



Appeal Decision

Site visit made on 18 June 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/H1840/W/25/3360170

Fairview Park, Offenham Road, Evesham, Worcestershire WR11 8DX

- 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 G Broadway against the decision of Wychavon District Council.
 - The application Ref is W/24/01792/FUL.
 - The development proposed is change of use of nine existing holiday lodges to residential park homes (Class C3 use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been amended from that given on the original application form, to include the use class of the proposed development, in the interests of clarity. This is referred to in the appellant's submissions, including on the appeal form and it is the proposed use of the holiday lodges. Therefore, no party would be prejudiced by such.
3. At the time of my site visit there were only 5 holiday lodges located within the wider Fairview Park site, although the access, driveways and hardstanding areas for the holiday lodges and their parking areas were in place. Also, I observed that only 1 of the 9 lodges proposed to be used as residential dwellings, was in situ within the appeal site. This was a lodge within the general location of plot 30, as shown on the site layout as proposed plan drawing ref 501 Rev B. Consequently, not all of the holiday lodges were 'existing.' However, whether or not the previously approved holiday lodge development has been implemented or is in accordance with the approved plans is not a matter for me to consider as part of this appeal.
4. During the appeal process the appellant submitted a completed section 106 legal agreement, which includes the provision of an off-site financial contribution for affordable housing. As confirmed by the Council, this satisfies its requirements in respect of affordable housing and so, there is no longer a dispute between the main parties in regard to such issue.

Main Issues

5. The main issues are:
 - whether the proposed development would be in a suitable location having regard to the local housing development strategy and access to services and facilities;
 - the effect of the proposed development on the living conditions of future occupiers of the dwellings; and,

- renewable energy provision.

Reasons

Location

6. The appeal site is in the open countryside outside any defined settlement boundary, where development is strictly controlled by Policy SWDP2 C of the South Worcestershire Development Plan (February 2016) (SWDP), unless it is a stated category or development specifically permitted by other SWDP policies. Part A of Policy SWDP20 of the SWDP allows housing to meet the needs of older people on a windfall site of five or more units, as part of the housing mix through Policy SWDP14 and affordable housing mix through Policy SWDP15 of the SWDP.
7. The appeal proposal would be a windfall development on previously developed land and contribute towards off-site affordable housing, as secured by the section 106 legal agreement. However, based on the evidence provided and in view of the fact that the proposed dwellings would be of uniform size and type, it has not been demonstrated the proposal would contain a mix of types and sizes of market housing, in accordance with Policy SWDP14.
8. Furthermore, part B of Policy SWDP14 sets out that Worcester and the main/other towns will be the focus for housing to help meet the needs of residents with specific housing requirements, such as people with disabilities. Elsewhere, proposals to help meet these specific needs should demonstrate that the scheme has good access to public transport, healthcare, shopping and other community facilities.
9. The proposed dwellings would meet specific housing needs, as the occupiers are to be restricted to elderly persons of 55 years and above. It is also demonstrated that there is demand for elderly person accommodation within the District. Although, the appeal site is some distance away from the nearest villages, which have local services and facilities. Also, the nearest bus stops are not that close to the appeal site, with only a narrow footpath on the opposite side of the main road providing pedestrian access thereto from the appeal site. Therefore, while there are bus services along the main road and the appeal site lies between the villages of Offenham and Evesham, including that Offenham is a category 1 village, the occupiers of the proposed dwellings would not have good access to public transport, healthcare, shopping and other community facilities, as required by part B of Policy SWDP14.
10. Even if the occupiers of the proposed age restricted dwellings are unlikely to require certain facilities, such as schools and are likely to be close to retirement or retired and thereby, less likely to undertake daily work commutes, the future residents would still require access to some local services and facilities. Also, even though the journeys by vehicles may be short, the occupiers of the new dwellings would likely be heavily reliant on private vehicles to access such services and facilities. Particularly, as there is not good public transport accessibility from the appeal site, markedly for elderly residents, who would likely be less mobile. Therefore, the proposal would fail to meet all the requirements of Policy SWDP20 of the SWDP.
11. Consequently, in view of my findings in regard to the location of the appeal site and the lack of nearby accessible public transport to services and facilities, the proposal would not minimise demand for travel nor offer genuinely sustainable travel choices, in accordance with the requirements of Policy SWDP4 of SWDP. Even if many

developments outside development boundaries, where other policies specifically permit such development would likely conflict with Policy SWDP4, this is not a relevant consideration in this instance in view of my findings in respect of Policy SWDP20.

12. The holiday-visitors of the existing permitted holiday lodge development would likely access and use some local facilities and services, although this is a different use and such short-term visitors would have different needs and requirements in terms of facilities and services compared to permanent dwellings and their occupation. For example, in relation to access for health care facilities and employment. Also, there are different requirements under Policy SWDP36 for Static and Touring Caravans, Chalets and Camping Sites compared to new dwellings in the open countryside. Therefore, even if the holiday lodges could be occupied by holiday visitors all year round and the existing permitted use could generate a similar level of movement to and from the appeal site compared to the proposal, the holiday caravan site permission does not justify the suitability of the appeal site for new permanent dwellings in the open countryside.
13. In view of the above, the proposed development would not be in a suitable location having regard to the local housing development strategy and access to services and facilities, in conflict with Policy SWDP2 and SWDP4 of the SWDP.

Living conditions

14. The proposed site layout plan does not demonstrate how the proposed dwelling plots would be subdivided to provide suitable individual private garden space per unit. Also, the proposed dwellings would be sited close to each other, with limited space between them and close to other lodges, which would remain as holiday let accommodation. Additionally, the wider Fairview Park site would remain in use as a fairly large transient holiday-let development.
15. The South Worcester Design Guide Supplementary Planning Document (March 2018) (SPD) is only guidance. However, due to the limited private amenity space per dwelling, close proximity of the proposed dwellings to other units and the wider principal holiday use of the park site, this would likely lead to undue overlooking and general noise and disturbance, harmful to the living conditions of the future occupiers of the new dwellings. Furthermore, such noise and disturbance would likely be more apparent to occupiers of the dwellings, due to the non-brick and mortar design of the lodges.
16. Even if there were to be landscape planting, as opposed to high close boarded fencing, between and around the proposed dwelling units, to seek to prevent direct overlooking window to window, the units would remain unduly close to each other. Furthermore, no substantive details have been provided to demonstrate how boundary treatments or other measures would ensure that there would be no harmful effect on the living conditions of the future occupiers of the new dwellings. Also, while the recreation area for the holiday park could be used by the occupiers of the proposed dwellings, this would not ensure adequate and appropriate private amenity space is provided for each of the new dwelling units.
17. Even though the proposed dwellings would be located to one side of the holiday park, there would be holiday let units adjacent to most of the new dwellings. Also, the internal driveway track loops round the whole site and the shared recreation area would be to the rear of two of the proposed plots, with no proposed means of sub-

division or measures to prevent access or use by anyone visiting the holiday park. Consequently, the driveway and recreation area would likely be used by all visitors to the holiday park, including holidaymakers. Furthermore, noise and disturbance from holidaymakers would not just be on the changeover days of the holiday lets, but likely from the general use and daily movements and activities of the holiday visitors, due to their more transient nature compared to occupiers of permanent dwellings.

18. While the owner/occupiers of the proposed dwellings would be aware of the holiday character of the site before purchase or occupation, this would not mean that there would be no undue noise and disturbance caused, nor justify unacceptable living conditions for the future occupiers of the dwellings.
19. Having regard to the above, the proposed development would likely have a harmful effect on the living conditions of future occupiers of the dwellings, in conflict with Policy SWDP21 of the SWDP, which requires, amongst other matters, that development should provide an adequate level of privacy, outlook, sunlight and daylight, and should not be unduly overbearing.

Renewable energy

20. Policy SWDP27 of the SWDP requires all new dwellings to incorporate the generation of energy from renewable or low carbon sources, unless it has been demonstrated that this would make the development unviable.
21. Even if the Council have previously permitted retrofitting of low/carbon renewable energy sources to existing buildings or structures and, free standing solar array could be provided for the individual plots, no substantive evidence has been provided to demonstrate that the proposal would be able to deliver the requirements of Policy SWDP27 in this instance. Therefore, a condition requiring such would not be appropriate, nor meet the tests for conditions set out within the National Planning Policy Framework (the Framework).
22. In view of the above, the proposed dwellings would not have acceptable renewable energy provision, in conflict with Policy SWDP27 of the SWDP.

Planning Balance

23. The Council does not have a 5 year housing land supply, stated to be 1.1 years as of April 2024. Therefore, the proposal would contribute to housing supply in an area where there is a current shortage. This would be a substantial benefit of the proposed scheme.
24. Also, there would be social and economic benefits associated with the proposed development. This includes an off-site affordable housing contribution, meeting the needs, including the well-being of the ageing population of the district, and benefits associated with the occupation of the dwellings in terms of supporting local services and facilities. However, while meeting such needs and demand would align with the government agenda for older-person housing, and the proposal would provide the opportunity to release larger, family homes back into the housing market, the proposed development is not of significant scale and would not be in a good accessible location, in conflict with Policy SWDP 20 of the SWDP. While the off-site affordable housing contribution would ensure the SWDP policy requirements for such are satisfied, no substantive evidence has been provided to demonstrate the proposed dwellings would be affordable, low cost homes and the level of contribution

would not deliver significant additional affordable housing. Therefore, even in combination, such benefits have limited positive weight.

25. Furthermore, even though the future occupiers of the new dwellings would support local services and facilities, such benefits overall would not be that different compared to the benefits derived from the permitted holiday lodge development. Additionally, in restricting the occupation of the dwellings for the elderly, the proposal would likely have different demands on local services and facilities than non-age restricted dwellings, and, as asserted by the Council, could even lead to pressure on certain local facilities, such as health care. Therefore, I give limited weight to such benefits.
26. That no objections are raised by the County Highway Authority and that there would be acceptable access and parking provision for the proposed dwellings, are neutral matters in regard to the main issues in this appeal.
27. The development plan policies which the proposed development conflicts with, are broadly consistent with the Framework. While the local housing development strategy is not currently providing a sufficient supply of housing land, the new dwellings would be located where there would be limited sustainable travel options available for their future occupiers. This harm and policy conflict attracts substantial weight, particularly in view of the fact that the dwellings are to be for the elderly, who would have more limited mobility and likely have greater need for accessibility to local services and facilities to support their needs. Additionally, the harms caused in respect of the living conditions of the future occupiers and renewable energy, and the subsequent policy conflict thereto, attracts moderate weight against the proposal. Such harms, would mean that the proposal would be contrary to the development plan as a whole.
28. In view of the housing land supply shortfall, paragraph 11d of the Framework is engaged. The proposed development would align with the aims of the Framework to significantly boost the supply of housing and small scale developments can make an important contribution to meeting the housing requirement. However, it also recognises that sustainable transport solutions will vary between urban and rural areas. Furthermore, despite the extent of housing shortfall, the number of units proposed is not significant and their occupation limited to elderly persons only and so, the benefits derived would be relatively small. Therefore, I give only moderate weight to the benefits of the scheme overall.
29. As a result, the harmful impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. Therefore, the presumption in favour of sustainable development does not apply.

Conclusion

30. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate a decision should be made other than in accordance with it. Accordingly, in conclusion, the appeal should be dismissed.

C Billings

INSPECTOR