
Appeal Decision

Site visit made on 11 August 2025

by **Andrew Smith BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/J1860/W/25/3364189

Land at Picken End, Hanley Swan

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr John Furey on behalf of Oakfield Developments against the decision of Malvern Hills District Council.
 - The application Ref is M/22/00471/FUL.
 - The development proposed is construction of 14 affordable dwellings comprising 4 x 1 bed, 4 x 2 bed and 6 x 3 bed houses with associated access, parking and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of 14 affordable dwellings comprising 4 x 1 bed, 4 x 2 bed and 6 x 3 bed houses with associated access, parking and landscaping at Land at Picken End, Hanley Swan in accordance with the terms of the application, Ref M/22/00471/FUL, subject to the conditions set out in the attached schedule.

Applications for costs

2. Applications for costs have been made by Mr John Furey on behalf of Oakfield Developments against Malvern Hills District Council and Worcestershire County Council, and by Beatrice Dadi on behalf of Worcestershire County Council against Oakfield Developments. Those applications are the subject of separate Decisions.

Preliminary Matters

3. It has been brought to my attention that the initial stretch of highway that runs west to east along the northern boundary of the site is named 'Glanford', before it becomes 'Picken End'. Nevertheless, even should this be correct, it remains that Picken End has an immediate relationship with the site such that reference to land at Picken End in the site address is not misleading for the purposes of site identification. I have thus made no change to the site address as given on the application form and am content that no party with a potential interest in the outcome of this appeal is prejudiced by me taking this approach.
4. In June 2025, thus after the determination of the application that is the subject of this appeal, an updated version of the Hanley Castle Neighbourhood Plan (the NP) was made so as to comprise a part of the development plan. I shall consider the appeal on this basis. As policies of relevance to the outcome of this appeal have not materially evolved when the original 2019 and 2025 versions of the NP are compared, I have not considered it necessary to request observations from the parties as regards any implications for the outcome of this appeal.

5. In considering whether to grant planning permission for development which affects a listed building or its setting, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that special regard be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I shall have regard to this statutory duty in my consideration of this appeal.
6. A unilateral undertaking pursuant to Section 106 of the Act (the legal agreement) is before me. This is dated 12 August 2025 and is signed by relevant landowners. The legal agreement contains various provisions related to affordable housing, primary healthcare, highways, education, and public open space. I shall return to the legal agreement later in this Decision.

Background – site allocation

7. The site is allocated for housing development in the capacity of approximately 10 units under Policy MnGr7 of the NP, and a potential maximum of 10 properties is referred to in the policy's supporting text. Nevertheless, this potential maximum is not binding or absolute, especially in the context of the maximum number of properties for the site – anticipated to be of mixed size and type – being stated within the same supporting text to be 15.
8. I acknowledge that, as also indicated in the supporting text to Policy MnGr7, this maximum number of units could reduce to 10 when constraints related to the protection of adjacent listed properties, the provision of footway along the site, and policy in place to limit development size are given due consideration as part of the determination of any relevant development proposal. However, the principle of residential development is established through this development plan allocation and I shall determine the appeal in this context.

Main Issue

9. The effect of the proposal upon the character and appearance of the area, having particular regard to the effect upon the settings and thereby the significance and special interest of relevant designated heritage assets.

Reasons

Site and local context

10. The appeal site is situated at the corner of Picken End and Welland Road to the southern edge of Hanley Swan. It is comprised of a grassed field that is enclosed by established hedgerows to its northern, eastern and western boundaries. Existing residential development is in place to the respective opposite northern and western sides of Picken End and Welland Road, whilst to the south of the site, beyond an intervening parcel of undeveloped grassland, is situated Quakers Farmhouse. To the east is located a well-vegetated plot that contains Cherry Tree Cottage, beyond which Apple Tree Cottage is positioned.
11. At a county level, the site is located within the Enclosed Commons landscape character area, which is predominantly characterised by pastoral land uses, hedgerow boundaries to fields, and a planned enclosure pattern epitomised by straight boundaries and roads. The appeal site and much of its surroundings, in-part owing to a prevalence of pastoral land and straight hedgerow boundaries,

exhibits a landscape character that is broadly reflective of the typical characteristics of the area.

12. Even so, whilst the site undoubtedly makes a meaningful contribution to the rural setting of Hanley Swan – given that it is clear of built development, well-planted to its boundaries, and readily visible from adjacent routes – it does not display out-of-the-ordinary scenic qualities and is experienced in the context of various built influences as described above. Moreover, the site and its immediate surroundings can be fairly considered to have moderate sensitivity and medium landscape value.

Significance and special interest of relevant designated heritage assets

13. Quakers Farmhouse is a Grade II listed timber-framed house of likely early 17th-century origin. Its significance and special interest as a designated heritage asset is drawn, in-part, from its age, architectural details, traditional materials, agricultural origins, and relevance to the historic evolution of the rural area. The site itself falls within the setting of Quakers Farmhouse and has an historical association with it as part of a wider land holding, as is apparent from historic mapping. Thus, especially given that the site remains pastoral and in agricultural use, it makes a positive contribution to the setting of Quakers Farmhouse even though physically separated from it.
14. Cherry Tree Cottage is a Grade II listed timber-framed cottage with thatched roof that is, according to the statutory list description, of 17th-century origin. Its significance and special interest as a designated heritage asset is drawn, in-part, from its age, traditional materials, aesthetic value, and rural origins reflected by the typically well-planted nature of its immediate surroundings and the often agricultural makeup of local land parcels. I also acknowledge the likely potential for the asset to have historically been occupied by (an) agricultural worker(s) as part of a wider estate that once also encompassed Quakers Farmhouse and Apple Tree Cottage. The site abuts the curtilage of Cherry Tree Cottage so as to comprise a somewhat influential part of the asset's setting that contributes significance.
15. Apple Tree Cottage is a Grade II listed timber-framed cottage that also exhibits a thatched roof and that is of late 17th to early 18th-century origin according to the statutory list description. Its significance and special interest as a designated heritage asset is drawn, in-part, from its age, array of architectural details, palette of traditional materials, and likely historic links to agriculture. Significance and special interest is further underpinned by the well-planted nature of its immediate setting and the often rural openness of its wider surroundings. The site, being stepped away from Apple Tree Cottage in a manner that deters intervisibility, comprises a peripheral part of its setting and offers a limited contribution in significance terms.

Effects of the proposed development

16. The scheme involves the erection of six separate blocks of development comprised of pairs of semi-detached dwellings and an apartment block, all of two storey height. Four of said blocks would be sited so as to address Picken End and/or Welland Road, with the remaining two stepped back within the site. Areas of open space are intended along the southern and eastern sides of the site, whilst existing hedgerows are proposed to be removed/replaced along Picken End and Welland Road where highway footway improvements are also intended. Red brick and grey concrete roof tiles would comprise the predominant external facing materials, to be

complemented by features including brick banding/header/sill details, door canopies, and render to the apartment block.

17. It is inevitable that, upon a parcel of pastureland within the particular landscape character area in question, a scheme involving the loss of well-established verdant hedgerows (albeit of relatively species-poor composition) to its highway boundaries in conjunction with footway improvements and the introduction of 14 two-storey dwellings would cause detriment of some degree to the character and appearance of the area. This is especially given the site's immediate visibility from both Welland Road and Picken End. However, this inevitable adverse effect must be considered in the context of the basic principle of residential development having already been established via the NP. Moreover, a loss of undeveloped rural land to major residential development has already been accepted.
18. Furthermore, to my mind, development of a logical layout for the site is proposed that would preserve aspects of openness to its southern and eastern sides, incorporate various elements of new planting to be actively managed/maintained (including along its highway frontages), and promote a degree of synergy with the typical style and design of nearby properties – most pertinently those located to the opposite side of Picken End. In view of these factors, I adjudge that limited harm to the character and appearance of the area can be fairly attributed to the proposal.
19. As regards the effect upon the setting of Quakers Farmhouse specifically, it is noteworthy that undeveloped pastureland with a line of sight to and an historic association with the designated asset would be lost to modern development. Thus, some loss of heritage significance and special interest as a consequence of a failure to fully preserve the setting of Quakers Farmhouse would prevail. In my judgement – due to factors that include the distance of separation involved, the intended specific placement of development on the site, and the opportunity that would avail to secure the implementation and robust future management of new landscaping within the open space area to the south of the site so as to soften visual effects – the identifiable loss of significance and special interest would be limited in extent even though the proposal is for 14 dwellings.
20. In terms of Cherry Tree Cottage, the alleged intervisibility that applies between it and the site has been raised as a concern by the Council. It is relevant, however, that a buffer of established planting of mixed species exists along/adjacent to the eastern boundary of the site which offers a meaningful buffer to views would be protected during development. For the avoidance of doubt, whilst this planting does not fall under the appellant's control, there is no clear reason to predict any forthcoming removal/demise of said buffer. Nevertheless, some degree of enhanced awareness of the asset from on-site vantage points (as well as of the site from the curtilage of Cherry Tree Cottage) would be fairly anticipated to arise during winter months when deciduous trees are not in leaf.
21. Even so, built development would be stepped back from the site's eastern boundary such that a reasonable degree of breathing space would be maintained. Thus, whilst two storey building heights are exclusively proposed, I am content that no unduly domineering relationship between new development and Cherry Tree Cottage would ensue – including where experienceable from Picken End. Moreover, although the setting of Cherry Tree Cottage would not be fully preserved by virtue of the loss to development of proximate pastureland that aligns with the

asset's rural origins, the loss of heritage significance and special interest would be limited in degree even when noting the extent of development proposed.

22. As regards the setting of Apple Tree Cottage, I have already found the site to comprise a peripheral part of this setting. As such, when also noting the areas of open space to be retained and the intended placement of built development away from the site's eastern boundary, I am content that the setting of Apple Tree Cottage would be preserved such that no material loss of significance or special interest would result from the scheme in this sense.
23. For the above reasons, the proposal would cause harm – albeit of limited degree – to the character and appearance of the area and fail to preserve the settings and thereby the significance and special interest of the Grade II Listed Quakers Farmhouse and the Grade II Listed Cherry Tree Cottage. The scheme therefore conflicts to some degree with Policies SWDP6, SWDP21, and SWDP24 of the South Worcestershire Development Plan (February 2016) (the DP), Policy Des1 of the NP, and the historic environment conservation and enhancement policies of the National Planning Policy Framework (December 2024) (the Framework) in so far as these policies require development proposals to respond to the characteristics of the site and its surroundings and to conserve and enhance heritage assets and their settings.
24. The degree of harm to the significance of both Quakers Farmhouse and Cherry Tree Cottage as designated heritage assets would be, under the terms of the Framework, less than substantial. The Framework requires less than substantial harm to a designated heritage asset to be weighed against the public benefits of the proposal, which I shall return to in my Heritage Balance below.

Other Matters

25. Concerns have been raised by interested parties in a highway/pedestrian safety sense, including from the perspective of additional points of potential conflict being introduced to the network such as the main vehicular access on to Welland Road and new driveway accesses off Picken End. Notwithstanding such concerns and references made to vehicles sometimes travelling in excess of the speed limit in place along Welland Road, the intended main access (as well as driveway accesses of Picken End) would be of suitable width/specification and offer ample standards of visibility so as to accord with the relevant requirements of the Highway Authority.
26. Meanwhile, notwithstanding their anticipated usage by school children, I find that the proposed tactile-paved pedestrian crossing points would be logically positioned so as to achieve satisfactory separation from junctions and good levels of visibility for future users. This includes with respect to the proposed tactile-paved crossing point over Welland Road.
27. It is also noteworthy that a generous allocation of on-site parking is intended such that it could not be fairly anticipated that the proposal would lead to any material or problematic increase in off-site parking – including along Picken End where existing capacity/safety issues and other schemes of development have been highlighted by local residents. So as to offer further assurances in a safety sense, limited additional vehicle movements along Picken End would be fairly anticipated as a consequence of the scheme. As an additional point of clarity, a narrowing of the

Picken End carriageway is not envisaged as a result of the new footway intended to be installed to the grass verge.

28. As regards surface water management, it has been established via geotechnical surveys and infiltration testing that the on-site discharge of surface water is to be addressed through the use of soakaways. Indeed, a system of geo-cellular soakaways is intended to serve individual plots and be supported via an infiltration basin to be positioned towards the southern boundary of the site. This system, it has been demonstrated, would have the capacity to deal with a 1 in 100 year storm event. Furthermore, the latest drainage plan, Ref 2205-500 rev G, illustrates ample separation distances between soakaways and properties/plot boundaries.
29. In addition, it has been set out that any possible future exceedance flows would be directed to landscaped areas on-site. The finer details of such arrangements are capable of being secured via condition in the event the appeal be successful. Of importance, the Lead Local Flood Authority (LLFA) in its role as a specialist technical consultee has sounded its acceptance to the proposal subject to full details of the drainage strategy, including of intended maintenance arrangements, being secured via condition
30. Beyond the site's red line boundary, improvements/alterations to current highway drainage arrangements are proposed via the installation of gullies and a new highway drain in conjunction with the installation of new footways and vehicular crossovers. It is set out upon the relevant drainage plan, Ref 2205-500 rev G, that the new highway drain (to be located along the northern edge of the site) is to connect into an existing piped system within Picken End.
31. It has been suggested by interested parties that no such piped system exists along Picken End, which is a possibility I am unable to discount based on the evidence before me and my own observations upon inspection. However, particularly in the absence of any formal objection to the planning proposal from either the Highway Authority or the LLFA, the lack of clarity that seemingly prevails in relation to the precise makeup of existing highway drainage infrastructure does not offer justification for withholding a grant of planning permission in this instance. Moreover, I am suitably content that satisfactory highway drainage arrangements (which could involve works of greater/differing scope to those presently envisaged by the appellant) shall ultimately prevail as a consequence of future discussions to be had and agreements to be reached to satisfy a condition that could be imposed pertaining to off-site works in the event the appeal be successful.
32. In terms of foul water drainage, it is planned to connect to the existing sewer network. The relevant statutory undertaker has provided no objection subject to a condition being imposed in the event the appeal be allowed to secure drainage plans containing full details of foul and surface water flows. On this basis, I am content that an acceptable method of foul water disposal would avail.
33. The scheme is supported by an Ecological Appraisal, dated March 2022 (the EA), which is supported by survey work undertaken in October 2021. The EA identifies the site to provide potential habitat for a range of fauna and recommends further survey work – with respect to bat activity, dormice, and reptiles – that was duly carried out during 2022. No dormice or reptiles were identified, whilst four confirmed species of bat were recorded via monthly surveys undertaken April to October. Various recommendations, related to replacement planting, lighting, and

enhanced roosting provision, are set out in the relevant Bat Activity Survey that could be conditioned in the event the appeal be successful to ensure no overall reduction in the quality of habitat for bats, or of foraging/roosting opportunities.

34. As regards amphibians, suitable terrestrial habitat and records of Great Crested Newts (GCNs) in the local area are referenced within the EA such that precautionary methods of working are recommended. As set out in the EA, further survey work with specific regard to GCNs has not been considered necessary. This is on the basis of a reported absence of ponds within 250 metres of the site, and thus the unlikely on-site presence of the species and minimal risk of harm.
35. Interested parties have referred to ponds in fact existing within the grounds of Cherry Tree Cottage and have alleged associated sitings of GCNs. These sitings include instances supported by dated photographs, and related correspondence with the Worcestershire Reptile and Amphibian Group has been submitted. However, especially given the apparent small size and outlying nature of the particular ponds in question, I am suitably satisfied following my full consideration of all related evidence that precautionary working methods – to include the cessation of works and consultation with a licensed ecologist should GCNs be encountered during construction – would ensure merely minimal risk to GCNs.
36. I acknowledge the relative datedness of the various aforementioned appraisals/surveys undertaken. Indeed, such work, when in excess of two years in age, can be prone to not offering entirely reliable conclusions and recommendations. However, having considered the specific traits of the habitats and species potentially in place at this particular site, as well as the comprehensiveness of the survey effort to date, I am content that satisfactorily up to date/representative information is before me upon which to fairly adjudge the scheme's effects upon biodiversity and protected species. Moreover, I am satisfied that, subject to the implementation of all biodiversity-related recommendations in full (including as set out in the EA) protected species would be suitably protected.
37. For the avoidance of doubt, I am content that the proposal, which includes the provision of two ground floor level apartments, would be sufficiently adaptable to meet the potential future needs of wheelchair users. Furthermore, I am satisfied that no undue loss of privacy/amenity for existing neighbouring occupiers would result from the scheme. This is in-part owing to the distances of separation that would avail.

Legal Agreement

38. The legal agreement secures the 100% on-site provision of affordable housing, comprising 10 Social Rented Units and four Shared Ownership Units to be brought forward in accordance with a scheme to be submitted and occupied by qualifying residents with a local connection. It is also secured that no affordable housing unit shall be occupied until transferred to a Registered Provider of social housing. There is thus compliance with relevant provisions of Policy SWDP15 of the DP and Policies MnGR2 and MnGR3 of the NP.
39. The provision of On Site Public Open Space in accordance with a plan to illustrate layout and design and include details of landscaping and paths amongst other features, as well as details of future management by an appointed management company, is secured via the legal agreement in broad accordance with the requirements of Policy SWDP39 of the DP.

40. Also secured via the legal agreement are Education and Highways Contributions to be paid to the County Council prior to first occupation. The Education Contribution is to be directed towards educational projects at specified primary and secondary education facilities and has been calculated in accordance with standard formulae adopted by the education authority. The Highways Contribution would be directed towards the provision of tactile crossing points at three specified locations and would thus be in the interests of promoting sustainable travel choices – it stems from a direct request, in conjunction with associated costings, from the Highway Authority. There is thus no reason for me to suspect that the level of contribution is inadequate, nor that there is any realistic prospect of the specified highway works being undeliverable.
41. In terms of the Primary Healthcare Contribution that is sought via the legal agreement, the relevant definition confirms that this is intended to mitigate the impact of the development on the Herefordshire and Worcestershire Clinical Commissioning Group (CCG). The figure of £5,359 has, I note, been drawn from a 2022 consultation response from the CCG whereby it applied a capital cost calculation to the scheme to generate a required contribution for the purposes of improving access to, and the capacity of, primary healthcare facilities/services.
42. However, a contribution must meet all relevant tests as set out at Regulation 122 of the Community Infrastructure Levy Regulations 2010 – one of which is that it is directly related to the development. In the absence of any specific project(s) or scheme of works referenced in the legal agreement, I do not have suitable assurances that the contribution would directly serve the development. Thus, on the basis that the Primary Healthcare Contribution is incompatible with the relevant Regulation 122 test, I shall attach no weight to it for the purposes of determining this appeal and shall return to the implications of this in my Overall Planning Balance below.
43. I note here that no provision is made for the County Council's monitoring costs, although provision is made for the District Council's costs in this sense. Nevertheless, no thorough justification has been forthcoming from the County Council to demonstrate that it also should receive a monitoring contribution. This is especially so when noting that the relevant obligations in question are not unduly onerous from a monitoring perspective.
44. I am satisfied that, with the exception of the Primary Healthcare Contribution, the various contributions and provisions secured through the legal agreement would be necessary to make the development acceptable in planning terms, would be directly related to the development, and be fairly and reasonably related in scale and kind. Further, for the avoidance of doubt, I am content that the legal agreement is fit for purpose.

Heritage Balance

45. I have identified that the proposal would cause less than substantial harm to the heritage significance of both Quakers Farmhouse and Cherry Tree Cottage, which are Grade II Listed designated heritage assets. Despite being towards the lower end of the less than substantial scale in each case, the identified harm carries considerable importance and weight.
46. In terms of public benefits, the proposal would deliver 14 housing units in a District where I understand a 2.06 year supply is presently calculable. This represents a

very significant shortfall when compared to a five-year supply level as advocated via the Framework. It is also highly noteworthy that the dwellings to be delivered would be 100% affordable so as to promote distinct social benefits in this sense. In addition, there would be job creation during the construction phase and increased household spending generated once the development becomes occupied.

47. The scheme's public benefits would be very significant when assessed in cumulative terms and attract substantial weight. Such benefits would, in my judgement, outweigh the less than substantial harm I have identified would be caused to the heritage significance of Quakers Farmhouse by virtue of development within its setting. I also separately find that such benefits would outweigh the less than substantial harm that would be caused to the heritage significance of Cherry Tree Cottage by virtue of development within its setting.
48. There is thus compliance with the Framework's historic environment conservation and enhancement policies, in so far as they provide the opportunity for any less than substantial harm identified to a designated heritage asset to be outweighed by the public benefits of a development proposal.

Overall Planning Balance

The presumption in favour of sustainable development

49. As the Council cannot currently demonstrate a five-year supply of deliverable housing sites and the policies of the Framework that protect areas or assets of particular importance (including designated heritage assets) do not provide a strong reason for refusing planning permission – the presumption in favour of sustainable development is engaged.
50. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole. This is whilst having particular regard to key policies, as set out in the Framework, for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
51. It is pertinent that paragraph 14 of the Framework sets out that in situations where the presumption is engaged in relation to housing proposals, the adverse impact of allowing development that conflicts with a neighbourhood plan is likely to significantly and demonstrably outweigh the benefits. This is provided the neighbourhood plan was made less than five years ago and contains policies and allocations to meet its identified housing requirement. On the basis that the NP satisfies these provisions, it is necessary for me to make a judgement upon whether or not the proposal conflicts with the NP before carrying out a balance of adverse impacts against scheme benefits.
52. The most important and directly relevant policy of the NP is Policy MnGr7 – the policy that allocates the site for residential development. To my mind, it can be fairly adjudged that approximately 10 units (albeit more than 10, but less than 15) of mixed sizes and types are proposed. These would be brought forward in conjunction with a layout that is conducive to offering planted areas of open space to the site's southern and eastern edges so as to meaningfully limit any resultant losses of heritage significance to both Cherry Tree Cottage and Quakers

Farmhouse. It is noteworthy that such losses would inevitably materialise – at least to some degree – as a consequence of implementing the allocation (even if, for example, with fewer units and revised intentions for existing hedgerows). In this context, and even in the absence of any proposed bungalows, it is my judgement that the scheme achieves satisfactory compliance with Policy MnGr7.

