



Appeal Decision

Site visit made on 12 November 2025

by **Lewis Condé BSc, MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 December 2025.

Appeal Ref: APP/H1840/W/25/3371358

Paddock View, Springfield Lane, Broadway, WR12 7BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rick Chahal against the decision of Wychavon District Council.
 - The application Ref is W/25/00264/FUL.
 - The development proposed is a new self-build dwelling and detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for a new self-build dwelling and detached garage at Paddock View, Springfield Lane, Broadway, WR12 7BT in accordance with the terms of the application, Ref W/25/00264/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The site address and description of development in the banner heading above are taken from the Council's decision notice as opposed to the original application form, as they provide more accurate descriptions.
3. I am the appointed Inspector dealing with another appeal¹ for residential development at an adjacent site. Given the contextual similarities between the cases, there is a degree of duplication in my reports. Each case has though been determined on its own individual merits.
4. Since the determination of the planning application, main parties have executed a Supplemental Section 106 Agreement. This would formally reallocate a financial contribution paid toward the provision of affordable housing on a previous implemented permission at the site to the current appeal scheme should it instead be implemented. The Council has confirmed that it therefore wishes to withdraw its second reason for refusal.
5. Although not a reason for refusal, due to the adopted development plan policies and comments of interested parties, I have considered the location of the proposal as a main issue in the appeal.

Main Issues

6. In light of the above, the main issues are: i) the effect of the proposal on the character and appearance of the area; and ii) whether the appeal site is an appropriate location for residential development having regard to the Council's local development strategy.

¹ APP/H1840/W/25/3371357 – Saintbury View, Springfield Lane, Broadway, WR12 7BT

Reasons

Character and Appearance

7. The appeal site is situated on a long private lane, lined by residential properties, that has a verdant and semi-rural character. Properties along the lane vary in their age and precise appearance but are predominantly large, detached dwellings set within sizeable plots. There is also a sense of continuity through their use of materials, as well as most properties being set back from the road along similar building lines. Consistency of spacing between dwellings is not a strong defining feature along the lane, with numerous examples of dwellings sited closely alongside one another, nonetheless, large plot sizes ensure that a sense of spaciousness remains.
8. Several of the dwellings along the street have detached garages, car ports or separate outbuildings. These vary in their precise scale, design and position within plots. Many though are sizeable and clearly visible from the streetscene, including examples where the structures sit forward of the associated dwellinghouses.
9. Permission² has previously been granted for residential development at the appeal site and neighbouring land, which included a detached dwelling on the appeal site. From the evidence before me that permission has been implemented, while at the time of my site visit it appeared that the works in relation to the dwelling at the appeal site were nearing completion. The appeal scheme would largely replicate the design of the dwelling previously approved on the site, but through the introduction of a two-storey element to the rear the proposal would be a notably larger dwelling than that previously permitted. Additionally, the appeal scheme also involves the introduction of a detached garage to the side of the proposed dwelling.
10. The proposed dwelling would be considerable in scale; however, given the size of the plot and the surrounding built form, it would not appear cramped or overly dominant within the streetscene. The detailed design and choice of materials would also ensure a sense of visual cohesion with the existing residential properties.
11. The proposed detached garage would remain subservient to the dwelling, would be of a scale comparable to similar structures in the locality and would be finished in appropriate materials. Although positioned to align with the front elevation of the dwelling and located close to the boundary with an adjacent property, this arrangement would not be unusual or highly urbanising. The proposed garage's single-storey form and precise siting would also maintain a visual break between the properties. Moreover, spacing between dwellings along the street is not uniform, and the proposal would not appear incongruous in this regard.
12. Views through the site towards the countryside beyond would be retained, even if developed alongside a separate proposal on the adjacent plot³. Such views would remain consistent with those typically experienced between existing built form nearby and would help preserve the area's semi-rural character. In addition, proposed landscaping would further assist the appeal scheme to integrate successfully with its surroundings.

² W/22/00081/PIP – Permission in principle for 3no. self-build dwellings; and W/23/02426/TDC5 – Technical Details Consent' for the erection of 3 no. self-build dwellings on plots A, B and C (Plot B)

³ APP/H1840/W/25/3371357 - Saintbury View, Springfield Lane, Broadway WR12 7BT

13. Bringing the above together, I find that the proposal would not cause harm to the character or appearance of the area. It would therefore comply with Policy BE.1 of the Broadway Neighbourhood Plan (made 2022) (the Neighbourhood Plan) and Policy SWDP21 of the South Worcestershire Development Plan (adopted 2016) (the SWDP). Together these policies seek to promote high-quality design that suitably reflects its surroundings. Nor have I found the proposal to be contrary to the aims of the National Planning Policy Framework (the Framework) or the guidance outline within the National Design Guide, in respect of promoting high-quality design.

Location

14. The appeal site is located just beyond the settlement boundary for Broadway. From a planning policy perspective, it is therefore in the 'open countryside', as identified under the SWDP and the Neighbourhood Plan.
15. Policy SWDP 2 of the SWDP establishes the development strategy and settlement hierarchy for the area. Part C of Policy SWDP 2 sets out that development in the countryside, beyond any development boundary, will be strictly controlled and limited to exceptions detailed under the policy or specifically permitted by other SWDP policies.
16. The appeal scheme does not comply with any of the limited forms of development in the open countryside promoted by the SWDP. Consequently, the proposal is contrary to Policy SWDP 2.
17. Notwithstanding the above, the site remains well related to existing built form, as well as a range of facilities and services located nearby on Broadway High Street and its surrounds. These include several shops, community facilities and public transport options. The route to such facilities and services would be via relatively flat terrain along Springfield Lane, before connecting to paved streets beyond. Although Springfield Lane contains no pavement or streetlighting, it is hard-surfaced and a designated public right of way. Additionally, the lane is well overlooked, lightly trafficked, and contains wide grass verges alongside the lane, thereby providing a pleasant walking route.
18. Even though future residents may still rely on the use of the private car it remains that there is a realistic opportunity to access a range of facilities and services by means of sustainable travel. As such, the proposal does not conflict with Local Plan Policy SWDP4, which promotes development that offers genuine sustainable travel choices. While it also draws some support from the Framework that recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
19. Moreover, as highlighted there is an extant permission for residential development at the appeal site and neighbouring land⁴, with a dwelling on the site already nearing completion.
20. Policy HD.1 of the Neighbourhood Plan, meanwhile, sets out the principles for development in the area. The policy provides support for a range of development types within the development boundary for Broadway, subject to detailed criteria. The supporting text to the policy further sets out the development boundary's

⁴ W/22/00081/PIP and W/23/02426/TDC5

purpose is to direct development to more sustainable locations, protect the character of the countryside, and identify locations where development will be generally acceptable. Still Policy HD.1 of the Neighbourhood Plan does not preclude development from being located outside the identified development boundary. Given my findings in respect of the proposal's effect on the character and appearance of the area and access to facilities and services, I do not find the appeal scheme to conflict with Policy HD.1 of the Neighbourhood Plan or its identified purposes.

21. Bringing the above together, through conflict with Policy SWDP2 the proposed development would not be a suitable location for residential development having regard to the Council's local development strategy. Considering the context of the appeal site, including its planning history, there are however material considerations that weigh significantly in favour of the appeal scheme.

Other Matters

22. The appeal site is located outside but adjacent to the boundary of the Cotswold National Landscape. As the proposed scheme would be read in conjunction with neighbouring residential built form, that it would appropriately integrate with, the proposal would not harm the visual qualities of the adjacent National Landscape. Additionally, the proposal's proximity to other dwellings, should also not lead to any noticeable effects upon the dark skies or tranquillity of the Cotswold National Landscape, while a condition restricting the use of external lighting could further safeguard this. Consequently, the landscape and scenic beauty of the Cotswold National Landscape would be conserved, while the proposal would accord with Section 85 of the Countryside and Rights of Way Act 2000 (as amended)⁵.
23. The appeal site is also located outside, but near the boundary of, the Broadway Conservation Area. The significance of the conservation area, as it relates to the appeal scheme, derives from its high-quality and historic built form, with further contributions from trees, gardens and open spaces adding a pleasant, verdant and semi-rural character. Given my above findings that the appeal scheme would harmonise with its surroundings, I also find no harm to the setting of the Broadway Conservation Area. Nor do I find the appeal scheme would cause harm to the setting of Springfield Farmhouse, opposite, which has been referred to as a non-designated heritage asset.
24. It is not the purpose of this appeal to verify whether works that have been undertaken at the appeal site accord with a previously approved scheme. Evidence from the main parties, however, indicates that an extant fallback position for a dwelling at the site exists. Nor have main parties raised dispute as to whether the development that has been carried out at the site is pursuant to the previous permissions. No suitably robust evidence has been provided which leads me to an alternative view. Even if certain works were undertaken in breach of the previous permission, this would not necessarily negate the existence of an extant fallback position for a detached dwelling available to the appellant.
25. I therefore consider that the appellant has a genuine fallback position. Although the appeal proposal would entail a larger dwelling with a detached garage, it would still only result in a single dwelling on this plot. Furthermore, as it would appropriately integrate with the character and appearance of the area, I find it

⁵ As amended by the Levelling Up and Regeneration Act 2023

would be no more harmful than the approved scheme. Consequently, the potential fallback position attracts significant weight.

26. Policy SWDP5 of the SWDP sets out criteria for the delivery of green infrastructure. The appeal scheme includes an area within the plot reserved for the incorporation of green infrastructure, notably wildflower meadow planting. Notwithstanding this, the identified size of the appeal site would not meet the threshold identified under Policy SWDP5 that requires the delivery of 20% green infrastructure.
27. The appeal proposal is for a self-building dwelling. This is to be secured via both the description of development and the terms of the Supplemental Section 106 that has been agreed by the main parties. No detailed evidence has been provided to demonstrate that the proposal would not comply with the definition of self-build and custom housebuilding outlined under the Self-Build and Custom Housebuilding Act 2015. Accordingly, I am satisfied that the appeal scheme is exempt from the delivery of Biodiversity Net Gain, under Schedule 7A of the Town and Country Planning Act 1990 as amended⁶.
28. The Supplemental Section 106 would also ensure that a financial contribution already paid towards the provision of affordable housing on a previous approved scheme at the site, could instead be appropriately assigned to the current appeal scheme (if instead implemented). From the available evidence, I find the obligation to meet the tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010, as amended. Namely, that it is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the proposed development.
29. The requirement for payment of community infrastructure levy contributions is a matter for relevant parties to address and is not a determinative matter in this appeal.
30. The description of development makes clear that permission is sought for a dwelling with a detached garage. From the evidence before me, the proposed garage structure would form a subordinate use to the main dwellinghouse and so one that I consider remains incidental⁷.
31. The appeal relates to an application for full planning permission at the site and therefore is not subject to the restrictions imposed on development previously approved under application references W/22/00081/PIP and W/23/02426/TDC5.

Planning Balance and Conclusion

32. I have not found the appeal scheme to cause harm to the character and appearance of the area. Still, through being contrary to the spatial strategy for development outlined under Policy SWDP2, the proposal conflicts with the development plan.
33. Nevertheless, residential development has recently been approved at the site, with a dwelling on the site nearing completion. The proposal, although of an alternative design to that approved at the site would suitably integrate with its surroundings

⁶ As inserted by the Environment Act 2021

⁷ As per *Uttlesford DC v SSE & White* [1992] JPL 171

and would be no more harmful than the fallback position. This weighs heavily in favour of the appeal proposal.

34. Additionally, the appeal site is well located to a range of facilities and services, which are accessible by sustainable means, while the Council has acknowledged it cannot demonstrate a five-year housing land supply and from the information before me, its housing shortfall is severe.
35. Overall, I find the proposal to be contrary to the development plan as a whole but there are material considerations, notably the fallback position, that indicate that a decision should be taken other than in accordance with it. The appeal is therefore allowed.

Conditions

36. The Council suggested draft conditions in the event planning permission is granted. Where necessary, I have amended the conditions for precision or to reflect the tests of conditions set out in the Framework.
37. In addition to a standard time-limit condition for commencement of development, it is necessary to attach a condition requiring compliance with the approved plans in the interest of clarity and certainty.
38. A condition requiring approval of the foul and surface water drainage systems to serve the proposed development is necessary to ensure an appropriate form of development and minimise surface water flood risk.
39. It is necessary to attach a condition requiring the delivery of access, turning space and parking facilities at the site on highway safety grounds.
40. Conditions in respect of securing renewable and/or low carbon energy generation measures and the provision of cycle parking spaces at the site are reasonable and necessary in the interests of sustainable development.
41. Conditions in respect of compliance with the recommendations of the submitted Preliminary Ecological Appraisal and a restriction on the use of external lighting are reasonable and necessary in the interests of biodiversity.
42. Due to the advanced stage of development activity that has taken place, the additional works that would be involved to implement the current proposal, and the extent of space for the storage of vehicles/equipment within the site, I do not consider it necessary to require a detailed Construction Management Plan to be submitted or approved in connection with the appeal proposal. I have though attached a condition restricting the hours of development activities in the interests of the living conditions of neighbouring residents.
43. Conditions requiring the approval of hard landscaping materials, as well as in relation to when soft landscaping works are undertaken, are reasonable and necessary in the interests of the character and appearance of the area.
44. The Planning Practice Guidance identifies that the blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. No strong reasons have been provided to support the Council's suggested condition that would remove various permitted

development rights from the property. Due to the context of the surrounding built form, I have also not found it reasonable or necessary to attach such a condition.

45. Use of the proposed garage other than purposes incidental to the dwellinghouse, for example as living accommodation, would require planning permission. Consequently, I have not found it necessary to attach a condition restricting the use of the garage structure.

Lewis Condé

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Unless where required or allowed by other conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the following approved drawings:
 - 22.20.014 PL100.B – Plot B Site Location Plan*
 - 22.20.014 PL116.H – Amenity Space*
 - 22.20.014 PL155.J – Plots A – B Street Scene Analysis*
 - 22.20.014 PL156.H – Proposed Drainage Layout*
 - 22.20.014 PL300.Q – Plot B Proposed Site and Block Plan*
 - 22.20.014 PL301.K – Plot B Proposed Plans and Elevations*
 - 22.20.014 PL502A – Material Details Plot B*
 - 22.20.014 PL503A – Joinery Details and Vent Chimney Details Plot B*
 - 888 02 REV E – Landscaping Plan*
- 3) Full details of all foul and surface water drainage systems to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until the approved drainage works have been completed, and thereafter the drainage systems shall be retained.
- 4) The dwelling hereby permitted shall not be occupied until secure space has been laid out within the site for two bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.
- 5) Details of the materials to be used in the hard landscaping of the site (including roads, paths, parking areas and other hard surfaces) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of the dwelling hereby permitted.
- 6) Prior to occupation of the dwelling hereby permitted details of renewable and/or low carbon energy generation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall contribute to at least 10% of the predicted energy requirements of the development. The details to be submitted shall include:
 - the overall predicted energy requirements of the approved development;
 - the predicted energy generation from the proposed renewable/low carbon energy measures; and
 - an implementation timetable for the proposed measures.The development shall be carried out in accordance with the approved details.
- 7) The dwelling hereby permitted shall not be occupied until the access, turning area and parking facilities shown on the approved drawings have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained and kept available for those uses at all times.

- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) The development hereby permitted shall be carried out in strict accordance with the recommendations set out in the Preliminary Ecological Appraisal report carried out by Cotswold Wildlife Surveys dated 21st September 2022 and 20th January 2025.
- 10) Demolition, clearance or construction work shall take place only between the hours of 08.00 to 18.00hrs Monday to Friday and 08.00 to 13.00hrs on a Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 11) No external lighting shall be installed on site except for in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.