
Appeal Decision

Site visit made on 11 November 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/J3720/W/25/3370628

Land at Gorcott Hill, Beoley, Redditch B98 9EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Fox of JF Plant Hire Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/02590/OUT.
 - The development proposed is outline planning permission for two self-build dwellings with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, the appellant submitted a planning obligation by way of a revised Unilateral Undertaking (UU), dated 26 September 2025. This seeks to secure the self-build nature of the dwellings, their occupation, and broadly how the development would be designed. The Council has commented on this, and I shall take the UU into account.
3. The application is in outline, with access to be considered at this stage. As such, landscaping, layout, scale and appearance are reserved for future application. Plans showing the possible siting of the proposal have been provided. As the application is in outline, I have treated these as being illustrative.
4. During the appeal, it transpired that the freehold owner of the site had not received formal notice of the planning application. However, they have actively participated in the UU. As a result, I am satisfied that no party would be prejudiced by the appeal proceeding on this basis.

Main Issues

5. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant Development Plan policies, including its effect on openness,
 - whether it has been demonstrated that the proposal would have an acceptable effect on protected species, and would make adequate provision for Biodiversity Net Gain (BNG),

- the effect of the proposal on the character and appearance of the area,
- whether the proposal would comply with the Development Plan strategy for housing distribution, including in respect of access to services and facilities,
- the effect of the proposal on the living conditions of the occupiers of Gorcott Hill Lodge, in respect of light and outlook, and
- if the proposal is inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

6. Paragraph 153 of the current Framework makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Framework paragraph 154 confirms that all development in the Green Belt is inappropriate unless an exception applies.
7. One such exception is at paragraph 154(e), in respect of limited infilling in villages. Gorcott Hill is a collection of buildings along what is now a long no-through road. It includes a relatively small number of dwellings. The parties dispute whether Gorcott Hill constitutes a 'village'. In the absence of any policy definition of this term, given its small size and limited facilities, I consider that Gorcott Hill does not amount to a village. As such, paragraph 154(e) is not met. The equivalent policy CS.10(e) of the Stratford-on-Avon Core Strategy (SACS), adopted July 2016, limits its scope to Local Service Villages, which do not include the appeal site, and so it would also not be complied with.
8. Another exception is at paragraph 154(g), which applies where the proposal constitutes the limited infilling or redevelopment of previously developed land. SACS policy CS.10(c) makes similar requirements. Use of the site for non-commercial fishing and informal recreation was confirmed as lawful around twenty years ago. The site has a large pond, a metal railed fence, and frontage hardstanding. Historic maps show structures on the site in 1884 and 1946.
9. That said, these buildings no longer exist, and their remains have blended into the landscape. Approval of the hardstanding and fence date from 2008, and I have little to suggest that they related to the now-demolished buildings or their uses. I am not therefore convinced that the site constitutes previously developed land, as defined by the Framework. It follows that the exemption of paragraph 154(g) and policy CS.10(c) is not met.
10. Framework paragraph 155 states that development is not inappropriate where its criteria are all met in respect of grey belt. On the evidence before me, the site here does not strongly contribute to the Green Belt purposes at Framework paragraph 143, excluding encroachment, and so paragraph 155 is engaged.
11. Framework paragraph 155(d) requires the Golden Rules to be met. The parties dispute whether the proposal should be considered as 'major' development. However, this is defined by the Framework as sites larger than 0.5 hectares, as

here. As such, Framework paragraphs 156 and 157 apply to this case. They require an affordable housing contribution 15 percentage points above the highest requirement that would otherwise apply, because the Council policies predate the most recent Framework. SACS Policy CS.18 and its Development Management Considerations make clear that self-build development is exempt from any affordable housing contribution.

12. However, Framework paragraph 157 also states that, in the absence of a pre-existing requirement for affordable housing, as in this case, a 50% affordable housing contribution should apply by default. No provision for affordable housing is made, for example within the UU. I have little substantive evidence to suggest that this requirement would make the site unviable, or that it would be unsuitable for a Registered Provider. As a result, regardless of its other criteria, Framework paragraph 155 would not be met. No other exemptions apply, and so the proposal would constitute inappropriate development in the Green Belt.
13. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land open. The site currently consists of open, green land, with the only structure being a bridge over the pond. The proposal would introduce two new dwellings to the site, together with the associated gardens, driveways and residential paraphernalia. As such, the development would give the site a much more built-up form. Its effects would be apparent visually from the road.
14. As a result, the proposal would cause a permanent reduction in the openness of the site and would encroach into the countryside formed by it. I therefore find that the proposal would be inappropriate development in the Green Belt and would have a harmful effect on its openness. The proposal would conflict with SACS policy CS.10. This does not reflect the most recent Framework with regard to grey belt and so carries only moderate weight. Even so, the Framework requires that I give the harm to the Green Belt substantial negative weight.

