new development within the countryside and therefore conflicts with DP Policy SWDP2 which seeks to control the distribution of housing.

Character and appearance

12. The appeal site consists of a section of agricultural land, planted with a linear pattern of orchard trees, sited directly adjacent to and opposite residential properties along Low Road. The wider field is surrounded by hedgerow along the road boundary and the north and west boundaries are open.
13. The site is located within the 'Sheriffs Lench Timbered Plateau Farmlands' landscape area, as identified by the Supplementary Planning Document Landscape Character Assessment (2011) (LCA). The description within the LCA of the key, primary characteristics of the character area is of an upstanding plateau of rolling topography dissected by broad valleys, filtered medium/long distance views, woodland of ancient character and mixed hedges with scattered hedgerow oaks.
14. Mixed farming land use (which includes orchards) is identified as a secondary characteristic, and as such, the appeal site contributes positively to the character and appearance of the area.
15. Part iii of DP Policy SWD25 requires development to *conserve, and where appropriate, enhance the primary characteristics defined in character assessments*.
16. The proposal would involve the development of approximately 0.2ha of the wider field parcel, with 0.45 ha retained as existing. The development would have no impact on any identified key or primary characteristic of the character area, indeed

there is an opportunity identified within the Landscape Appraisal for restoring and diversifying the existing hedge with locally native species and oak standards and planting new hedges along the north and west boundaries. Hedges and hedgerow are identified within the LCA as a key characteristic and as such this would be of a benefit to the wider landscape.

17. The majority of the orchard area would be retained, and again, there is opportunity identified within the Landscape Appraisal for enhancements to the retained orchard through additional planting, in addition to improving the existing areas of grassland. These measures can be secured at technical details consent stage.
18. These improvements would mitigate for the loss of part of the orchard area, and the wider parcel of land would remain as mixed farming land use. Given the neighbouring dwellings, with suitable design, scale and siting, the two proposed dwellings would sit comfortably within the surrounding context. The positive contribution of the site towards the character and appearance of the landscape setting and wider area would be maintained.
19. I conclude therefore that the proposal would not harm the character and appearance of the area. There is therefore no conflict with DP Policy SWD25 which seeks to ensure development is appropriate to, and integrate with, the character of the landscape setting.

Biodiversity

20. Orchard and hedgerows are UK Biodiversity Action Plan (BAP) Priority Habitats and often support a wide range of wildlife. Nonetheless, whilst I note the submitted photographs of deer on the site, the submitted PEA identified that no there were no protected or priority species recorded during the site survey. Whilst the proposal would involve the removal of some orchard land, as set out above, the majority would be retained and there is an opportunity to enhance the retained orchard, in addition to improving the species poor semi-improved grassland on site.
21. The PEA confirms that this would result in a net gain in biodiversity value on site. The existing native hedges around the road boundary would be retained and the proposed driveway can utilise the existing field gap access. Again, these measures can be secured at technical details consent stage. Subject to these improvements being secured, the development would not compromise the orchard habitat.
22. I conclude therefore that the proposal would not harm the biodiversity of the site. There is no conflict with DP Policy SDP22 which sets out that the development should, wherever practicable, be designed to enhance biodiversity, and that development which would compromise BAP habitats will only be permitted if the need for and the benefits of the proposed development outweigh the loss.

Other matters

23. Detailed design and siting are matters for consideration at technical details consent stage. As such, consideration of the effect on matters such as the living conditions of the occupiers of neighbouring properties is also a matter for this stage. There is no requirement in the policies before me to sequentially assess the area for alternative sites.

24. The submitted PEA sets out that the site survey was undertaken by a named qualified, experienced ecologist and that the document is written to Chartered Institute for Ecology and Environmental Management (CIEEM) guidelines. As such, there is no reason why it would not be acceptable.
25. Any further separate development on the site would be considered on its own merits. There is no evidence before me that the site represents best and most versatile agricultural land, and it is noteworthy that the Council have not objected to the proposal on this basis.

Planning balance

26. The proposal would result in 2 additional units of accommodation which would contribute to the Government's broader objective of significantly boosting the supply of homes. Given the location of the site in close proximity to the settlement boundary of Church Lench, identified within the DP as a category 3 village suitable for small scale residential development, it has good access to services and facilities. The development would make efficient use of the site, as supported by the Framework. The proposal would also result in a short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new dwellings. However, given the quantum of development in this case, such benefits would be modest.
27. The proposal would conflict with the housing strategy in the development plan. DP Policy SWDP2 is broadly consistent with the Framework where it states that the planning system should actively manage patterns of growth. Nonetheless, the site is located in an accessible location and would result in no harm to the character and appearance of the surroundings. Therefore, I give the conflict with this policy minor weight. Nevertheless, the scheme would conflict with the development plan as a whole.
28. The Council confirms that they are unable to demonstrate a 5 year housing land supply, and put the current figure at 1.10 years supply. The presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is therefore engaged.
29. The proposal would align with the Framework where it seeks to significantly boost the supply of housing, particularly in locations with good access to services and facilities, and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. Whilst the scale of the proposal is limited, given the considerable scale of the shortfall identified, this attracts modest weight.
30. The economic and social benefits from the build and occupation of the dwelling as well as support for local services, facilities and the community, including those in other villages would be limited given the size of the development, and their weight in favour of the scheme is modest.
31. The proposal would conflict with the Framework where it seeks to actively manage patterns of growth. However, for the reasons set out above, I give this conflict minor weight.
32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in

accordance with the development plan, unless material considerations indicate otherwise. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11d)ii of the Framework. In this instance, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

33. On the basis of the individual merits of the scheme, the material considerations indicate that planning permission should be granted notwithstanding the conflict with the development plan.

Conditions

34. PPG³ indicates that it is not possible to impose conditions as the terms of any permission in principle must only include site location, type of development and amount.

Conclusion

35. I conclude that, for the reasons given above, the appeal is allowed.

B Phillips

INSPECTOR

³ Paragraph 020 Reference ID: 58-020-20180615