



Appeal Decision

Hearing Held on 21 September 2021

Site Visit made on 21 September 2021

by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2021

Appeal Ref: APP/H1840/W/20/3248917

Land off Station Road, Bretforton WR11 7HX

- 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 Nik Spencer & Mrs Debbie Kedward against the decision of Wychavon District Council.
 - The application Ref 19/00984/OUT, dated 21 April 2019, was refused by notice dated 18 September 2019.
 - The development proposed is for new housing development to provide 40 new affordable homes.
-

Decision

1. The appeal is dismissed

Preliminary Matters

2. The application was made in the name of Mr Spencer and Mr and Mrs Keward. The appeal was made in the name of Mr Nik Spencer. At the hearing it was confirmed that the appeal should proceed in the name of Mr Nik Spencer and Mrs Debbie Kedward, which are the names I have used in the header above.
3. The application was submitted in outline with all matters reserved for future consideration. I have determined the appeal on the same basis and therefore I give little weight to the illustrative plans which show the point of access, the layout of the site, the scale of the houses and some landscaping.

Main Issues

4. The Council's decision notice included reasons for refusal relating to the lack of information pertaining to flood risk, ecology and transport issues. Since that time, further information on flood risk and ecology has been provided and the Council consider their concerns in these regards have been addressed, subject to the imposition of conditions on the grant of a planning permission. It is also agreed that the Transport Statement and Travel Plan now submitted satisfactorily demonstrate that the development would not harmfully impact upon highway safety, which addresses part of the relevant reason for refusal. I have no reason to disagree with the parties on these matters.
5. As a result, the remaining main issues are the effect of the development on the character and appearance of the area in terms of its location and its impact on the landscape, and whether the development would be suitably located having regard to its access to services and facilities by sustainable modes of transport.

Reasons

Character and appearance - location

6. The site is outside the development boundary for Bretforton but is reasonably adjacent to it as the row of houses on the north side of Station Road, which directly face the eastern end of the site, are within the development boundary.
7. Policy SWDP 2 of the South Worcestershire Development Plan (2016) (SWDP) outlines that development on land beyond the development boundaries will be strictly controlled and limited to only a few forms so as to protect the high quality of the open countryside. One form is development for affordable housing on a rural exception site subject to the contents of policy SWDP 16.
8. The first part of policy SWDP 16 says that affordable housing development will be permitted on small sites. The policy provides no definition of 'small sites' but the Council's Affordable Housing Supplementary Planning Document (2016) states that whether a site is small will depend on the size of the settlement it is associated with. The Council state that in 2011 the population of Bretforton was 1,052 and that there were around 500 houses. It is not disputed that these figures are still broadly accurate.
9. At the hearing the Council advised that this development, of 40 affordable homes, would represent the largest rural exception site they had ever had, highlighting that the largest they were aware of previously was a development of 33 units at Wychbold, which is a larger village than Bretforton, and that usually such developments are 25 units or less. I consider that a development of 40 homes, in a village the scale of Bretforton, would represent a significant addition to the village. Indeed, the Council advised that the two allocated Bretforton sites in the SWDP provide a total of 76 units. The development would hence represent the equivalent of over half of the village's total anticipated growth over the plan period in one site. A site that does this for a settlement the size of Bretforton cannot reasonably be described as small.
10. The size of the site in comparison to that of the associated settlement could also be considered in spatial terms. The application form states the site measures 2.1ha. This is a substantial area of land compared to the size of the village.
11. Overall, whether assessing it by area or quantity, the site is not small and therefore the proposal would conflict with policy SWDP 16. The next consideration in the policy is whether there is an unmet local need for affordable housing. However, as the development already fails to accord with policy SWDP 16, I need not consider the proposal further against the other criteria in this policy.
12. As the development would fail to accord with policy SWDP 16, it therefore would represent a form of development outside the development boundary that would be contrary to policy SWDP 2. It would disrupt the high quality of the open countryside and hence cause harm to the character and appearance of the area.

Character and appearance - landscape

13. The County's Landscape Character Assessment identifies two primary characteristics of the Principal Village Farmlands landscape type; a nucleated

pattern of expanded rural villages, and arable cropping land. The site's position just outside the development boundary means both landscape types inform its wider context. Indeed, its immediate surroundings of Freedom Farm, a menage, formal paddocks, the last few houses in the village, and a nursery, conforms to neither landscape type fully. Nonetheless, I consider the openness of the site and its immediate context have more in common with the agricultural landscape to the west, than the built form of the village to the east. The area of woodland and the 'Bretforton' village sign to the west of the site do not materially affect this.

14. The Conservation Area Appraisal for Bretforton also states that the existing village is a nucleated settlement, but adds that it is punctuated by green spaces. The appellant's landscape consultant provided an aerial image showing alternating areas of built form and green space along the south side of Station Road and New Street. Although this would appear to show that the proposal and the neighbouring green space to its east would maintain this rhythm, from my site visit it was clear that, with the exception of two semi-detached houses, there is no built form which contributes to the street scene west of Coldicotts Lane. As such the pattern of development punctuated by green spaces is not a strong characteristic here and instead there is a sense of development thinning out as one leaves the village, underlined by the single row of houses on the north side of the road. In this context, the development, which would unavoidably be prominent in the street scene, would appear patently disjointed from the village. This would be emphasised by the development's scale and depth which would contrast with the dwindling linear form of housing opposite and the openness of the landscape to the west.
15. In terms of the visual impact from the closest receptors, the appellant concurs that the magnitude of the change would be large, but suggests that the effect could be positive, given careful design of the houses and landscaping. However, although the current use of the site as paddocks may not reflect the arable key landscape characteristic, the visual openness it provides does. The loss of this openness, with this large development, would negatively impact on close range views. Landscaping and careful design of the houses could not fully mitigate this harm.
16. In summary, the proposal would have an adverse impact on the character and appearance of the local landscape. Consequently, the proposal would conflict with policies SWDP 25 and SWDP 2 which require development to be appropriate to, and integrate with, the character of the landscape setting.
17. I note the development of Gras Close, but this is within the development boundary and is surrounded on most sides by other dwellings. Similarly, the developments on Holly Close and Ivy Lane are proportionate in scale to the part of the village they are adjoined to despite being beyond its development boundary. In contrast the proposal would be close to the development boundary only at its northeast corner, and would represent a quantity of development that contrasts with the nearest built form.

Access to services and facilities

18. Bretforton is category 2 village as defined by policy SWDP 2, as it has a limited number of services. This includes a primary school, community shop, recreation ground and sports club. It is also served by a bus service which connects the village to Evesham.

19. Based on the distances provided in the appellants' Transport Statement, the local community shop, social club, pub, church and school are over 1.1km from the site. Although these distances are not prohibitive to walking or cycling, as evidenced by Mrs Kedward who lives opposite the appeal site, they would not positively encourage these modes of transport. Manual for Streets advises that walkable neighbourhoods are typically characterised as having a range of facilities within around 800m. In this case, the range of facilities in Bretforton are predominantly beyond this distance. Moreover, to reach them, residents would need to cross the busy B4035 which is the main route through the village and which may act as a practical and psychological obstacle, in addition to the long distances.
20. The bus stop is 640m from the centre of the site, as set out in the Transport Statement. This is not an unreasonable distance to walk and there are pavements, which could be supplemented with an addition footway on the south side of Station Road, which would provide convenient access to and from it. Services from the bus stop run from early morning to early evening so would be suitable for residents to commute to and from Evesham for work. A similar service runs on Saturdays which could facilitate shopping trips. The frequency during the days it operates is every two hours and there are no services on Sundays. Although this is not a high level of service, it is typical for a rural community and, as recognised by the National Planning Policy Framework, opportunities for sustainable transport services in rural areas will not be comparable to those in urban areas.
21. Nonetheless, the accessibility to day-to-day facilities is poor and would not encourage sustainable modes of transport. Residents would therefore be likely to rely on their own private cars for such trips. As such, the development would conflict with policy SWDP 4 which requires development to minimise the demand for travel by private cars.

Other Matters

22. Section 38(6) of the Town and Country Planning Act 1990 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The main thrust of the appellant's case is that the benefits of the scheme are material considerations that should outweigh any conflict with the development plan.
23. The main benefit is the unique Home Energy Resource Unit (HERU) system which will serve all the dwellings. This system turns household waste, except metal and glass, into fuel to provide heating and hot water. The primary advantage of this is that it would massively reduce the amount of carbon dioxide (CO₂) generated. At present, the average home with a gas condensing boiler and served by kerbside sorted waste collection, results in 1.6M tonnes of CO₂ per year, according to the appellant's evidence. With the HERU system, and assuming electricity is generated by renewable energy sources, each dwelling could eliminate all carbon generation and in fact remove 80kg of CO₂ largely because it significantly reduces the need for waste collection vehicles and the onward transportation and processing of that waste. This would be a greater saving than alternative renewable energy options, such as the installation of air source heat pumps. In summary, the HERU would make a considerable carbon saving, which is a significant environmental benefit.

24. It is also apparent that there would be an economic benefit to the residents in that their fuel bills would be reduced. There would also be a visual benefit in that there would be no need for waste storage bins outside properties, with glass and metal waste housed within a single building within the site.
25. I recognise the support given to this type of technology by the government such as in their ten point plan for a Green Industrial Future, the sixth Carbon Budget and the UK Hydrogen Strategy. Overall, I give the benefits of HERU substantial weight.
26. It is understood that, as the HERU system is an emerging technology, the wider housebuilding industry is reluctant to embrace it without projects to demonstrate its effectiveness on a large scale and across a number of housing types. Furthermore, the cost, at around £20,000 per HERU, is unappetising for many housebuilders and housing associations such as Rooftop, who otherwise support the proposal. Indeed, it is only because part of the appeal site is owned by Mr. Spencer, who is the principal and founder of the HERU technology, that the proposal is viable.
27. The provision of 40 affordable units is also a benefit. The housing register identified 38 households in Bretforton in December 2020 with a need for affordable housing. Due to a change in the company collating the data, those persons on the register were asked, during 2021, to re-sign. The latest evidence provided by the Council showed there were now just six households in Bretforton with a need for affordable housing. A reduction of 32 households since December last year is an extraordinary change, bearing in mind that no affordable housing has been constructed in the village in that time. Indeed, this new figure is not too dissimilar to the results of the Housing Needs Survey which revealed a need for only one starter home. The Council accepted there had been a poor response to that survey (less than 10% response rate).
28. Whether the actual number of households in need of affordable housing in Bretforton is 38, six, or somewhere in between, the development would exceed this. However, it could also provide affordable housing to serve demand in adjacent parishes, even taking into account the planning permissions that have already been granted in those parishes. I give significant weight to the principle of the provision of affordable housing, but without more convincing data I cannot give the quantity of housing proposed any more than moderate weight.

Conclusion

29. The development conflicts with policies SWDP 2, SWDP 16, SWDP 25 and SWDP 4 and it does not accord with the development plan taken as a whole. I have set out above the material considerations to be weighed against the conflict with the development plan.
30. Given the scale and nature of the harms I have identified, together with their associated development plan conflict, they are not outweighed by the benefits and the specific circumstances described above. As such these material considerations do not suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, the appeal is dismissed.

Andrew Owen

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mark Wildish	ArchiWildish Ltd (agent)
James Neil	Landmark Chambers
Douglas Allenby	Landscape Matters design LLP
Nik Spencer	Appellant
Debbie Kedward	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Katherine Smith	Development Manager
Eileen Marshall	Landscape Officer
Sarah Adams	Rural Housing Enabler

DOCUMENTS SUBMITTED AT THE HEARING IN HARD COPY

Bretforton Housing Needs Survey March 2020

Summary of Affordable Housing Need based on Wychavon District Council's housing register as at 20 September 2021

DOCUMENTS SUBMITTED AT THE HEARING ELECTRONICALLY

Email correspondence dated 24 and 25 August 2021 between Wychavon District Council and Mr Wildish

Residential Travel Plan by Cotswold Transport Planning dated July 2019

Updated bus timetable for route 553