



Appeal Decision

Site visit made on 27 August 2025

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2025

Appeal Ref: APP/H1840/W/25/3361844

Crown Castle Site, Blacksmiths Lane, Cropthorne, Pershore WR10 3LX

- 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 T Tidmarsh against the decision of Wychavon District Council.
 - The application Ref is W/24/01886/FUL.
 - The development proposed is demolition of two barns and erection of two dwellings (C3) and associated development.
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Decision

The appeal is dismissed.

Preliminary Matters

1. The appeal site benefits from a prior approval for change of use of agricultural barns to Class B8, storage and distribution (W/23/00285/GPDR) (the fallback scheme). In the event that the appeal is dismissed it appears reasonably likely that the fallback scheme would be implemented. Therefore, it represents a valid fallback position to which I attribute considerable weight.
2. During the appeal the appellant sought to highlight a Council decision relating to another development approved at Church Leys, Cropthorne (W/25/00775/PIP). The Council was given an opportunity to comment and the response has been taken into account in this decision.

Main Issues

The main issues are:

- the effect of the proposed development on the character and appearance of the site and its surroundings;
- whether the proposed development would be acceptable with respect to affordable housing in the absence of a completed section 106 planning obligation; and
- the effect of the proposed development on the living conditions of the occupants of Summer Place, with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site currently has a distinctly rural character, comprising of a field with barns, accessed from Blacksmiths Lane by an unmade track and through a field

gate. The topography of the appeal site and its surroundings is relatively flat and its boundaries are open. Also, the existing barns are set back from Summer Place and other houses in the vicinity. This provides a sense of space and of being separate from the residential character of the houses fronting Blacksmiths Lane. As such, the appeal site appears part of the rural landscape and contributes positively to its rural setting.

4. Architectural styles and materials on houses in the locality are varied. However, the proposed dwellings would appear substantial, comprising of two storeys with pitched roofs, two front projecting gables and an adjoining garage. The rear elevation would also comprise three large window openings at first floor level, including a Juliet balcony. The buildings would consequently appear suburban, at odds with their rural, countryside setting. The scale of the buildings would be emphasised by the flat topography and openness of adjacent land to the east.
5. Whilst the appellant submits that it would not impact on notable views or public viewpoints, it would nonetheless have a harmful effect when viewed from the access track and nearby bridleway. Its intrusion into open countryside would be particularly noticeable due to the plot boundary of the proposed southernmost dwelling extending some way beyond what appears as the garden boundaries of other houses on Blacksmiths Lane. In that context, the proposed native hedgerow planting along its boundaries would do little to diminish the domestic appearance of the appeal site there.
6. The fallback scheme would involve the change of use of the existing barns. As such although their use would change, the location of the built form would remain as existing. Therefore, much of the sense of openness of the appeal site would remain. I note also that the prior approval requires that there is no open storage of materials or equipment on the site, thus helping to control the visual impact of the use on their surroundings. Moreover, a separate application for their detailed design would need to be submitted for consideration by the Council.
7. Furthermore, there are other substantial agricultural buildings in use on adjacent land that also have a functional appearance. As such, storage and distribution use of the appeal site barns would not appear wholly out of place here. In addition, there is no indication that the fallback scheme would result in enclosure of much of the appeal site boundary. Consequently, it appears reasonably likely that the fallback scheme would be less harmful and retain a greater sense of openness than the appeal scheme. As such, it does not alter the reasoning on this main issue.
8. Aside from part of the site access, the appeal site is described as being outside but adjacent to the settlement boundary for Cropthorne. Accordingly, the houses would be located in open countryside where Policy SWDP2 of the South Worcestershire Development Plan (February 2016) (Local Plan) seeks that development is strictly controlled. The supporting text to the policy highlights that the quality of the open countryside is an important planning attribute of the plan area. As the development does not meet any of the criteria for development in open countryside, it conflicts with SWDP2 part C. Although the Council went on to find that Policy SWDP2 is out of date, it also found conflict with that Policy.
9. Accordingly, the proposal would result in considerable harm to the character and appearance of the site and its surroundings. It would thus conflict with Policy

SWDP21 and SWDP25 of the Local Plan. Together these generally seek to ensure proposals achieve good design, taking into account surrounding character. It would further conflict with Policy SWDP2 part C.

Affordable housing

10. Policy SWDP15 of the Local Plan requires an affordable housing contribution equivalent to the cost of providing 20 percent of the proposed units as affordable housing. The supporting text to the Policy refers to acute affordability issues, particularly in more rural areas. This highlights the importance of securing affordable housing contributions, including through developments such as this. I note that the appellant confirms their willingness to enter into a legal agreement to secure an affordable housing contribution required to comply with this policy requirement. Also that a draft unilateral undertaking has been submitted to that effect. However, a completed version has not been provided.
11. The Planning Practice Guidance advises that a condition to limit the development that can take place until such an agreement has been entered into is unlikely to be appropriate in the majority of cases. In the absence of justification for the undertaking not having been completed, I consider that such a condition would not provide sufficient certainty that the required affordable housing contribution would be made.
12. Therefore the proposal is not acceptable with respect to affordable housing in the absence of a completed section 106 planning obligation. It would thus conflict with Policy SWDP15 of the Local Plan.

Living conditions

13. Due to the degree of separation, the southernmost proposed dwelling would not harm the living conditions of the occupants of Summer Place with respect to outlook or privacy. There would also be a reasonable degree of set back between the footprint of the nearest proposed dwelling and the garden boundary of Summer Place. In addition, that proposed dwelling would be orientated side-on. This would minimise the width of its built form as seen in views from the house and garden at Summer Place. As a result, although the proposal would be visible from Summer Place, the proposed dwelling would not be so near or so large as to appear oppressive. Also, it would not result in their view of open countryside being wholly lost.
14. In addition, no windows are proposed on the elevation of the house facing Summer Place at first floor level. The window at ground floor level on the proposed side elevation of the garage would be a utility room. Consequently, opportunities for overlooking of the house and garden at Summer Place from that proposed dwelling would be highly limited. Furthermore, in the event of the appeal being allowed, a condition could reasonably be imposed to control the height and nature of the boundary treatment adjoining the garden at Summer Place to provide privacy within their garden without being overbearing and causing unacceptable shading.
15. Therefore, the proposal would be acceptable with respect to its effect on the living conditions of the occupants of Summer Place, with particular regard to privacy and outlook. It would thus accord with Policy SWDP21 of the Local Plan. Amongst

other matters, this seeks to ensure proposals are designed having regard to the amenity of neighbours.

Other Matters

16. As it appears that the last use of the land was agricultural, the site does not fall within the definition of previously developed land under the National Planning Policy Framework (Framework). The presence of the fallback position for its future change of use does not alter that position. Therefore, the substantial weight to be given to using suitable brownfield land would not apply here.
17. The development approved at Church Leys, Cropthorne, was a permission in principle for up to three dwellings. In that case the Council gave weight to the fact that fewer houses may be sought at technical details consent stage. Also that the scale of the dwellings would be subject to consideration at that stage with support given for these being no taller than single storey. Furthermore, that there would be no requirement for the technical details consent to be automatically given. In addition, the need or otherwise for an affordable housing contribution did not form part of the reasoning in that case.
18. Similarly, permission in principle was allowed at appeal for up to four dwellings in Birlingham (Ref APP/H1840/W/24/3344335). However in that case the proposal was found to be acceptable with respect to character and appearance. Consequently, the approach to those decisions and the nature of the issues considered at permission in principle stage are not sufficiently similar to the appeal before me to alter my reasoning.
19. In the context of the development plan, the proposal would be contrary to SWDP2 part C, SWDP21, SWDP25 and SWDP15. Although the existing settlement boundaries carry much reduced weight due to the significant housing shortfall, I have found considerable harm would arise in the context of the policies stated above. Consequently, the proposal would not accord with the development plan when considered as a whole.
20. It is not a matter in dispute that the Council can currently only demonstrate a 1.1 year housing land supply. This amounts to a significant shortfall. Accordingly, the presumption in favour of sustainable development under Framework paragraph 11.d)ii applies. Whilst a small contribution, the net increase of two residential units in an accessible location is a benefit in the context of the Council's housing land supply shortage, to which I afford considerable weight.
21. Construction of the dwellings would provide short term benefits to the local and wider economy. The occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services, which would all constitute modest benefits in social and economic terms. That the development has been found to be acceptable with respect to matters such as drainage, highways and ecology, subject to imposition of suitable conditions and mitigation measures for protected species, are neutral considerations. That the site is not isolated is also a neutral consideration.
22. However, the appeal scheme would cause enduring harm to the character and appearance of its surroundings. Furthermore, it would not support the delivery of affordable housing in a designated rural area where local policy indicates that there is a pressing need. For the purposes of this appeal those policies are broadly

consistent with the Framework. Accordingly, these harms attract considerable weight.

23. Therefore, the contribution to housing supply would be a considerable benefit alongside other modest benefits. However, the enduring harm to the character and appearance of the surroundings and in respect of affordable housing provision is of considerably greater significance. Consequently, the adverse impacts of the appeal scheme significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal does not represent sustainable development.

Conclusion

24. The proposed development would be contrary to the development plan and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. For the reasons given, the proposal is unacceptable and the appeal should be dismissed.

Rachel Hall

INSPECTOR