53. The Council has alleged conflict with Policies RE1 (Sympathetic Design), RE3 (Replacing Natural Features Lost Through Development) and Des1 (General Building Design Principles) of the NP. Consistent with my reasoning above and notwithstanding the site's present rural qualities, sympathetic design of acceptably high quality that would conserve local distinctiveness would be achieved so as to meet the provisions of Policy RE1. Further, on the basis that the intended loss of hedgerows would be mitigated for by comprehensive new planting that forms an integral part of the design concept and layout of the scheme and that would be subject to maintenance provisions, I am satisfied that compliance with Policy RE3 is achieved.
54. As regards Policy Des1, there is some identifiable conflict with the first limb of this policy in so far as it requires development to respond to the characteristics of the site and its surroundings on the basis that I have identified the scheme would cause some limited harm to the character and appearance of the area. However, there are various other provisions of the policy with which compliance would be satisfactorily achieved. For example, significant wider landscape views would not be adversely harmed and a design approach sympathetic to existing built development would be forthcoming. Furthermore, I am content that satisfactory compliance with the guidance contained within the Hanley Castle Parish Building Design Guide (2017) is achieved via, for example, a suitably characteristic building style that is incorporative of some decorative elements as well as energy sustainability measures.
55. I note here that Policy MnGr5 of the NP, which restricts the scale of new development to a maximum of 10 new homes, relates only to any site which is not allocated in a development plan. This is not the case here, owing to Policy MnGr7.
56. Therefore, notwithstanding identifiable conflict with a single building design principle stipulated under Policy Des1, it is my judgement that the proposal accords with the NP when read as a whole. As such, no enhanced protection against a scheme involving the provision of housing is afforded via paragraph 14 of the Framework. I shall thus undertake a tilted planning balance in accordance with the presumption in favour of sustainable development that is engaged.

Adverse impacts

57. The adverse impacts I have identified comprise limited harm to the character and appearance of the area, less than substantial harm at the lower end of the spectrum to the heritage significance of both Quakers Farmhouse and Cherry Tree Cottage, and additional harm as a consequence of a failure to mitigate the anticipated impact of new residents upon primary health care facilities.
58. The Primary Healthcare Contribution requested by the CCG would have comprised a small proportion of the required funding to absorb anticipated patient growth. It is unfortunate that this has not been satisfactorily secured for reasons that are set out above. However, in my judgement, this matter is not decisive to the outcome of the appeal owing to the minor level of the contribution and the apparent absence of any

certainty that it could have been directed to serve the development at this particular point in time. Moreover, I apportion limited weight to the harm caused in this specific capacity.

Final balance, factoring in scheme benefits

59. Having considered the benefits (as discussed in my Heritage Balance above) and adverse impacts of the proposal before me, I conclude that the adverse impacts identified would not, when considered cumulatively, significantly and demonstrably outweigh the proposal's very significant benefits when assessed against the Framework's policies taken as a whole whilst having particular regard to key policies of the Framework as presented above. Thus, the presumption in favour of sustainable development, as set out in the Framework, applies.
60. Therefore, notwithstanding identifiable conflict with policies of the development plan, there are material considerations, including the Framework, that indicate that the proposal should be determined otherwise than in accordance with the development plan in this instance.

Conditions

61. A draft list of potential planning conditions has been provided by the Council, which I have considered against advice in the Framework and Planning Practice Guidance. As a result, I have made amendments where necessary for consistency and clarity purposes. In the interests of certainty, an approved plans and documents condition is required. For the avoidance of doubt, I have only listed documents that contain precise and enforceable details/recommendations.
62. In the interests of guarding against potential flood risk and ensuring the effective management of surface water, it is reasonable and necessary to impose conditions requiring both a Construction Surface Water Management Plan and Surface Water Drainage Strategy to be formulated and adhered to. For the same reason, as well as to guard against pollution, a condition requiring full details of foul and surface water disposal is also reasonable.
63. In the interests of highway safety, conditions requiring the provision of access, parking and turning facilities, the provision and retention of vehicular visibility splays, the provision of off-site footway and tactile crossing improvements, the provision of drainage arrangements to ensure no surface water/effluent discharges on to the public highway, and the implementation of a Construction Environmental Management Plan (CEMP) are reasonable and necessary to condition. The CEMP would also be in the interests of safeguarding neighbouring living conditions, whilst the off-site improvements condition would additionally be in the interests of ensuring effective drainage and guarding against potential flood risk.
64. In the interests of promoting the choice of sustainable travel modes, conditions are reasonable that secure the provision and retention of secure and covered cycle parking and the provision of Residential Travel Welcome Packs for new occupiers. To promote a sustainable form of construction, further conditions to ensure compliance with the contents of a submitted Energy Statement with respect to renewable or low carbon energy generating facilities and details of measures to be installed to conserve and recycle water are also reasonable.

65. In the interests of conserving and/or enhancing biodiversity, conditions are reasonable and necessary that require full details of external lighting and full adherence with the recommendations/protection details contained within the approved Bat Activity Survey. For the same reason, as well as to protect the character and appearance of the area and to assist in safeguarding the significance of designated heritage assets, further conditions are reasonable and necessary that secure full adherence with the Arboricultural Survey, Impact Assessment and Protection Plan as well as the implementation and maintenance of a detailed landscaping scheme – I have included hard landscape features for the sake of completeness. I note here that there is no mandatory requirement for the scheme to deliver 10% biodiversity net gain owing to the date that the application for planning permission was submitted.
66. Also, in the interests of protecting the character and appearance of the area as well as the significance of designated heritage assets, it is reasonable and necessary to secure via condition full details of external facing materials.
67. In the interests of ensuring satisfactory telecommunications facilities, details of broadband facilities are reasonable to secure. Further, in the interests of safeguarding general amenity, a condition requiring details to be provided pre-occupation of storage facilities for refuse and recyclables, as well as their subsequent retention, is necessary.

Conclusion

68. For the above reasons, the appeal is allowed such that planning permission is granted subject to conditions.

Andrew Smith

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - 3155 PA 001 (Existing Site and Site Location Plans)
 - 3155 s3 001L (Proposed Site Plan)
 - 210678-01B (General Arrangement/Visibility/Swept Path Analysis)
 - 2205-500G (Drainage & SuDS Strategy)
 - L0001 (Landscape Masterplan)
 - 19078.502 (Arboricultural Impact Assessment and Tree Protection Plan)
 - 3155 s3 100B (2b4p Affordable)
 - 3155 s3 200A (3b5p Affordable – Plots 3, 4, 11, 12)
 - 3155 s3 300B (2b4p Affordable – Plots 5, 6)
 - 3155 s3 400A (1b2p Affordable x 4)
 - 3155 s3 500A (3b6p Affordable – Plots 13,14)
 - Arboricultural Survey, Impact Assessment and Protection Plan (January 2022)
 - Energy Statement (January 2022)
 - Ecological Appraisal (March 2022)
 - Dormouse Survey (May 2022)
 - Reptile Survey (May 2022)
 - Hedgerow Assessment (May 2022)
 - Bat Activity Survey (February 2023)
 - Sustainable Drainage Assessment and Operation & Maintenance Plan (Oct 2024).
- 3) No works or development shall take place until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include how surface water shall be managed during the construction phase, including site clearance, soil stripping and pond amendments. The Plan shall include drawings of any temporary drainage systems, a timeline of construction and measures to mitigate the risk of pollution (including silt) of the water environment and offsite flood risk. The Plan shall detail how the approved permanent surface water drainage system shall be remediated during the construction phase. The approved Construction Surface Water Management Plan shall be implemented as soon as works start on site and thereafter maintained during the full duration of the construction phase.
- 4) No works in connection with site drainage shall commence until a Surface Water Drainage Strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the approved Sustainable Drainage Assessment and Operation and Maintenance Plan (October 2024). The Strategy shall provide detailed design drawings for all drainage assets and shall include run off treatment proposals for surface water drainage. Exceedance flows shall not be directed to property or private land. Where the Strategy includes communal surface water drainage assets, proposals for dealing with the future maintenance of these assets shall be included. The Strategy shall include proposals for informing future homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets.

The approved Surface Water Drainage Strategy shall be implemented prior to the first occupation of the development and thereafter maintained as approved.

- 5) The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied.
- 6) The development hereby permitted shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to the following:
 - (i) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - (ii) Details of site operative parking areas, material storage areas and the location of site operative facilities (offices, toilets, etc);
 - (iii) The hours that delivery vehicles shall be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
 - (iv) Details of any temporary construction accesses and their reinstatement.The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby permitted. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved in writing by the Local Planning Authority.
- 7) The development hereby permitted shall not commence until drawings of the highway improvements/offsite works/site access works comprising the following have been submitted to and approved in writing by the Local Planning Authority:
 - (i) 2 metre footway along the northern and western boundaries of the site generally in accordance with those indicated on approved plan 210678-01B, to include full details of associated drainage infrastructure; and
 - (ii) Tactile crossing points at the three locations indicated on approved plan 210678-01B (at the site access, across the Picken End/Welland Road (C2054) junction, and across Welland Road (C2054) to the south of the site access to link to the existing infrastructure on the western side of the carriageway).No dwelling hereby permitted shall be occupied until these improvements/works have been carried out in full and in accordance with the approved details.
- 8) No building operations shall take place above DPC level until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:
 - (i) type, colour, texture, size, coursing, finish, jointing and pointing of brickwork/stonework;
 - (ii) type, colour, texture, size and design of roofing materials;
 - (iii) type/colour of mortar;
 - (iv) a precise specification of external render or plaster;
 - (v) external joinery details along with architectural details of the proposed external finishes, heads, sills, position in wall reveal and any surrounding dressings (elevational drawings at a minimum scale of 1:20 and vertical sectional drawings at minimum scale of 1:2);
 - (vi) details of external doors/garage doors including information on finish.The development shall be carried out using the materials as approved.

- 9) The development hereby permitted shall not be first occupied until the visibility splays shown on approved plan 210678-01B have been provided. The splays shall at all times be maintained free from any obstruction exceeding a height of 0.6 metres above the level of adjacent carriageway.
- 10) The development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority, and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.
- 11) The development hereby permitted shall not be first occupied until details of a Residential Travel Welcome Pack promoting sustainable forms of access to the development have been submitted to and approved in writing by the Local Planning Authority. The Pack shall be provided as approved to the occupiers of each dwelling hereby permitted at the point of first occupation.
- 12) Prior to the first occupation of the development hereby permitted, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
- (i) plan(s) showing details of all existing trees and hedges on the application site. The plan shall include, for each tree/hedge, the accurate position, canopy spread and species, together with an indication of any proposals for felling/pruning and any changes in ground level, or other works to be carried out, within the canopy spread;
 - (ii) plan(s) showing the layout of proposed tree, hedge and shrub planting and grass areas;
 - (iii) schedule of proposed planting - indicating species, sizes at time of planting and numbers/densities of plants;
 - (iv) written specification outlining cultivation and other operations associated with plant and grass establishment;
 - (v) schedule of maintenance, including watering and the control of competitive weed growth, for a minimum period of five years from first planting;
 - (vi) full details of on-site hard landscape features.
- Unless otherwise agreed in writing by the Local Planning Authority, replacement hedgerow planting to be included within the scheme of landscaping shall accord with the specification set out within section 6.0 (ecological enhancement) of the approved Hedgerow Assessment (May 2022).
- All planting and seeding/turfing shall be carried out in accordance with the approved detail in the first planting and seeding/turfing seasons following the completion or first occupation of the development, whichever is the sooner.
- Hard landscape features shall be implemented prior to the first occupation of any individual dwelling served by such features.
- The planting shall be maintained in accordance with the approved schedule of maintenance.
- Any trees or plants which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 13) Prior to the first occupation of any dwelling hereby permitted, details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include times when the external lighting shall not be switched on. Only external lighting in accordance with approved details shall be provided on the site. Notwithstanding the

provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), there shall be no other external lighting provided on the application site.

- 14) Prior to the first occupation of any dwelling hereby permitted, details of superfast broadband facilities or alternative solutions to serve the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include an implementation programme. The facilities shall be provided in accordance with the approved details.
- 15) Prior to the first occupation of any dwelling hereby permitted, details of refuse/recycling storage facilities to serve each of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse/recycling storage facilities shall be implemented prior to the first occupation of the development and retained thereafter.
- 16) Prior to the first occupation of the development hereby permitted, details of measures to conserve and recycle water to be incorporated into the development and a timetable setting out the implementation of the approved details shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate that the daily non-recycled water use per person shall not exceed 110 litres per day. The development shall be carried out in accordance with the approved details.
- 17) No dwelling hereby permitted shall be occupied until the access, parking and turning facilities that serve and link that individual property to the nearest public highway have been provided as shown on approved plan 210678-01B.
- 18) Drainage arrangements shall be provided to ensure that surface water from driveways and/or vehicular turning areas does not discharge onto the public highway. No drainage or effluent from the development shall be allowed to discharge into any highway drain or over any part of the public highway at any time.
- 19) The development hereby permitted shall be carried out in strict accordance with the recommendations set out in the approved Bat Activity Survey (February 2023), in particular those set out at paragraphs 6.6 to 6.8 of the document. The recommendations shall be implemented in full prior to the first occupation of any dwelling hereby permitted.
- 20) The development hereby permitted shall be carried out in accordance with the approved Arboricultural Survey, Impact Assessment and Protection Plan (January 2022) and the associated approved plan 19078.502 (Arboricultural Impact Assessment and Tree Protection Plan). Unless indicated on approved plan 19078.502 to be removed, all existing trees and hedges on the site, or branches from trees on adjacent land that overhang the site, shall be retained and shall not be felled or pruned or otherwise removed. If any retained tree/hedge is removed, uprooted or destroyed or dies, replacement planting shall be carried out in the first available planting season, in accordance with details to be approved in writing by the Local Planning Authority.
- 21) The approved details of renewable or low carbon energy generating facilities as set out within the approved Energy Statement shall be provided prior to any part of the development hereby permitted being first occupied or in accordance with a timetable submitted to and approved by the Local Planning Authority as part of the details required by this condition.