



Appeal Decision

Site visit made on 24 September 2025

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2025

Appeal Ref: APP/J1860/W/25/3363182

Land south of Old Malvern Road, Powick

- 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 Mrs Sarah Hawkins and Binocular Land Ltd against the decision of Malvern Hills District Council.
 - The application Ref is M/23/01055/OUT.
 - The development proposed is an outline planning application for the development of up to 80no. residential dwellings (C3), vehicular and pedestrian access, public open space, ancillary works and associated green infrastructure. All matters reserved except for access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for up to 80no. residential dwellings (C3), vehicular and pedestrian access, public open space, ancillary works and associated green infrastructure. All matters reserved except for access at land south of Old Malvern Road, Powick in accordance with the terms of the application, Ref M/23/01055/OUT, subject to the conditions in the attached schedule.

Procedural Matters

2. The appeal relates to an outline proposal, with all matters reserved for future consideration, except for access which is to be considered at this stage. Notwithstanding this, plans have been submitted with the application to show how the site might be developed in terms of layout and landscaping. For the avoidance of doubt, I have treated these plans as illustrative only.

Main Issues

3. The main issues in this appeal are:
 - the effects of the proposal on the character and appearance of the area, with particular regard to the setting of Collett's Green and Powick; and
 - whether the appeal site would be an appropriate location for the proposal with regards to the Council's development strategy for the area.

Reasons

Character and appearance

4. The appeal site comprises an agricultural field located on the edge of the village of Collett's Green. It is bounded on its western boundary and partly on its southern boundary by residential gardens serving houses along Old Malvern Road and the

- A449 Malvern Road. Powick playing fields abut the appeal site on its eastern boundary, separating the site from houses on the edge of Powick. Immediately to the south east of the site is Powick Primary School and Parish Hall.
5. The section of Old Malvern Road that runs adjacent to the appeal site is reasonably narrow with a single footway on one side. It is bordered on both sides by fields lined with hedges and intermittent trees. This creates an open and rural character.
 6. The appeal site is located within National Character Area Profile 106: Severn and Avon Vales. It also lies within the Principal Timbered Farmlands landscape character type of the Worcestershire Landscape Character Assessment (2013) (WLCA), and Landscape Description Unit MW40.2. Notwithstanding the differing scales of these assessments, the site is typical of the surrounding landscape character in that it is an open agricultural field with some hedgerow boundaries, which include hedgerow trees.
 7. Although the appeal site is closely related to the adjacent built form on its western and southern boundaries, I saw on my visit that in views from Old Malvern Road and Public Right of Way (PROW) 566(C), it appears, together with the open fields to the north of Old Malvern Road, as part of the wider open countryside. The houses backing onto the southern boundary are not readily apparent in these views, meaning the houses on Old Malvern Road and around its junction with Collett's Green Road provide a clear edge to the built form of the village. Given this, while it may be that the appeal site is not designated as landscape of any particular importance and may not contain important features specifically identified in the WLCA, in its current form it has significance and value as open countryside, which contributes to the open, rural setting of Collett's Green and Powick.
 8. To support the application, a Landscape and Visual Appraisal (LVA)¹ was undertaken, which has been updated to provide a Landscape and Visual Statement of Case² to support the appeal. Both conclude there to be potential for the appeal site to accommodate the proposal without causing harm to the setting of the site, views or the character of the area, subject to incorporating a sensitive design approach and landscape strategy.
 9. I saw on site that the visual envelope of the appeal site is not extensive and views of the proposal from Old Malvern Road and PROW 566(C) would be partially filtered by intervening vegetation. Nonetheless, the proposal would permanently change the character of the appeal site from an open field to a sizable urban development. From my observations, the presence of the proposed development would be apparent, even if only the upper parts of the houses were visible. In the views from Old Malvern Road and PROW 566(C), the proposal would extend the built form of Collett's Green into the open countryside.
 10. These visual effects would be felt predominantly by users of the Old Malvern Road and PROW 566(C), as well as the occupiers of nearby residential properties. While these properties are sited on the edge of an urban area, with views in other directions being of built form, the degree of change for all these users would be high and the proposal would appear obtrusive.

¹ Landscape and Visual Appraisal, Land at Old Malvern Road, Collett's Green by Viridian Landscape Planning, on behalf of Black Box Planning, dated July 2023

² Landscape and Visual Statement of Case, Land at Old Malvern Road, Collett's Green by Viridian Landscape Planning, on behalf of Srah Hawkins and Binocular Land, dated March 2025

11. There would also be a high degree of change for users of the Powick playing fields and PROW 601(C), which runs along the western boundary of the appeal site. The proposal would bring the built form of Collett's Green much closer to the playing fields, which would erode the overall openness of its setting. PROW 601 (C) would effectively be enclosed by residential development, diminishing its existing open, rural character and obstructing the long-distance views of the surrounding countryside. Nonetheless, PROW 601 (C) is already bordered on one side by closed board garden fencing, and the harm to its character and appearance would be moderated to a degree by the proposed upgrades to the path, which would improve accessibility.
12. The large trees along the southern boundary restrict views of the wider countryside from the A449 Malvern Road and adjacent common land and would help soften the proposal's visual impact. Consequently, the development would appear far less as an extension of Collett's Green, and any harm to local character would be limited. These effects would primarily be experienced by users of the common land and the A449, with motorists likely only perceiving brief, glimpsed views, except when stationary at the traffic lights near the field gate entrance.
13. Despite being assessed functionally as a single settlement, for the purposes of the development strategy, the villages of Collett's Green and Powick are distinct on the ground. However, I saw on my visit that there are limited views that include both houses in Collett's Green and Powick. In the few views where houses in both villages can be seen, there is sufficient separation between them that the proposal would not result in the visual coalescence of the built form of Collett's Green with the built form of Powick.
14. Nevertheless, the proposal would result in the development of the only agricultural field along the southern side of Old Malvern Road, leaving the Powick playing fields as the only gap between the villages in this location. While a public open space within the east of the site could supplement this gap, it would appear as part of the residential development rather than distinct from it. It would also be somewhat different in character and appearance to the existing agricultural field. As a result, on the ground, especially for the users of the Old Malvern Road, the sense of leaving one village and entering the other would be almost lost.
15. Therefore, despite the appeal site not being identified in the South Worcestershire Development Plan (2016) (Local Plan), as performing a functional or spatial role in preventing settlement coalescence, I am of the view that, the proposal would blur the distinction between Collett's Green and Powick. Given this, although the built form of the villages would not appear to join, their coalescence would be perceived.
16. For the reasons above, while it may be that the harm to the wider landscape character would be localised and limited, there would be a greater degree of harm to the character and appearance of the immediate area and the setting of Collett's Green and Powick. Although the submitted Site Layouts and Landscape Masterplans must be treated on an indicative basis, even if I was able to secure the provision of the public open space within the east of the site, this would not mitigate the harm I have identified.
17. To the contrary, the updated Proposed Site Layout, Drawing No. 350-6254-F-110 Rev C, demonstrates that, in order to try and address other site constraints, such as the interface between the development and Old Malvern Road or PROW

601(C), it is likely that the amount of public open space within the east of the site would need to be reduced, together with the overall quantum and density of the development. Soft development edges would be needed on the north and east of the site in combination with appropriate edges on the west to take account of PROW 601 (C) and south to provide sufficient space for the existing trees. Thus, there is a risk that fixing the location of the public open space at this stage would be detrimental to the detailed design of the proposal.

18. I appreciate that the visual and perceptual effects of the proposal would reduce over time with the establishment of landscaping, which would partly screen and soften the development, allowing the proposal to somewhat blend with its surroundings. However, future landscaping would take time to establish, and the proposed dwellings would likely still be noticeable, especially during the winter. Landscaping is therefore unlikely to fully mitigate the harm I have identified.
19. I also recognise that there is the opportunity for the proposal to create a more positive edge to Collett's Green compared to the existing rear gardens and boundary fencing of the houses along Old Malvern Road and the A449 Malvern Road. Nonetheless, this benefit would neither address nor outweigh the harm to the character and appearance of the area that I have identified.
20. The density of the development would be influenced by its layout and dwelling type mix, which are matters reserved for future consideration. Therefore, although it may be that the proposed density of the proposal, at around 33 dwellings per hectare, would not be directly comparable to that of the immediate area, this would be assessed in line with Policy SWDP 13 of the Local Plan at a later stage.
21. Overall, from the evidence before me and my observations on site, the proposal would result in a moderate level of harm to the character and appearance of the area and the setting of Collett's Green and Powick. It has not been demonstrated that this harm could be effectively mitigated by a sensitive design approach and landscape strategy at reserved matters stage, while also retaining the maximum number of houses proposed.
22. Accordingly, the proposal would conflict with Policies SWDP 21 and SWDP 25 of the Local Plan, which seek to ensure that all development is of a high quality that integrates effectively with its surroundings and reinforces local distinctiveness, complements the character of the area and safeguards the distinct identity and character of settlements, including the character of the landscape setting.

The Council's reason for refusal also refers to conflict with Policy SWDP 5 of the Local Plan. Nonetheless, there is no substantive evidence before me to demonstrate that the proposal would be unable to provide 40% Green Infrastructure or that it would have a detrimental impact on important Green Infrastructure attributes. To the contrary, the provision of 40% Green Infrastructure would be secured by the associated S106 unilateral undertaking. The proposal would not therefore conflict with this policy.

Location

23. The appeal site is located outside the development boundary of Collett's Green and, for the purposes of Policy SWDP 2 of the Local Plan, within the open countryside.

24. Policy SWDP 2 of the Local Plan sets out the development strategy and settlement hierarchy for the district. Windfall proposals are assessed in accordance with the settlement hierarchy. In the open countryside, development will be strictly controlled and limited to specific types of development. The proposal would not comprise any of the types of development specified and would therefore be at odds with the development strategy in this regard.
25. Policy SWDP 2 of the Local Plan also states that development proposals should be of an appropriate scale and type with regard to the size of the settlement, local landscape character (see SWDP 25), location and the availability of infrastructure.
26. In this case, the proposal would be a sizeable development on the edge of the village of Collett's Green, which would alter its largely nucleated form. I have found that it would also result in some localised and limited harm to landscape character. The proposal would therefore also conflict with Policy SWDP 2 of the Local Plan in this regard.
27. I understand that the South Worcestershire Development Plan Review (emerging Local Plan), identifies the western part of the appeal site as a potential housing allocation for 25 residential units. However, while the emerging Local Plan is at an advanced stage in its preparation, its examination has not yet been completed. As such, the Inspector has not reported on the soundness of the policies, including the allocations, and there is nothing before me to demonstrate the extent to which there are unresolved objections to them. I can therefore only afford this limited weight in my decision.
28. Accordingly, the appeal site would not be a suitable location for the appeal proposal when applying the Council's Development Strategy set out in the Local Plan and would conflict with Policy SWDP 2 of the Local Plan.

Other Matters

Planning obligations

29. Policy SWDP 7 of the Local Plan requires development to provide or contribute towards the provision of infrastructure needed to support it.
30. A signed and dated agreement and a unilateral undertaking, both under Section 106 of the Town and Country Planning Act 1990 (S106), have been submitted to provide for various obligations. Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires a planning obligation to meet certain tests if it is to constitute a reason for granting planning permission. These tests are set out at Paragraph 58 of the National Planning Policy Framework (the Framework) and include the obligation being necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. The Council considers the planning obligations to make the proposal policy compliant. It is necessary for me to consider these obligations in detail and reach a finding on them having regard to the above tests.
31. The S106 agreement provides for two financial contributions, one towards highways and the other towards Special Educational Needs and Disabilities (SEND). The Highways Contribution includes contributions towards community transport, Microprocessor Optimised Vehicle Actuation (MOVA), PROWs, school transport and the Worcester to Malvern Active Travel Corridor.

32. Policy SWDP 4 of the Local Plan prioritises the improvement of public and community transport provision and walking and cycling infrastructure. Developments are expected to contribute to the provision of sustainable transport infrastructure necessary to support them, either through direct investment in facilities or by financial contributions secured either through the Community Infrastructure Levy charging schedule or developer contributions as appropriate. The Transport Strategy includes significant investment in walk, cycle and passenger transport infrastructure and services along key corridors.
33. The Community Transport Contribution would be required to provide a transport service for all elderly and disabled residents in line with the requirements of the Transport Act 1985. It is directly related to the development and necessary to make it acceptable. The contribution is calculated from historic trip need, DfT mileage rates and census data based on 5 years calculated costs. The amount of contribution would be based on the number of open market dwellings approved at reserved matters stage. It would therefore be reasonable in scale and kind.
34. The MOVA contribution would be used to implement MOVA validation at the A449 Malvern Road/ Old Malvern Road/ Hospital Lane junction. The Highway Authority previously requested that MOVA validation be investigated along with revised modelling of the junction. Nonetheless, from the evidence before me, the Highway Authority has since undertaken a review of the Applicant's local junction modelling and is content that this junction is forecast to operate with sufficient capacity in all modelled scenarios. No explanation has been provided as to why the MOVA validation would be required. The evidence before me does not therefore demonstrate that this contribution would be necessary to make the development acceptable in planning terms. Given this, it would not meet the above tests and cannot constitute a reason for granting planning permission.
35. The PROW contribution would be required for the upgrading of the section of PROW 601(C) that falls outside of the site to ensure that there is a safe and suitable route to access the bus stops from the proposed development. It is directly related to the development and necessary to make it acceptable. The contribution is based on the necessary upgrades for this section of the PROW, to provide a 3-metre wide, sealed and lit path. It would therefore be reasonable in scale and kind.
36. The School Transport Contribution would be required to provide transportation to one of the catchment High Schools, which are above the maximum statutory walking distance from the proposed development. It is directly related to the development and necessary to make it acceptable. This contribution would be based on the number of open market dwellings approved at reserved matters. It would therefore be reasonable in scale and kind.
37. The Travel Corridor Contribution is required to provide a 4.5 metre segregated path along the A449 to create a comprehensive, integrated off-road network linking residential areas with key trip attractors in line with Local Transport Plan 4. It is directly related to the development and necessary to make it acceptable. This is a proportionate contribution to mitigate the cumulative impacts of the proposed development. It would therefore be reasonable in scale and kind.
38. The SEND Contribution is required for additional provision for children with SEND, either within existing mainstream or specialist schools, or in the creation of a new school. It is directly related to the development and necessary to make it

acceptable. The contribution is based on the average percentage of pupils in Worcestershire requiring specialist education provision and relates to schools that operate a catchment area in which the development is situated or those close to the development where a likely demand from families moving onto the development can be demonstrated.

39. The Council's Developer Contributions SPD (2018) (SPD) and the representation from Worcestershire Children First explain that certain types of dwellings that are likely to be present on the development are excluded from the requirement for an education contribution, notably 1-bedroom dwellings, affordable rent and social rent properties, although properties categorised as 'intermediate rent' are still liable. These types of properties would be discounted from the contribution at reserved matters stage.
40. From the evidence before me, the SEND contribution has been based on a development of 60 dwellings, allowing for 20 1-bed dwellings, which do not yield children. I note there is no mechanism in the S106 agreement to allow an adjustment to the contribution at reserved matters stage. Nonetheless, the calculation and assumed number of properties with over 1 bedroom is informative and indicates intention. The scale of any shortfall, or overprovision, is likely to be limited, therefore I am satisfied that the contribution would be reasonably related to the development in scale and kind and meets the relevant tests.
41. The S106 agreement also includes the payment of highways and education monitoring fees. Planning Practice Guidance ('PPG') states that authorities can charge a monitoring fee to cover the cost of monitoring and reporting on the delivery of relevant planning obligations. It also states that in all cases, monitoring fees must be proportionate, reasonable and reflect the actual cost of monitoring.
42. The monitoring fees provided by the S106 agreement are based on the work undertaken to ensure compliance with the agreement and the size of the development. Thus, they are proportionate and reasonable.
43. The S106 unilateral undertaking makes provision for affordable housing, as well as financial contributions towards off-site public open space and increased capacity for health care provision. It also secures the provision, management and maintenance of on-site Green Infrastructure.
44. Policy SWDP 15 of the Local Plan requires all new residential development above the stated thresholds in paragraph B to contribute to the provision of affordable housing. The number, size, type, tenure and distribution of affordable dwellings to be provided will be subject to negotiation, dependent on recognised local housing need, specific site and location factors and development viability. On sites of 15 or more dwellings on greenfield land, such as the proposal, 40% of the units should be affordable and provided on site.
45. The S106 unilateral undertaking makes provision for an Affordable Housing Scheme to be submitted to and approved by the Council, which shall provide no less than 40% of the dwellings approved at reserved matters as affordable housing in accordance with the affordable housing mix. An affordable housing contribution would be secured in lieu of an additional partial unit in order to provide equivalent provision of 40%. The affordable housing mix is secured as 69% social rent, 25% First Homes and 6% shared ownership. Together these provisions would be

necessary to meet the requirements set out within Policy SWDP 15 of the Local Plan and would be reasonable in scale and kind.

46. Policy SWDP 39 of the Local Plan requires development proposals exceeding 5 dwellings to make provision for Green Space and outdoor community uses. In cases where it would be impractical and inappropriate to deliver all the open space typologies on site, developer contributions towards off-site provision would be sought. The proposed open space contributions are directly related to the development and necessary to make it acceptable. The level of contribution is set out in the SPD. It is based on the cost of providing each type of open space, including land acquisition costs, and the number of dwellings being delivered by the development. The obligation includes a potential adjustment to reflect the number and mix of dwelling types approved at reserved matters stage. The contributions are therefore fairly and reasonably related in scale and kind.
47. The proposed development would give rise to a need for improvements to the capacity of primary health care provision in the area by way of new and additional premises or infrastructure, extension to existing premises, or improved digital infrastructure and telehealth facilities. The NHS Contribution is provided to address this. It is directly related to the development and necessary to make it acceptable. The contribution is based on the population generated by the proposed development, the amount of floor space required to meet this growth and the capital required to create the additional floorspace. It would therefore be reasonable in scale and kind.
48. Policy SWDP 5 requires housing development proposals to contribute towards the provision, maintenance, improvement and connectivity of Green Infrastructure. Proposals on greenfield sites exceeding 1ha (gross), such as the appeal proposal, should provide 40% Green Infrastructure subject to financial viability. The S106 unilateral undertaking secures 40% of the appeal site to be provided in accordance with a Green Infrastructure Scheme to be approved by the Council. It also secures the management and maintenance of the Green Infrastructure through transfer to a management company or the Council and by way of a commuted maintenance sum payment. The Green Infrastructure, its management and maintenance are directly related to the development and necessary in order to make it acceptable. The required amount for the commuted maintenance sum payment is set out in the SPD. It is based on the maintenance costs of the land per year over 20 years and calculated per dwelling. The contributions are therefore acceptable and reasonable in scale and kind.
49. Overall, except for the MOVA contribution, I am satisfied that the provision of the measures and financial contributions within the S106 agreement and unilateral undertaking are necessary to make the development acceptable in planning terms, are directly related to the development, and fairly and reasonably related in scale and kind to the development. They would, therefore, meet the relevant tests, and I afford weight to them accordingly.

Interested Parties

50. I have taken careful account of the representations of those who live nearby, which include, among others, concerns regarding highway safety and flooding, as well as the impacts of the proposal on biodiversity and whether the local infrastructure has the capacity to accommodate the proposal.

51. The Highways Authority have not objected to the proposal, subject to conditions. From the evidence before me and my observations on site, I can find no reason to disagree. During the course of the application additional information was submitted to address concerns raised by the Highway Authority and demonstrate that the proposal would provide suitable access and not result in unacceptable impact on highway safety. This included updated data and an assessment that demonstrated that the highway works that took place during the Automatic Traffic Count data collection in November 2023 did not have a perceptible impact on the traffic and speed data collection.
52. The Highway Authority requested a safety review of the entire length of Old Malvern Road, which was addressed in the appellant's Transport Assessment Addendum³. This set out the highway widths, safety history and road condition of the Old Malvern Road and concluded it to operate in a safe and efficient manner. This has not been disputed by the Highway Authority. I am therefore not of the view that unacceptable effects would result from the proposal in this regard.
53. The appeal site is located within Flood Zone 1. The proposal was supported by a Flood Risk Assessment and drainage strategy, which the Local Lead Flood Authority consider to be acceptable at this stage in the planning permission process. From the evidence before me and my observations on site, I can find no reason to disagree. Surface water would be dealt with by kerbside rain gardens and underground pipework draining to an attenuation basin and a swale running through an area of private open space to a basin. It would be discharged to a ditch, which the Local Lead Flood Authority consider an acceptable discharge method. Furthermore, a detailed surface water drainage scheme would be secured by condition prior to the development commencing.
54. I understand that there are concerns regarding the drainage of Old Malvern Road, which can lead to surface water flooding. However, there is no substantive evidence before me to demonstrate that an adequate surface water drainage scheme could not be implemented for the proposal. I am therefore not of the view that unacceptable effects would result from the proposal in this regard.
55. From the evidence before me there is the opportunity for the proposal to deliver a meaningful net gain in biodiversity. While the proposal would include the loss of UK BAP priority habitat, the amount of hedgerow to be removed to accommodate the proposal has been reduced to the minimum necessary. The reserved matters applications for landscaping would include a Biodiversity Net Gain Scheme, a Landscape and Ecological Management Plan, a scheme for the protection of trees, and a lighting design strategy for biodiversity, which are secured by condition. As is the submission and approval of a Construction Environmental Management Plan.
56. In terms of infrastructure, the evidence confirms that there are sufficient early years, primary and secondary school places in the area. I am satisfied that other demands generated by the development would be addressed through the provisions and contributions secured by the planning obligations.
57. I have considered representations regarding the number of recent housing developments in the area, anti-social behaviour and the effect of the proposal on

³ Technical Note 01 – Transport Assessment Addendum, Response to WCC Consultation Response (10 October 2023), LPA Ref. M/23/01055/OUT – Land South of Old Malvern Road, Collett's Green.

the views from existing houses and property values. However, these are matters which do not affect my findings on the main issue.

Conditions

58. The Council has suggested 25 conditions be imposed on any grant of permission, which I conclude on below. In imposing conditions, I have had regard to the approach in the Framework and the PPG. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims. Pre-commencement conditions were agreed by the appellant.
59. In addition to the standard time limit conditions, a condition requiring the submission of reserved matters, conditions specifying the approved plans and restricting the number of dwellings to that applied for are necessary in the interests of certainty. I have not imposed a condition requiring the extent of built development and open space to be in accordance with the Concept Development Site Layout Plan. I have also removed this plan from the approved plans list. The layout of the development is reserved for future consideration and, as such, this is an indicative plan. Moreover, for my reasons set out earlier, I am also of the view that fixing the location of the public open space at this stage could be detrimental to the detailed design of the proposal.
60. In the interests of highway safety, conditions requiring a detailed scheme for the site access works, a lighting scheme and the submission and approval of a Construction Traffic Management Plan are necessary. These conditions must be pre-commencement to ensure safe access to the appeal site is provided for the whole construction process, as well as for occupation of the completed development. For the same reason, I have also imposed conditions securing and maintaining the necessary visibility splays and a 2 metre wide footway from the proposed site access to PROW 601(C).
61. To reduce vehicle movements and encourage more sustainable forms of transport, conditions are required to ensure the application for the reserved matter of layout includes details showing the protection and enhancement of PROW 601(C) and a pedestrian connection to the recreation ground. For the same reason, conditions are also necessary to require the submission and approval of a Travel Plan and residential Travel Welcome Pack prior to first occupation.
62. To protect biodiversity, a condition requiring the submission and approval of a Construction Environmental Management Plan is necessary. This condition must be pre-commencement to ensure the approved measures are provided for the whole construction process. For the same reason, conditions are required to ensure the application for the reserved matter of landscaping includes a Biodiversity Net Gain Scheme, a Landscape and Ecological Management Plan, a lighting design strategy for biodiversity and a scheme for the protection of trees.
63. The Council suggested more than one condition to secure the management of surface water, which is necessary to ensure that the development would not increase flood risk on or off the site. I have combined the requirements of the suggested conditions into a single condition requiring the submission and approval of a detailed surface water drainage scheme, including a Construction Surface Water Management Plan. This condition must be pre-commencement as the drainage scheme could affect the fundamental design of the proposal and to

ensure the Construction Surface Water Management Plan is in place for the whole construction process.

64. Given the potential for land contamination, ground gas and archaeological remains within the site, conditions requiring adequate remediation if contamination is found, gas protection measures and a programme of archaeological works are justified. The gas protection condition, in the absence of incorporating gas protection measures, must be pre-commencement as these measures could affect the fundamental design and construction of the proposal. The archaeology condition must be pre-commencement to ensure that archaeological remains are accounted for throughout the construction process.

Planning Balance and Conclusion

65. The Council does not currently have a five-year supply of deliverable housing sites. I understand that the latest published position was 2.06 years. This is a chronic shortfall, which is not disputed by the Council.
66. Given the shortfall in housing supply, paragraph 11d) of the Framework falls to be considered. Permission should therefore be granted unless any adverse impacts of the proposal would significantly and demonstrably outweigh the 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.
67. I have found that the proposal would result in moderate harm to the character and appearance of the area and the setting of Collett's Green, including from the perception of coalescence between the villages of Collett's Green and Powick. Policies SWDP 21 and 25 are broadly consistent with the Framework's aim to create high quality, beautiful and sustainable buildings and places, which are visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting. Good design is a key aspect of sustainable development, which creates better places and helps make development acceptable to communities.
68. I have also found that the proposal would be at odds with the Council's Development Strategy. The Development Strategy is broadly consistent with the Framework in terms of supporting housing developments in rural areas that reflect local needs. Nevertheless, Policy SWDP 2 of the Local Plan restricts the type of development, including housing, permitted in rural areas where it would be located beyond the development boundary, whereas the Framework only restricts housing permitted in rural areas where the development would result in isolated homes in the countryside.
69. In this case, the appeal proposal would not result in isolated homes in the countryside. This is not disputed by the Council. Unlike Policy SWDP 2 of the Local Plan, Paragraph 83 of the Framework supports housing in rural areas, where it would enhance or maintain the vitality of rural communities, especially where it would support local services, including services in nearby villages.
70. The appeal site is in an accessible location adjacent to the category 2 village of Collett's Green and Powick within walking distance of local facilities and services, including public transport. The proposed dwellings would therefore help maintain

the vitality of the rural communities, as future occupants would likely use the services and facilities in Collett's Green and Powick. The proposal would therefore accord with the Framework in this regard.

71. Accordingly, although the appeal site is located within the open countryside beyond the development boundary and would result in some localised and limited harm to landscape character, it is not in an unsustainable location. For this reason, I afford the conflict with the development strategy only moderate weight.
72. The proposal would provide a significant number of new dwellings in an accessible location, which would make an important and much needed contribution to the district housing supply, including 40% affordable dwellings. The proposal would therefore support the objective of the Framework in boosting the supply of homes in an area where there is a chronic shortfall in the supply of deliverable housing sites. I afford this substantial weight in my decision.
73. The proposal would also deliver economic benefits in the shorter-term during construction and in the longer-term following occupation of the dwellings. Social benefits would arise from the provision of public open space and a safe and attractive walking route from Collett's Green to Powick Primary School and Parish Hall. There would also be opportunities for environmental benefits arising from an appropriate and comprehensive landscaping scheme and a net gain in biodiversity, as well as the potential enhancement to the appearance of the edge of Collett's Green. These are further moderate benefits of the proposal.
74. Notwithstanding the importance of good design, in this case, taken together, the harms that I have identified would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Thus, material considerations justify allowing the appeal. As such, the proposal would accord with Policy SWDP 1 of the Local Plan.
75. For the reasons above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed, subject to the conditions set out in the attached schedule.

Hannah Guest

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for the approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans: 350-6254-F-001 Rev A Site Location Plan; PHL-01 Rev F Preliminary Access Layout.
- 5) The development hereby permitted shall be for no more than 80 dwellings.
- 6) The application for the reserved matter of landscaping shall include details of the protection and enhancement of Public Right of Way 601(C), which is located within the site boundary, including the provision of a 3-metre-wide bound surface and associated lighting. Prior to first occupation of the development hereby permitted the development shall be undertaken in accordance with the approved details. Thereafter it shall be retained and maintained.
- 7) The application for the reserved matter of layout shall include details of the proposed pedestrian connection to the recreation ground. Prior to first occupation of the development hereby permitted the development shall be undertaken in accordance with the approved details. Thereafter it shall be retained and maintained.
- 8) The application for the reserved matter of landscaping shall include a Biodiversity Net Gain (BNG) Scheme for the development site. The scheme shall be guided by the BNG shown in the metric submitted with the application but informed by updated surveys and finalised layout as appropriate. It will include biodiversity compensation and enhancement features for protected species. The BNG Scheme will include the following:
 - (a) Details of BNG calculations to reflect final layout, and associated BNG report for on-site BNG provision.
 - (b) Purpose and conservation objectives for the proposed ecological mitigation and enhancement works;
 - (c) Review of site potential and constraints;
 - (d) Detailed designs and working methods to achieve stated objectives (including, where relevant, type and source of materials to be used);

- (e) Extent and location of proposed ecological mitigation and enhancement works and features shown on appropriate scale maps and plans;
- (f) Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- (g) Timetable for implementation, demonstrating that the ecological mitigation and enhancement works are aligned with the proposed phasing of development;
- (h) Persons responsible for implementing the ecological mitigation and enhancement works;
- (i) Initial aftercare;
- (j) Details for disposal of any wastes arising from the ecological mitigation and enhancement works; and
- (k) Details for monitoring and remedial measures.

The BNG Scheme shall be implemented in accordance with the approved details and thereafter all features shall be retained and maintained.

On completion of the ecological mitigation and enhancement works, a statement of compliance shall be submitted to the local planning authority by the ecological clerk of works or similarly competent person confirming that the specified and consented measures have been implemented.

- 9) The application for the reserved matter of landscaping shall include a Landscape and Ecological Management Plan (LEMP). The content of the LEMP shall be based on the approved landscaping details and guided by the requirement to achieve the approved BNG Scheme and maintain this after implementation. It shall include the following:
- (a) Description and evaluation of the features to be managed;
 - (b) Ecological trends and constraints on site that might influence management;
 - (c) Aims and objectives of management;
 - (d) Appropriate management options for achieving aims and objectives;
 - (e) Prescriptions for management actions;
 - (f) Preparation of a work schedule, including an annual work plan capable of being rolled forward over a five-year period and for the lifetime of the development (or a minimum of 30 years) thereafter;
 - (g) Details of the body or organisation responsible for implementation of the plan; and
 - (h) On-going monitoring, timescales and remedial measures and their triggers.

The plan shall also set out where the results of the monitoring show that conservation aims and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The LEMP will be implemented in accordance with the approved details.

- 10) The application for the reserved matter of landscaping shall include a scheme for the protection of trees. The scheme shall include the provision of protective fencing within the site and around those trees outside the site whose Root Protection Area (RPA) (as defined in BS5837:2012) fall within the site. The tree protection measures shall include the following:
- (a) the submission of a Tree Protection Plan and appropriate working methods – the Arboricultural Method Statement in accordance BS5837:2012 Trees;
 - (b) details of the erection of stout protective fencing in accordance with British Standard BS5837:2012, Clause 6.2;
 - (c) Fencing shall be shown on the Tree Protection Plan and installed to the extent of the tree Root Protection Area as defined in BS5837:2012 and as agreed in writing by the local planning authority;
 - (d) No equipment, machinery or structure shall be attached to or supported by a retained tree;
 - (e) No mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a root protection area that seepage or displacement could cause them to enter a root protection area;
 - (f) No fires shall be lit within 10 metres of the nearest point of the canopy of the retained tree within or adjacent to the site; and
 - (g) A phasing plan for the provision and removal of the tree/hedge protection works to take account of the commencement and completion phases of different parts of the site.

The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.

- 11) The application for the reserved matter of layout shall include a lighting design strategy for biodiversity. The strategy shall be informed by updated bat surveys and shall:
- (a) Identify those areas/features on site that are particularly sensitive for nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- (b) Show how and where external lighting will be installed and impacts of internal light spill (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. This will include the provision of dark corridor conditions (LUX levels at or below 0.4 in the vertical plane and 0.2 LUX in the horizontal plane) for retained trees, hedgerows and commuting routes for bats.

All lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed.

- 12) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development hereby permitted, a verification report shall be submitted to and approved in writing by the local planning authority. Verification of the installation of gas protection measures must be carried out in accordance with current UK guidance and best practice.

Or

A risk assessment should be undertaken to establish whether the proposed development is likely to be affected by landfill or ground gas or vapours. The risk assessment must be provided to and approved in writing by the local planning authority, prior to the commencement of development. The assessment shall be carried out in accordance with current UK guidance and best practice.

Where the approved risk assessment identifies ground gases or vapours posing unacceptable risks, no development shall take place until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the local planning authority. Following approval, the remediation scheme shall be implemented on site in accordance with approved details.

Following implementation and completion of the approved remediation scheme and prior to the first occupation of the development hereby permitted, a verification report shall be submitted to and approved in writing by the local planning authority to confirm completion of the remediation scheme in accordance with approved details.

Verification of the installation of gas protection measures must be carried out in accordance with current UK guidance and best practice.

- 13) No development shall take place until a detailed scheme for the site access works at Old Malvern Road, based on drawing PHL 01 Rev F and the Road Safety Audit processes, has been submitted to the local planning authority. Prior to first occupation of the development hereby permitted the submitted site access scheme

shall have been agreed in writing by the local planning authority and implemented in full. Thereafter the scheme shall be retained and maintained.

- 14) No development shall take place until a lighting assessment in accordance with Worcestershire County Council's Street Lighting Design Guide and lighting scheme based on this assessment have been submitted to the local planning authority. Prior to first occupation of the development hereby permitted the submitted lighting scheme shall have been agreed in writing by the local planning authority and implemented in full. Thereafter the scheme shall be retained and maintained.
- 15) No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. This shall include but not be limited to the following:
 - (a) Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - (b) Routing of construction vehicles to and from the development site;
 - (c) Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
 - (d) The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring;
 - (e) Details of any temporary construction accesses and their reinstatement; and
 - (f) A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved CTMP shall be carried out and complied with in full during the construction of the development hereby approved. 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.

- 16) No development shall take place (including any ground works, demolition or site clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall be based on the recommendations in the Preliminary Ecological Appraisal report produced by Cotswold Ecology dated June 2024 and be informed by updated surveys as appropriate, but will include the following:
 - (a) Risk assessment of potentially damaging construction activities;
 - (b) Identification of "biodiversity protection zones" to include trees, hedgerows and retention of trees with bat potential;
 - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements/mitigation strategies, e.g., trees and hedgerows, birds, bats, reptiles, and badgers);

- (d) The location and timing of sensitive works to avoid harm to biodiversity features;
- (e) The times during construction when specialist ecologists need to be present on site to oversee works;
- (f) Responsible persons and lines of communication;
- (g) The role and responsibilities on site of an ecological clerk of works or similarly competent person;
- (h) Use of protective fences, exclusion barriers, silt management measures and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 17) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- (a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- (b) include a timetable for its implementation;
- (c) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and
- (d) include a Construction Surface Water Management Plan setting out how surface water will 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 development shall be carried out in accordance with the approved details. The approved construction surface water management plan shall be implemented as soon as works start on site and thereafter be maintained during the full duration of the construction phase. The surface water drainage scheme shall be fully implemented before first occupation of the development hereby permitted. Thereafter, the approved sustainable drainage system shall be managed and maintained in accordance with the approved management and maintenance plan.

- 18) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
- (a) The programme and methodology of site investigation and recording.
 - (b) The programme for post investigation assessment.
 - (c) Provision to be made for analysis of the site investigation and recording.
 - (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - (e) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Prior to first occupation of the development hereby permitted the site investigation and post investigation assessment shall have been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition shall have been secured.

- 19) Prior to first occupation of the development hereby permitted visibility splays measuring 2.4 metres by 61.08 metres westbound and 2.4 metres by 56.83 metres eastbound, as shown on drawing PHL-01 Rev F, shall have been provided. The visibility splays shall at all times be maintained free of level obstruction exceeding a height of 0.6 metres above the adjacent carriageway.
- 20) Prior to first occupation of the development hereby permitted the existing footway along Old Malvern Road shall have been widened to provide a continuous 2 metre footway from the proposed site access to Public Right of Way 601(C) in accordance with details previously submitted and approved in writing by the local planning authority. Thereafter the footway shall be retained and maintained.
- 21) Prior to first occupation of the development hereby permitted a Travel Plan that promotes sustainable forms of access to the development site prepared in accordance with the County Council guidelines shall be submitted to and approved in writing by the local planning authority. This plan will thereafter be implemented and monitored for a minimum of 5 years.
- 22) Prior to first occupation of the development hereby permitted a residential Travel Welcome Pack promoting sustainable forms of access to the development shall be submitted to and approved in writing by the local planning authority. The pack shall be provided to each resident at the point of occupation.
- 23) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the

local planning authority. Development on the part of the site affected shall be suspended and a detailed site investigation and risk assessment carried out by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation and verification schemes shall be carried out before the development is resumed or continued.