
Appeal Decision

Site visit made on 4 August 2015

by Joanne Jones BSc(Hons) MA MRTPI

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

Decision date: 7 September 2015

Appeal Ref: APP/H1840/W/15/3006620

Chequers Lane, Wychbold, Droitwich WR9 0BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Wychbold Developments Limited against the decision of Wychavon District Council.
 - The application Ref W/14/01896/PN, dated 18 August 2014, was refused by notice dated 9 February 2015.
 - The development is described as *"this is a resubmission of planning permission W/11/02571/OU and reserved matters approval"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the planning application was made in the terms given in the heading to this decision, this was changed by the Council to 'the erection of 36 dwellings and creation of new access off Chequers Lane'. Furthermore, the application was made in outline, with no matters reserved for future consideration and was accompanied by detailed plans and survey information. Given these circumstances the Council determined the application as one made for full planning permission.
3. Whilst there is nothing to indicate that this revised description or consideration of the application as one for full planning permission was agreed with the appellant it does give an accurate description of the proposal. After consultation with both parties, it was confirmed that my consideration of this appeal should be as requiring full planning permission.
4. A previous appeal decision for this site has been brought to my attention¹. Given the similar circumstances, this previous appeal is a material consideration of some weight and I return to this matter in my decision below.
5. Following the submission of the appeal a signed and dated agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (S106), dated 4 August 2015, has been submitted. The S106 has been considered under the statutory tests under Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

¹ APP/H1840/A/12/2171973

Main Issues

6. Based on all that I have seen and read, I consider that the main issues in this case are:
- with due regard to the development plan and the National Planning Policy Framework (the Framework), the proposal would be a suitable sustainable form of development; and
 - whether certain financial contributions sought by the Council would be compliant with the CIL Regulations.

Reasons

Planning Policy

7. The Framework explains, at paragraph 12, that its existence does not change the statutory status of the Development Plan as the starting point for decision making. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises of the Wychavon District Local Plan 2006 (Local Plan) and the Worcestershire Waste Core Strategy.
8. The appeal site lies within open countryside, outside the defined settlement boundary. Policy GD1 of the LP sets out a location strategy for new development in the district, directing most new development to the main built up areas of Droitwich Spa, Evesham and Pershore, with some in the villages. In all cases development is to be within defined settlement boundaries and/or on allocated sites. The proposed development is, therefore, in clear conflict with Policy GD1.
9. Nevertheless, the appellant states that Local Plan Policy GD1 only attracts limited weight, due to its inconsistency with the National Planning Policy Framework. To support and contend this position several appeal decisions² have been brought to my attention. In decision APP/H1840/A/2224292 the Inspector considered that reduced weight should be given to GD1 due to the extent that the site was included within the five year land supply calculation, thus rendering the settlement boundary out of date. I am unaware that such circumstances exist in this case, and therefore, the general thrust of GD1 to direct development towards sustainable locations is consistent with the Framework and should be treated as both relevant and up to date.

Sustainable development

10. From the evidence before me the Council can demonstrate a 5 year supply of deliverable housing sites as required by paragraph 47 of the Framework. Under these circumstances, the decision-taking criteria contained in paragraph 14 of the Framework are not engaged. Whilst this is so, the Framework seeks to boost significantly the supply of housing and the ability to demonstrate a 5 year housing land supply should not be seen as a maximum supply. Regardless of such a supply being available, the Framework advocates a

² APP/H1840/A/14/2224292; APP/H1840/A/14/2222708; APP/H1840/A/2217607; APP/H1840/A/14/2215896; APP/Y2810/A/14/2225722 and APP/H1840/A/14/2222679

presumption in favour of sustainable development and the application must be considered in these terms.

11. Paragraph 7 of the Framework identifies three dimensions to sustainable development – economic, social and environmental – whilst Paragraph 12 sets out twelve core planning principles that should underpin planning decision taking. In combination, these two paragraphs provide a useful context in which to examine sustainability. I shall apply them in assessing the benefits and adverse impacts of the proposed development.

Economic

12. In terms of its economic role, in creating 36 additional dwellings the proposal would boost significantly the supply of housing. Although none have been identified in the local area, the use of local suppliers and contractors during the construction period would aid local businesses and in turn the economy. Furthermore, the use of the local shops and petrol station as well as the pub by any future occupiers would help support local essential services.

Environmental

13. The appeal site is 1.35 hectares in extent and comprises one field currently set to grass, enclosed by mature indigenous hedgerows. To the south east is Stoke Lane, to the east Chequers Lane, and the south west land used for community recreation and allotments. To the North West is the main settlement of Wychbold.
14. As I saw on my site visit the site forms an important buffer, providing a transition from the built up form of Wychbold and the more rural landscape beyond. As a gateway location to Wychbold, development on the appeal site has the potential to alter the character and appearance of the hard built up area of the village. The drawings which accompany the appeal proposal set out how the development would be accommodated on the site. It is proposed that the scheme could retain, manage and enhance existing boundary vegetation, as well as introduce informal open space to create visual buffers.
15. Nevertheless, even taking into account the extent of the proposed open space and the existing hedgerows and trees, the introduction of 36 dwellings, gardens, roads, vehicles and necessary infrastructure to the site would inevitably change its character from rural agricultural to suburban domestic, thus adversely affecting the rural quality of the landscape adjoining the southern edge of Wychbold.
16. I have reservations too, about the visual impact of the proposed access arrangements. Existing views along this part of Chequers Lane is dominated by hedging and trees, giving the road a very rural character. The arrangement for the vehicular access would necessitate new highway infrastructure such as curbs, signage and lighting as well as the removal of a length of hedgerow, which would erode this rural quality. I do accept however that these visual incursions could be mitigated by the choice of materials, the quality of signage and sensitive treatment of the verges, all of which could soften the impact of these works. Nevertheless, even fully mitigated, the access would reduce the sense of rurality in the lane.

17. The appeal site is a reasonably accessible location with good access to services, facilities and public transport. Wychbold is served by a school, a shop with a post office, garage, a public house, village hall, recreation ground and a church. There are bus stops close by which provide regular services to the larger settlements of Bromsgrove and Droitwich, providing a further range of amenities. Therefore, future residents would be well served by services and facilities, including potential for the use of public transport as opposed to the private car.
18. Therefore, in terms of the environmental dimension of sustainability, whilst in location terms the development is a sustainable one, it would have a significant adverse impact on the area's intrinsic rural character. This carries significant weight in my consideration of this appeal.

Social

19. The Framework at paragraph 7 recognises that sustainable development includes a social role that planning performs, and Section 8 sets out how healthy communities can be promoted.
20. The Parish Council and local residents were present at the site visit. It was clearly evident from their written contributions that they place a high value on maintaining and planning for their community and they are very much concerned over the cumulative effect that the appeal scheme would have following on from other recently approved developments, which are now under construction.
21. Substantially increasing the number of residences in a settlement without proportionate increases in the provision of local shops, infrastructure, employment opportunities and other local services risks eroding community cohesion. This type of impact is always hard to quantify, given the difficulties of obtaining tangible evidence. Nevertheless, I consider the potential adverse impact on the existing community to be a consideration which must be weighed in the overall balance, particularly where the scheme is not necessary to meet the district's housing development requirements or the community's needs in terms of health, social and cultural well-being.
22. The appeal proposal makes contributions through the planning obligations towards education, highways, open space, sports and leisure facilities, community buildings, cycling and transport strategy, recycling and affordable housing. These contributions would provide proportionate increases in infrastructure and would contribute to mitigating the impacts of the scheme.

Conclusion on main issue

23. On the evidence before me, I conclude that the Council have satisfactorily demonstrated a five year supply of deliverable housing land in accordance with paragraph 47 of the Framework. Although that paragraph seeks to boost the supply of housing, that requirement is outweighed by the proposal's substantial conflict with Local Plan Policy GD1 and the Framework's provisions regarding sustainable development, in particular the significant harm to the intrinsic character and appearance of the area, which would be compounded by difficulties in terms of social cohesion of the existing community.

Financial contributions

24. Policy GD3 of the Local Plan requires that Planning Obligations be secured as appropriate to mitigate the impacts of development on local infrastructure. During the course of the appeal, a Unilateral Undertaking (UU) was submitted which would secure a range of financial contributions.
25. The UU sets out that 40% of the dwellings will be affordable and offers financial contributions to the value of: £34.15 per dwelling is sought towards recycling facilities for future residents; £59,160 towards a multi use games area in Wychbold; £167.50 per dwelling for specific improvements to the local cycling network; £37,652 towards built sport facilities; various contributions towards education improvements and capacity enhancements at the local schools (dependent on the number of bedrooms per dwelling eventually constructed); £9,770.33 towards funding the A38 Roman Way / B065 road improvements; £23,732 for off site public open space; various contributions towards the maintenance of on-site public open space; and the provision of on-site open space.
26. These obligations are necessary to make the development acceptable in planning terms and I am satisfied that the obligations accord with the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Other matters

27. A number of concerns were raised by local people in respect of highway safety, noting the narrow nature of the surrounding roads and the significant amount of on-street parking that takes place on Chequers Lane during school pick up and drop off periods.
28. A Transport Statement accompanied the application which considered the potential impacts of the development. It concluded that capacity exists within the existing highway network so as to avoid any highway safety or capacity issues. The document has been reviewed by the Local Highway Authority, which is content that the development can be accommodated.
29. Whilst I acknowledge the concerns raised by local residents I have no substantive evidence or accident data to demonstrate any trend or ongoing highway safety issue. Paragraph 32 of the Framework advises that development should only be prevented or refused where the residual cumulative impacts of development would be severe. This cannot be said to be the case in the circumstances of this appeal.
30. The Council is concerned that because of the layout of the development there would be inadequate private amenity space for future occupiers of plot 1 and 2. Whilst I acknowledge that the area of garden to these plots backs on to an existing dwelling, the garden areas would have a significant degree of privacy as a result of the existing mature boundary hedging which could easily be strengthened if required. Accordingly, in my view, there would be satisfactory level of private amenity space for the future occupiers of Plot 1 and 2.
31. The proposed development would introduce 36 new dwellings that would be near to existing homes and garden areas, and the proposed dwellings would have windows with aspects toward them. A certain degree of overlooking can be expected in this loose-knit settlement. The appeal scheme would cause

some increase in overlooking and loss of privacy. However, due to the layout of both the existing and proposed development, any increase in overlooking would be oblique and/or at sufficient distance to ensure that it would not be unacceptably harmful to the living conditions of the occupiers of existing dwellings.

32. A flood risk assessment has been submitted and found to be acceptable and this and other matters such as ecology and archaeology do not raise issues that could not be resolved through the imposition of appropriate conditions if I were to be minded to allow the proposals.
33. The appellant has brought to my attention a previous appeal decision for this site³. However, in that case the Council could not demonstrate a 5 year supply of housing land. The Inspector placed significant weight on this factor and that by allowing the appeal it would help to meet the housing needs of the district, which outweighed any harm. I have taken account of the previous Inspector's findings in determining this current appeal. Nevertheless, in the intervening period the circumstances have changed, particularly that the Council can now demonstrate a 5 year supply of housing land and that there has been a significant amount of housing development in the local area. In any event, each planning application and appeal should be determined on its own merits given the individual circumstances and material considerations, as I have done for this decision.

Overall Conclusion

34. In the context of the Framework taken as a whole, the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits of the scheme. Accordingly, the proposal would not represent sustainable development for which a presumption in favour should apply.
35. For the reasons given above and having had regard to all matters that have been raised, including all the decisions elsewhere referred to by the parties, I conclude that the appeal should be dismissed.

Joanne Jones

INSPECTOR

³ Appeal decision ref: APP/H1840/A/12/2171973