Protected Species and BNG

15. The application site and its surroundings include several bodies of water. As such, there is the potential for the site to provide a habitat for Great Crested Newts (newts). A suitability assessment for newt use was undertaken in August 2024. A pond on the application site itself was subject to water samples, which found no newt DNA, indicating that they are not present within this pond. Another pond nearby was discounted, because its division from the site by development would prevent any newts within that pond from using the site.
16. However, there is no dispute that other water bodies are present within the relevant radius, including two wet ditches and eight ponds. On the evidence before me, these bodies of water are not physically separated from the site. They have not been surveyed, despite positive records of newt presence. As a result, and given their close proximity, newts from these ponds and ditches may well use the appeal site as part of their habitat. Consequently, I cannot be satisfied that the proposal would not adversely affect newts.
17. The Preliminary Ecological Appraisal found that given their age and condition, some trees on the site are likely to be suitable for roosting bats. A mature willow, T5, might offer roost features for bats, but the most recent tree survey shows that this tree would be felled. No bat survey of this tree has been undertaken. That said, removal of tree T5 is said to be necessary because of its health and poor condition,

rather than directly because of the proposal. It is therefore possible that such felling could take place in any event. As such, the proposal itself would not harm bats.

18. Nevertheless, a 10% BNG is required. The appellant's BNG assessment suggests that the proposal would achieve a net gain of around 54% habitat units on the site. However, this assumes that the trees including T5 would remain. Its confirmed removal casts doubt on the findings of the BNG assessment. Furthermore, it records the natural size increases of retained trees, contrary to Government guidance. Given my findings above, it is not clear that the assessment has fully taken into account the effects on newts.
19. Moreover, the BNG assessment has not factored in habitat degradation, which may have occurred since the relevant date in January 2020. Undisputed evidence from the Council is that the site was cleared of woodland habitat between April 2020 and May 2021, and at this time the site had a further wet ditch. In light of the omissions identified above, the proposal may well not show a sufficient net gain in biodiversity, or could even show negative effects. Whilst there is an exception for self-build dwellings from BNG requirements, this only applies to sites smaller than here.
20. For the reasons given above, it has not been demonstrated that the proposal would have an acceptable effect on protected species, or that it would make adequate provision for BNG. Accordingly, the proposal would conflict with SACS policy CS.6, which requires the safeguarding of existing habitats, and where possible a net gain in biodiversity. Framework paragraph 187 makes similar requirements. I give this conflict substantial negative weight.

Character and Appearance

21. The appeal site once contained buildings, and has properties either side and opposite it. Nevertheless, it extends for a significant depth to the rear, and adjoins open countryside. Notwithstanding the area of frontage hardstanding and metal railings, the site has the appearance of largely open green land, giving it a countryside feel.
22. The proposal would result in large areas of garden, extending well beyond adjoining amenity spaces. The extensive residential use of the land would give it a domesticated and manicured appearance, undermining the rural character of the site and its surroundings. A planning condition could remove permitted development rights for outbuildings. Even so, once residential use of the land is permitted, it would be difficult for the Council to resist subsequent applications for domestic outbuildings.
23. Publicly obtainable views of these parts of the site would be limited. That said, the proposal would harmfully conflict with the aim of the Framework to protect the intrinsic beauty of the countryside. It would therefore harm the character and appearance of the area.
24. The UU commits the owner to submit a Reserved Matters application for all aspects of the design of the self-build dwellings, within the scope of the parameters set out in the Design Code (the Code) appended to the UU. The Dwelling Parameters section of the Code refers to flat roofs on secondary forms, and includes graphics of flat-roofed garages.

25. The UU requires that a Reserved Matters application is submitted that accords with the Code. However, the Code only states that flat roofs *may* be permitted, and so would not require the Council to approve inappropriate elements. It also makes clear that garages would not be forward of principal elevations, a further concern of the Council. Consequently, the Council would retain control over these aspects, to prevent buildings of an unacceptable design. As a result, I find no conflict with policy BE1 of the Tanworth-in-Arden Neighbourhood Development Plan (NP), December 2022, which seeks to ensure that design principles are addressed.
26. Nonetheless, for the reasons given above, the proposal would harm the character and appearance of the area. It would therefore conflict with SACS policies CS.5, CS.9 and AS.10, which amongst other things require landscape character and distinctiveness to be maintained. It would similarly conflict with the aim of the Framework as set out above. As a result, I give this harm and conflict significant negative weight.

Strategy, Services and Facilities

27. SACS policies CS.15 and AS.10 set out the strategy of the Development Plan for the dispersed distribution of development. Together, they seek a pattern of development focused on a hierarchy of sustainable locations. Gorcott Hill is not defined as a location normally suitable for housing, and has no Built-Up Area Boundary (BUAB).
28. Even if considered as an 'Other Settlement' for the purposes of SACS policy CS.15, development would be restricted to community-led schemes. These do not include the proposal and so it would conflict with this policy. Policy AS.10 permits small-scale housing schemes, including in locations outside of a BUAB, where within physical confines. That said, it also requires compliance with, amongst other things, policy CS.15. The proposal would therefore conflict with SACS policies CP.15 and AS.10.
29. Gorcott Hill has few facilities, with a public house but no shop or school. The site is located not far from the edge of the town of Redditch, linked by the A435. This is a busy, fast dual carriageway road, with little or no pavement, footpath, or specific provision for cyclists. As such, it provides little attractive opportunity for cycling or walking into the town. On this basis, occupiers of the proposal would be heavily reliant on private cars.
30. Nevertheless, the Framework recognises at paragraphs 110 and 115 that opportunities for sustainable transport usage should take into account location, and will vary between urban and rural areas. Car journey lengths to Redditch, with its wide range of services, facilities and onward public transport connections, would be relatively short. Consequently, in the context of its rural location, the site would be reasonably sustainable.
31. For the reasons given, the proposal would not comply with the Development Plan strategy for housing distribution, conflicting with SACS policies CP.15 and AS.10. NP Policy H3 does not support new housing outside a BUAB, except were permitted by SACS policy CS.10 and paragraph 149 of the 2021 Framework. These both relate to the Green Belt. I have already found conflict with SACS policy CS.10, and for similar reasons it would conflict with the 2021 Framework.

32. However, also for the reasons given above, the site would have reasonable access to services and facilities, which is an important part of the Development Plan strategy. Consequently, I give only limited negative weight to the conflict with SACS policies CS.15, AS.10 and NP policy H3. I shall consider SACS policy CS.1 below.

Living Conditions

33. The site is adjacent to Gorcott Hill Lodge, which has a separate garage and annex building. The annex is close to the shared boundary with the site, and has two windows in its side elevation, as well as rooflights, providing light and outlook to the rooms that they serve.
34. The indicative plans show that the proposed dwelling at Plot 1 would be positioned close to the side of the annex and its windows. Its location would be restricted by a defined Construction Exclusion Zone on the plans and within the Code, as well as the need to provide space within the plot for parking and turning. The units are shown to be taller than one-storey in height and the dwelling at Plot 1 would be visible from the side windows of the annex.
35. Nevertheless, views from the ground floor windows are already partially obscured by existing fencing. Only one side window serves habitable accommodation, the annex lounge, with the other serving a garage. Moreover, I saw that alternative light and outlook for occupiers of the annex lounge is available from additional windows to its rear. The Council does not raise concern about the effect of the proposal on outlook from the annex first floor rooflights, and I see little reason to disagree. Accordingly, on the evidence available to me, the proposal would not be particularly oppressive, and occupiers of Gorcott Hill Lodge, and in particular the annex lounge, would continue to receive adequate light and outlook.
36. The planning system works in the public interest, and so any loss of views is a private issue, rather than a reason to refuse permission. For the reasons given, the proposal would not unduly harm the living conditions of the occupiers of Gorcott Hill Lodge in respect of light and outlook. It would therefore comply with SACS policies CS.9 and AS.10 in this respect, which require a good standard of amenity and a minimised impact on the occupiers of existing properties. As such, this matter is neutral in the planning balance.

Other Considerations

37. Following a recent appeal decision¹, the Council accepts that it cannot demonstrate an adequate supply of housing land, with only a 2.74-year supply. Furthermore, SACS policies CS.15 and AS.10 do not refer to self and custom build housing. Nevertheless, having regard to Framework paragraph 225, the policies are broadly consistent with the Framework. In any case, given my findings regarding the Green Belt, this provides a strong reason for refusing the proposal. As such, in accordance with footnote seven, paragraph 11(d) of the Framework is not engaged.
38. Even so, the proposal would add to the supply of housing, including self-build units. Future occupiers of the units would make a positive social and economic contribution to the area. The development could be built out quickly, and to high environmental standards. I have taken into account the appeal decisions cited by the appellant, who disputes whether the Council is providing enough self-build

¹ PINS reference APP/J3720/W/25/3358848

properties. Even if this is the case, due to the proposal being for only two dwellings, such benefits would be small. I therefore give these matters limited positive weight in favour of the proposal.

39. There are SACS policies relevant to the application with which the proposal would conflict. As such, it would not be supported by SACS policy CS.1. Reference has been made to the emerging Site Allocations Plan (SAP), which I understand makes specific provision for self and custom build housing. However, having regard to Framework paragraph 48, given the stage of the SAP, it carries little weight and has not been central to my conclusions.

Planning Balance and Conclusion

40. Given the harms and benefits that I have identified, and the weight I give to them, I find that the other considerations in this case do not clearly outweigh the harm caused by the proposal. Consequently, the very special circumstances necessary to justify the development do not exist.
41. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR