



Appeal Decision

Site visit made on 21 July 2025

by **Hannah Guest BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 August 2025

Appeal Ref: APP/J1860/W/25/3364926

Knapp Farm, Bridges Stone, Alfrick, Worcestershire WR6 5HR

- 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 & Mrs Timothy & Helen Dudgeon against the decision of Malvern Hills District Council.
 - The application Ref is M/24/01171/FUL.
 - The development proposed is replacement dwelling with associated garden curtilage, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal set out on its Decision Notice related to the effect of the proposal on protected species. As part of the appeal process, the appellants have submitted a letter¹ regarding a bat roost assessment of the plum tree proposed for removal to accommodate the proposal. The Council and interested parties were given opportunity to comment on the letter and assessment as part of the appeal proceedings and therefore no party would be prejudiced by my consideration of it as part of the appeal.
3. The application form states that the proposal is for a self-build dwelling and so would be exempt from the mandatory requirements for biodiversity net gain. It is necessary for me to consider this as a main issue, and I have sought further comments from the parties on this matter.

Main Issues

4. The main issues in this appeal are:
 - whether the proposed dwelling would be disproportionately larger than the existing dwelling;
 - the effect of the proposal on the character and appearance of the area, including the significance of nearby non-designated heritage assets;
 - whether the proposal would make appropriate provision for biodiversity net gain; and
 - the effect of the proposal on protected species, with specific regard to bats.

¹ Letter RE: Bat Roost Potential Assessment of Tree at Knapp Farm, Alfrick, Worcestershire, from Martyn Owen of BiOME Consulting Ltd, dated 10 April 2025.

Reasons

Proportionality of the proposed dwelling

5. Policy SWDP 18 of the South Worcestershire Development Plan (2016) (Local Plan) permits the replacement of an existing dwelling in the open countryside with another single dwelling, subject to certain criteria. This includes where the replacement is not disproportionately larger than the existing dwelling.
6. I saw on site that the existing dwelling is fairly modest in size. The submitted plans show it to comprise of 6 ground floor rooms with a room in the basement and a room in the roof. The use of each room is not indicated.
7. The proposed replacement dwelling would comprise significantly more and larger rooms, including 4 rooms in the basement and 4 rooms in the roof, as well as circulation space. To accommodate this, it would be significantly wider and taller than the existing dwelling and would include a much larger basement. Overall, despite having a similar composition to the existing dwelling, in terms of it including a basement and a first floor designed to appear as rooms in the roof, the proposed replacement dwelling would be considerably and disproportionately larger.
8. The appellants refer to a previous permission granted at the appeal site for a 2/3 bedroom dormer bungalow, which had a similar footprint to that proposed. I note that the Council considers the permitted bungalow to have possessed a more modest, utilitarian appearance. Nonetheless, I do not have the full details of the permitted bungalow before me, therefore I can only afford this limited weight in my decision. In any event, I have determined the appeal on its own planning merits.
9. For the reasons above, the proposed replacement dwelling would conflict with Policy SWDP 18 of the Local Plan in this regard.

Character and appearance

10. The existing dwelling is part of a group of 3 houses. The other 2 houses, known as Knapp Barn and Oast House, are older, former agricultural buildings, which have been converted to residential. The group of houses are surrounded mostly by open fields bounded by woodland and Stocks Road. To the west on the opposite side of the lane providing access to the group of houses, are a couple more dwellings. Set above the highway, the immediate area, although spacious, is enclosed by woodland and tree belts, which adds verdancy, but also obstructs any views of and from the wider countryside. Overall, the area has a spacious, yet contained, verdant, rural character.
11. The Council considers Knapp Barn and Oast House to be non-designated heritage assets (NDHAs). As surviving examples of agricultural buildings associated with the evolution of the local area, they have a moderate degree of architectural and historic significance, and their countryside setting contributes positively to this. However, this significance has been eroded in part by their residential conversions, as well as the subdivision of the group of buildings into residential plots and the construction of outbuildings. The significance of Knapp Barn, which has a distinct rear garden bounded by close board fencing, has been reduced the most. Given this, the overall heritage significance of the NDHAs is modest.
12. The existing dwelling does not make a positive contribution to the setting of the NDHAs. However, given the positioning of the buildings and the subdivision of the

residential plots, views of the existing dwelling together with Knapp Barn are reasonably limited. While there are more views of the existing dwelling together with Oast House, there is sufficient space between and surrounding the houses for the significance of the heritage assets to be seen and appreciated.

13. The existing dwelling is smaller than both Knapp Barn and Oast House. Nonetheless, given the contrast in the massing and appearance of the 3 houses, I am of the view that there is no clear hierarchy within the group. Notwithstanding this, the simple utilitarian form and modest scale of the existing dwelling, typical of an agricultural worker's dwelling, is in keeping with its rural setting. This helps to moderate its impact on the setting of the NDHAs, so that its overall effect on their heritage significance is limited.
14. By virtue of its height and width, the proposed replacement dwelling would be far more prominent than the existing dwelling. Although it would follow a similar composition, it would not have the same simple utilitarian form as the existing dwelling and would, in this regard, appear a little out of place within the rural setting of the adjacent NDHAs. While it may be that the proposed palette of materials is in keeping with those used locally, this would not overcome the detrimental effect of the proposed replacement dwelling's overall size.
15. The proposed replacement dwelling would be positioned slightly further from the NDHAs than the existing dwelling, allowing more space for their significance to be seen and appreciated. However, there would still be a large degree of intervisibility between the houses and the repositioning would increase the visibility of the proposed replacement dwelling in views with and from Knapp Barn.
16. Overall, from the evidence before me and my observations on site, the proposed replacement dwelling, by virtue of its size and massing, would result in a moderate level of harm to the modest heritage significance of the adjacent NDHAs. Accordingly, the proposal would conflict with Policy SWDP 6 of the Local Plan, which seeks to ensure that development proposals conserve and enhance heritage assets, including their setting.
17. Notwithstanding this, Paragraph 216 of the National Planning Policy Framework (the Framework) requires a balanced judgement, having regard to the scale of harm or loss and the significance of the NDHAs. In this case, the proposed replacement dwelling would be of a high-quality and energy efficient design, and would replace the existing dwelling, which is in a poor condition. These benefits would be meaningful and, although the resulting harm would be moderate, I have found the significance of the NDHAs to only be modest. Therefore, taking a balanced judgement, I conclude that the benefits would justify the resulting harm to the NDHAs.
18. I saw on my visit that only the existing dwelling is visible in glimpse views between the trees from the access lane between Knapp Barn and the Public Right of Way referred to as 603(c) (PROW) (hereon referred to as the lane) and not Knapp Barn or Oast House. Hence, only the proposed replacement dwelling would be visible in these views.
19. On the day of my visit, the PROW was quite overgrown, to a degree that I was unable to access it, and which suggests that it is not currently well-used. Nonetheless, from my observations, the woodland along the edge of the PROW, between it and the appeal site, appeared to be denser than that along the lane.

Given this, views from the PROW would likely be limited to glimpse views at most, albeit some of these views may include the adjacent NDHAs.

20. Most of the glimpse views of the proposed replacement dwelling from the lane and PROW would be of its tallest and largest elevation, which includes an exposed part of the basement, and as a result the dwelling would appear significantly larger and more prominent in these views than the existing dwelling. Its size and appearance would be less in keeping with the rural setting than the modest and utilitarian appearance of the existing house and would obstruct the view of some background trees that can currently be seen above and beside the existing dwelling. Nonetheless, there are some large houses in the wider area, and the proposed replacement dwelling would be set into the ground to help it integrate into the landscape. It could also be further integrated through an appropriate and comprehensive landscaping scheme sought by condition. Given this, the harm to the character and appearance of the area arising from the proposal would be limited and localised.
21. Accordingly, the proposal would conflict with Policy SWDP 21 of the Local Plan, which seeks to ensure that development is of a high quality that, among other things, reinforces local distinctiveness by complementing the character of the area.

Biodiversity Net Gain

22. Under the statutory framework for biodiversity net gain (BNG), every grant of planning permission is deemed to have been granted, unless exempted, subject to the condition that the biodiversity gain objective is met.
23. The application form states that the proposal would be self-build. This is one of the exemptions set out in the Biodiversity Gain Requirements (Exemptions) Regulations 2024 SI 2024/No.47 (the regulations). The regulations provide that "self-build or custom housebuilding" has the same meaning as in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. In order for the proposed dwelling to benefit from the exemption, it would be necessary to ensure compliance with that definition.
24. The Self-Build and Custom Housebuilding Act 2015 sets out that the primary purpose of the build must be for personal occupancy and that ownership must initially be retained by the self-builder. So as not to undermine the aims of the legislation, this is a matter that reasonably needs to be controlled. Such matters would normally be contained within a legal agreement to limit ownership/first occupancy or bind the requirement to successors in title should the land/property be sold in the future.
25. To be considered a self-build dwelling there must be an effective mechanism through which the dwelling could be secured as a self-build property. It has been suggested that this could be secured by way of an appropriately worded condition. However, this is not a matter that could be secured by condition. Such a condition would not be reasonable or enforceable as it would require the person who built the house to occupy it. Compliance with the definition of self-build or custom housebuilding could only be achieved through the use of a planning obligation. There is no such obligation before me. As such, there is no mechanism to prevent the proposed dwelling from coming forward as a market dwelling.

26. The Planning Practice Guidance² confirms that BNG will often be a material consideration, and it should be considered, where relevant, whether the biodiversity gain condition is capable of being discharged successfully. To this end, there are minimum national information requirements in relation to BNG which applicants must provide. As the applicant sought exemption, this information has not been provided. I therefore could not be satisfied that were the proposal to be brought forward as a market dwelling, it would be capable of complying with the biodiversity gain condition.
27. The application therefore fails to demonstrate that it would be exempt development or that the biodiversity gain condition could be met. This would conflict with paragraph 187 of the Framework insofar as it requires decisions to contribute to and enhance the natural and local environment by providing net gains for biodiversity. It would also be contrary to Schedule 7A of the Town and Country Planning Act 1990, which mandates a minimum 10% BNG for new developments.

Protected species

28. On 10 April 2025 a bat roost potential assessment of the plum tree proposed for removal was undertaken. The assessment found no evidence of bat presence and the tree was assessed to be of no bat roost potential. The findings of the assessment are not disputed by the Council. From the evidence before me and my observations on site, I can find no reason to disagree.
29. Accordingly, the proposal would not result in harm to a protected species and would accord with Policy SWDP 22 of the Local Plan, which seeks to ensure development would not compromise the favourable conservation status of nationally protected species or habitats.

Other Matters

30. The proposal is for an energy efficient replacement dwelling. The existing dwelling is in a poor condition. An assessment of the dwelling confirmed it not to be of modern-day construction and standards and therefore better demolished and rebuilt. This is not disputed by the Council. From the evidence before me and my observations on site, I can find no reason to disagree. Therefore, although a replacement dwelling, the proposal would involve the provision of housing.
31. The Council cannot currently demonstrate a five-year supply of deliverable housing sites. The supply as of 1 April 2024 was 2.06 years. This is a chronic shortfall. As such, while the proposal is for a single dwelling, it would make an important contribution to the District's land supply and the transition to net zero. I afford this great weight in my decision.
32. There would also be some modest social, economic and environmental benefits arising from the spending associated with the construction and occupation of the proposed replacement dwelling.

Planning Balance and Conclusion

33. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. Permission should therefore only be withheld where any adverse impacts of the proposal would significantly and demonstrably outweigh the

² Biodiversity net gain Paragraph: 002 Reference ID: 74-002-20240214

benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

34. I have found that the proposal would not harm protected species. Nevertheless, it would be disproportionately larger than the existing dwelling and would therefore conflict with Policy SWDP 18 of the Local Plan. It would result in localised and limited harm to the character and appearance of the area. I therefore afford the same weight to the conflict with Policy SWDP 18 of the Local Plan.
35. Policy SWDP 21 of the Local Plan is broadly consistent with the Framework's aim to create high quality, beautiful and sustainable buildings and to ensure that development is sympathetic to local character and history, including the surrounding built environment and landscape setting. The Framework considers good design to be a key aspect of sustainable development and advises that development that is not well designed should be refused.
36. In addition, I cannot be certain that the proposal would be delivered as a self-build dwelling and therefore cannot be certain, in the absence of supporting information, that requirements with respect to biodiversity net gain could be achieved on site. This would conflict with the aims of Paragraph 187 of the Framework and would also be contrary to Schedule 7A of the Town and Country Planning Act 1990.
37. In this case, cumulatively, the significant adverse impact on biodiversity, together with the limited harm to the character and appearance of the area and conflict with Policy SWDP 18 of the Local Plan, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would therefore not benefit from the presumption in favour of sustainable development.

Conclusion

38. Accordingly, the proposal would conflict with the development plan, read as a whole. Having had regard to all material considerations, it has not been demonstrated that there are any of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR