
Appeal Decision

Hearing held on 10 June 2015

Site visit made on 10 June 2015

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 June 2015

Appeal Ref: APP/H1840/A/14/2228946

Land opposite Bredon Hill Middle School, Elmley Road, Ashton-under-Hill, Evesham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Eaton against the decision of Wychavon District Council.
 - The application Ref W/14/00637/OU, dated 24 March 2014, was refused by notice dated 23 June 2014.
 - The development proposed is 25 dwellings including a new access from Elmley Road, site infrastructure and drainage, and a new area of public open space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is submitted in outline with all matters reserved for subsequent consideration except access. I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the development on the landscape character and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty; and whether the proposal would constitute sustainable development for the purposes of the National Planning Policy Framework (the Framework).

Reasons

4. The site comprises an arable field on the edge of the village of Ashton-under-Hill which is located at the foot of Bredon Hill with a sloping topography. It is common ground between the parties that it stands outside of the settlement boundary defined by the Wychavon District Local Plan (LP) (2006) and, therefore, in open countryside. The site is also located within the Cotswold's Area of Great Landscape Value (AGLV) and the Cotswold's Area of Outstanding Natural Beauty (AONB).
5. Policy ENV1 of the LP seeks to protect landscape character and is clear that proposals that would adversely affect landscape character will not normally be allowed. Policy ENV2 relates specifically to the AONB, stating that proposals for major development within or impacting upon the AONB will not be permitted unless it can be demonstrated that there is an overriding national need for the

proposal in that location and that no other alternative site to accommodate the development is available. These policies are broadly consistent with the objectives of the Framework to recognise the intrinsic character and beauty of the countryside and to protect and enhance valued landscapes. This was accepted by the appellant during the Hearing. As such, I attach significant weight to these development plan policies in accordance with paragraph 215 of the Framework.

6. Paragraph 115 of the Framework states that great weight should be given to conserving landscape and scenic beauty in AONB, amongst other designations, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 116 goes on to say that planning permission should be refused for major development in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Both parties agree that the proposed development would constitute major development for these purposes and I have no reason to take a different view.
7. The appellant's submissions include a detailed Landscape and Visual Impact Assessment (LVIA) (March 2014) based upon the approach set out in the Guidelines for Landscape and Visual Impact Assessment¹ (2nd edition) (GLVIA) (2002). The document identifies that the site falls within Character Area 106: Severn and Avon Vales contained in The Character Map of England, comprising prominent oolitic limestone outliers of the Cotswolds Hills which break up the low lying landscape, including Bredon Hill. The Worcestershire County Council Landscape Character Assessment Supplementary Planning Guidance (2011) provides a further, more detailed, layer of character analysis with the site bordering areas described as 'Principal Village Farmlands', 'Principal Wooded Hills' and 'Principal Wooded Hills and Farmlands'.
8. The LVIA explains that the sites and surrounding landscape incorporates characteristics of each of these landscape types. The site is an arable field on the village edge, standing within the vale but with the wooded slopes of Bredon Hill providing an attractive backdrop, along with long views across the landscape towards the Cotswold's Escarpment.
9. It was agreed between the parties that Ashton-under-Hill does not follow the nucleated pattern of development typically found in these character areas, instead presenting a distinctly linear form that has expanded with modern development to the periphery, particularly in the vicinity of the site. However, it is this modern development that is at odds with the overriding linear form of the village and its traditional buildings. It is the traditional character and form of the village which give it a distinctive and positive impact on the landscape and the AONB. The proposed development would extend beyond the currently well defined edge of the village, introducing a significant amount of development at depth and on rising land. Despite landscape mitigation proposals, the development would become a prominent and stark feature on the edge of the village, exacerbating the visual effect of other modern developments in this part of the village and further eroding its linear pattern.
10. Given the existence of modern development at depth in the vicinity of the site, and the already visually expanded appearance of the village, the development would be likely to have limited impact on the character of the village when

¹ Published by the Landscape Institute of Environmental Management and Assessment

viewed from a distance within the landscape and this is supported by the analysis provided by the appellant within the LVIA, particularly at year 15 when landscape mitigation would have a greater effect. However, more localised views would be affected to a much greater extent, including on approach to the village along Elmley Road and from the footpaths at various heights across Bredon Hill, where the site would be viewed from above.

11. Having considered the sensitivity of various receptors, the people that would likely experience the visual impact, the appellant categorises the likely impacts on a range of representative view points surrounding the site. These are varied but even based upon the appellant's own analysis a number of major-moderate adverse impacts are identified from both Elmley Road and the elevated footpaths traversing Bredon Hill. Notwithstanding that the adverse impact would reduce over time as landscaping established, harm would persist 15 years on from the development. Furthermore, with reference to the more recent 3rd edition of the GLVIA, the Council consider that the adverse impacts arising, particularly from the public rights of way, would be significantly worse than anticipated by the appellant, amounting to severe impacts even after 15 years.
12. I heard that footpaths close to the site are well used by local residents and I noted the wide reaching views from the elevated level of Bredon Hill across the vale and towards the Cotswold's Escarpments also contained within the AONB. This provides a valuable landscape resource and recreational asset. The proposed development would visually extend the built form of the village, diminishing and encroaching on the pleasant and distinctly rural views of Bredon Hill on the approach to the village and the long distance views currently enjoyed by local residents using the public rights of way network. I conclude that the development would significantly harm the landscape character and scenic beauty of the AONB, the need to protect which I attach great weight.
13. In recognising the harmful impacts, the appellant draws attention to a range of matters considered to represent exceptional circumstances that might outweigh that harm. The South Worcestershire Development Plan (SWDP) is currently undergoing Examination in Public and would replace LP policies once adopted. The document includes a proposed site allocation² for 12 dwellings that is located within the appeal site area. The appellant suggests that this demonstrates the Council's acceptance of major residential development in this location. However, the Council do not consider the allocation site to represent major development. In this regard, it highlights advice in Planning Practice Guidance³ which suggests that whether development in these areas should be treated as major for the purposes of paragraph 116 of the Framework is a matter for the relevant decision taker, taking into account the proposal in question and the local context.
14. Whether or not the proposed allocation would involve major development, I am mindful that the SWDP is still being tested and whilst site allocations were recently considered by the Examining Inspector, little indication is yet available as to the soundness of the plan in so far as it relates to the proposed allocations. Furthermore, little evidence is before me as to the extent of any unresolved objections in these regards and the Council suggest that some remain. Therefore, it seems to me that the proposed allocations cannot be

² SWDP60/10

³ Reference ID: 5-005-20140306

relied upon at the present time and I attach only limited weight to this matter, having regard to paragraph 216 of the Framework.

15. It is common ground between the parties that the Council can currently demonstrate a 5 year supply of deliverable housing sites as required by paragraph 47 of the Framework. I have no reason to reach a different conclusion. Nevertheless, the Framework seeks to boost significantly the supply of both market and affordable housing and the 5 year supply should not be seen as a maximum supply figure. The proposed development would deliver 25 dwellings, of which, 10 are proposed to be affordable. The proposed affordable housing units would make a substantial contribution towards the identified need in the local area, which the Council suggests equates to 17 dwellings based on the latest information provided by its Housing Officer.
16. I attach significant weight to the benefit that would arise from the development in this regard and note the appellant's view that a smaller site, such as the allocation contained in the emerging SWDP, would deliver far fewer units. I am also aware that the only other proposed allocation within the village is also a small site such that even if both allocations were to come forward, the identified need for affordable housing would not be met. That said, the Council identified other mechanisms for the delivery of affordable housing, including rural exceptions sites. It seems to me that the sufficient provision of affordable housing is a matter best tested through the plan-making process which is currently underway. In this instance, I do not consider that the benefits of providing both market and affordable housing, albeit significant benefits, are sufficient to outweigh the significant environmental harm that would arise from the development.
17. Paragraph 8 of the Framework is clear that the three dimensions of sustainable development (economic, social and environmental) should not be undertaken in isolation because they are mutually dependent. The appellant outlines a range of economic and social benefits that would arise from the development, through employment connected with construction, funding through the New Homes Bonus and Council Tax revenues, support for local services and the provision of a mixed residential development that would meet an identified housing need. Benefits are also highlighted from an environmental perspective, specifically through additional public access to the countryside, new public open space and landscaping but these are, in my view, outweighed by the environmental harm I have identified, meaning that the development would not fulfil the important environmental objectives of the Framework and cannot be considered to constitute sustainable development.
18. Whilst I recognise that a number of benefits would arise from the proposal, the development would constitute major development in the AONB and, even cumulatively, the benefits arising are not sufficient to amount to exceptional circumstances that would outweigh the harm identified. Furthermore, the development would be in conflict with Policies ENV1 and ENV2 of the LP.

Other Matters

19. Prior to the Hearing, the appellant submitted a completed Unilateral Undertaking which sought to mitigate the impacts of the development on local infrastructure in response to the Council's second reason for refusal. During the Hearing, the Council confirmed that it was satisfied with the obligations offered although some concerns were raised as to the detailed provisions

contained within the document. However, given that the appeal is dismissed, I need not consider this matter further.

20. Following the Hearing, the Appellant drew my attention to an appeal decision (APP/J1860/A/14/2217413) within the District of Malvern Hills issued on 12 June 2015. There were some parallels with the current appeal proposal in that both sites stand within AONB and both proposals involve a significant amount of affordable housing. However, the decision was not directly comparable to the current appeal given the differing site circumstances and material considerations. As such, it does not alter my conclusions in this case.

Conclusion

21. The development would harm the landscape character and scenic beauty of the AONB and would not constitute sustainable development for the purposes of the Framework.
22. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Tim Partridge	Agent
Duncan Bromley	Landscape Advisor

FOR THE LOCAL PLANNING AUTHORITY:

Gavin Greenhow	Planning Officer
Matthew Darby	Landscape Advisor
Adrian Darby	Local Councillor
Fred Davies	Planning Policy Manager

INTERESTED PERSONS:

Sarah Smith	Parish Council
Karen Rowley	Parish Council

DOCUMENTS

Document 1	Personal Statement by Councillor Adrian Darby
Document 2	Personal Statement by Matthew Darby
Document 3	WCC Landscape Character Assessment map extract
Document 4	Cotswold's AONB Landscape Strategy & Guidelines map extract
Document 5	Pages 18-19 of the Cotswolds AONB Management Plan 2013-18
Document 6	E-mail exchange containing comments of the Landscape Officer
Document 7	Site analysis extracts and map from SHLAA (April 2015)
Document 8	Stage 2c Hearing Statement from the South Worcestershire Councils (Matter X4: Category 2 Villages – Wychavon)
Document 9	Extract from Non-Strategic Allocations Background Paper (December 2014) relating to site 04-01
Document 10	Proposals Map Changes – Additions. Map extract from emerging South Worcestershire Development Plan
Document 11	Emerging Policy SWDP 15: Meeting Affordable Housing Needs
Document 12	Housing Needs Assessment for the Parish of Ashton-under-Hill (April 2015)