
Appeal Decision

Site visit made on 17 June 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

Appeal Ref: APP/H1840/W/25/3363082

Cotswold, Church Lane, Whittington, Worcestershire WR5 2RQ

- 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 J Johnson against the decision of Wychavon District Council.
 - The application Ref is W/24/02027/FUL.
 - The development proposed is construction of 1no. bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether or not the proposed development would make adequate provision for affordable housing.

Reasons

Character and appearance

3. The appeal site comprises a section of the rear garden of the host property, a two-storey semi-detached house, located outside the village of Whittington, in a rural setting. The property is set within a small, linear row of residential properties that primarily front Church Lane.
4. The rear garden is long and narrow, which extends up to Walkers Lane beyond the rear boundary. Walkers Lane has a rural character with tall hedgerows on both sides of the road. The proposed bungalow would front Walkers Lane with access and parking proposed off the road, adjacent to the neighbouring Brethren's Meeting Room and its existing access and large car park.
5. Residential dwellings along Church Lane and Walkers Lane are largely of a traditional appearance. They range in age, style, scale, and appearance, set within varying plot sizes. Facing materials of existing houses and buildings nearby are also varied. However, the majority of existing dwellings are larger two storey buildings with pitched tiled roofs.
6. In contrast, the proposed bungalow would be single storey, with a flat roof design and a contemporary appearance. The removal of a large section of the tall

frontage hedgerow would expose the proposal to views along the lane. As a result, the proposed bungalow would appear stark within the rural setting of the lane and the more traditional dwellings in the immediate locality.

7. In addition, the frontage of the site would be dominated by hardstandings and vehicle parking, which would be incongruous within the context of the rural character of Walkers Lane.
8. Even though the proposal would front the lane, it would be viewed as a backland development to the rear of the properties on Church Lane. As such, it would interrupt the established linear built form in the locality. Furthermore, although the end property at the junction of Church Lane with Walkers Lane is located close to the road, it is a considerable distance from the appeal site. Therefore, the proposal would sit uncomfortably within the surroundings.
9. While the harm of the proposal would be tempered by the juxtaposition of the proposal with the utilitarian appearance of the neighbouring Brethren's Meeting Room, the proposal would be discordant, nonetheless. As such, these factors do not ease my concerns about the effect of the proposal on the character and appearance of the area.
10. For these reasons, I conclude that the proposed development would harm the character and appearance of the area. Accordingly, it would conflict with Policies SWDP 21 and SWDP 25 of the South Worcestershire Development Plan (Adopted 2016) (the DP), which together and amongst other things, seek high design quality, and development which integrates effectively with the surroundings and enhances the overall quality of the built environment.

Affordable housing

11. Policy SWDP 15 of the DP identifies that new development will contribute to affordable housing and on sites of less than 5 dwellings, a financial contribution should be made, based on the cost of providing the equivalent in value to 20% of the units as affordable housing on site.
12. The appellant accepts that a financial contribution of £12,797.00 towards affordable housing is necessary and that a suitable legal undertaking will be prepared to secure the affordable housing contribution. However, a completed planning obligation has not been provided with the appeal.
13. 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.

Other Matters

14. My attention has been drawn to a recently permitted Lawful Development Certificate¹ at the appeal site for the construction of a single storey detached outbuilding and the creation of a new vehicular access, which was granted in January 2024 (the LDC scheme). A copy of the Council's decision notice and the plans for that development have been submitted.

¹ Council reference: W/23/02434/CLPU

15. The appellant suggests that the appeal scheme would reflect the design and scale of the detached outbuilding of the LDC scheme. However, the LDC scheme is for a detached garage and workshop, ancillary to the host property. In contrast, the appeal scheme is for an independent dwelling and although the footprint and height of the two schemes would be similar, as well as the access arrangements, the appearance would be markedly different. In particular, the fenestration and facing materials would be distinct. Additionally, the permitted development would not have all the paraphernalia associated with a new independent dwelling. Consequently, the proposed development would be more harmful to the character and appearance of the area than the permitted development. For these reasons, the weight I give to the LDC scheme as a fallback position is therefore limited.

Planning Balance

16. The Council accept that they cannot demonstrate a five year supply of housing land. At around 1.1 years, this represents a severe shortfall in the supply of housing land. Therefore, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies. In these circumstances, Paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. The Framework makes it clear that weight should be afforded to policies of the development plan according to their degree of consistency with the Framework. In this regard, the Framework seeks the delivery of affordable housing and the creation of high quality, beautiful and sustainable buildings and places and requires development to be sympathetic to local character. Therefore, the conflict between the proposal and Policies SWDP 15, SWDP 21 and SWDP 25 of the DP should be given significant weight in this appeal.
18. No objections have been raised with regards to the location of the proposal or impacts on the living conditions of future occupiers or neighbouring properties, ecology, landscaping, highways, flooding or drainage. A 10% biodiversity net gain would also be achieved. Nevertheless, these are requirements of planning policy and taken together they carry neutral weight.
19. For the reasons given, I only attach limited weight to the fallback scheme. Nonetheless, the creation of an additional smaller, energy efficient home which promotes a low to zero carbon build approach would contribute to boosting the supply of new housing, as referenced in the Framework. A bungalow would also provide flexible and adaptable, ground floor level accommodation which would be suitable for occupation by the elderly and persons with mobility concerns. It would also be close to a range of services and facilities and make efficient and effective use of land. There would also be social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. In combination, and in the context of the shortfall in housing land, the benefits attract considerable positive weight in my determination. However, due to the small-scale nature of the proposed development the benefits of the scheme attract moderate weight overall.
20. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the

Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

21. For the above reasons, I conclude that the proposed development would conflict with the development plan when considered as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. For these reasons, the appeal should be dismissed.

N Bromley

INSPECTOR