



Appeal Decision

Hearing held on 29 April 2025

Site visit made on 29 April 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/H1840/W/25/3359911

Land At OS 0871 4611, Shinehill Lane, South Littleton, Worcestershire

- 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 Robert Hitchins Limited against the decision of Wychavon District Council.
 - The application Ref is W/23/01662/OUT.
 - The development proposed is residential development for up to 25 First Homes, associated works including infrastructure, ancillary facilities, open space, landscaping and pumping station and construction of a new vehicular access off Shinehill Lane, with all matters reserved.
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Decision

1. The appeal is allowed and planning permission is granted for proposed residential development for up to 25 First Homes, associated works including infrastructure, ancillary facilities, open space, landscaping and pumping station and construction of a new vehicular access off Shinehill Lane, with all matters reserved, on Land At OS 0871 4611, Shinehill Lane, South Littleton, Worcestershire, in accordance with the terms of the application, Ref W/23/01662/OUT, subject to the conditions in the Schedule to this decision below.

Preliminary Matters

2. I have taken the description of the proposal from the Statement of Common Ground (SOCG), as agreed by both the District Council (the Council) and the appellant. I am satisfied that no party would be prejudiced as a result.
3. Since the determination of the planning application by the Council, a new version of the National Planning Policy Framework (the Framework) has been published. The parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the up-to-date planning policy position.

Background and Main Issues

4. The Council refused planning permission for two reasons, namely the effect of the proposal on the character and appearance of the area, and the absence of arrangements to secure necessary infrastructure, and the dwellings as First Homes. However, in advance of the Hearing, the Council confirmed that it would not seek to defend its reasons for refusal. Nevertheless, third parties continued to raise objections to the proposal, for a range of reasons, which I have considered below.
5. A draft planning obligation, made under s106 of the Town and Country Planning Act 1990 was submitted at the Hearing, with the appellant, the Council and

Worcestershire County Council (the County Council) as parties. With my agreement, an executed version, dated 19 May 2025, was submitted after the close of the Hearing. This makes provision for an NHS contribution, on-site public open space, contributions towards school transport and for the dwellings to be secured as First Homes. I will consider this further below.

6. The main issues are the effect of the proposal on:

- the character and appearance of the area, and
- highway safety, infrastructure and drainage.

Reasons

Character and Appearance

7. Policy SWDP21 of the South Worcestershire Development Plan (DP), adopted February 2016, requires proposals to integrate effectively with their surroundings, reinforce local distinctiveness and complement the character of the area. DP Policy SWDP25 requires proposals to take into account the Landscape Character Assessment (LCA), be appropriate to and integrate with the landscape setting, and conserve the primary characteristics of the LCA. I see no conflict between these policies and the Framework, including paragraph 187, which recognises the intrinsic character and beauty of the countryside.
8. In this case, the site lies within the Principal Village Farmlands landscape character type of the LCA. Its primary characteristics include a nucleated pattern of expanded rural villages, and an arable/cropping land use. South Littleton has elements of both a nucleated and a linear settlement pattern, including an established ribbon of houses along Shinehill Lane to its north side. However, on the southern side of the lane, the pattern is of open fields, including the appeal site, which separates New Barn Cottage from substantive development either side, some distance away.
9. The proposal seeks to erect up to 25 dwellings on the site. The final layout and scale of the dwellings would be for Reserved Matters stage. That said, the indicative layout shows that dwellings would be set well back from the frontage, behind extensive orchard planting along Shinehill Lane, other than at the access point. Public open space and a wildlife area would be provided over approximately half of the site to the rear, with existing tree cover along a watercourse being retained.
10. The appellant's Landscape and Visual Impact Assessment (LVIA) identifies that the proposal would result in changes to the character of the site and its immediate context. This would include a loss of openness, where built form would replace the existing farmland. It identifies that the proposal would cause moderate to minor harm in this respect. The LVIA found a similar degree of adverse visual impact when seen from Shinehill Road, and from footpaths either side of the site.
11. The subsequent Landscape Statement found slight to negligible harm. At the Hearing, it was acknowledged by both the Council and the appellant that the proposal would cause limited harm in respect of landscape character and visual impacts. The SOGC states that the landscape impacts of the proposal would be acceptable and would accord with policies SWDP21 and SWDP25. At the Hearing

the Council accepted some conflict with planning policy would be caused by the proposal, although this was disputed by the appellant.

12. The proposal would inevitably result in the addition of extensive built form and urban development, on land which currently consists of open and largely undeveloped countryside. As such, the proposal would result in a degree of conflict with the established pattern of development. Furthermore, although the site may no longer be in active arable or cropping use, its appearance remains one of farmland.
13. Consequently, I conclude that the proposal would not conserve the primary characteristics of the LCA or reinforce local distinctiveness, thus resulting in some harm to landscape character and from the visual impacts of the proposal. For these reasons, the proposal would conflict with DP policies SWDP21 and SWDP25. However, given the indicative extensive landscaping and softening of the built form, including from the suggested frontage orchard, a scheme could be developed where the extent of adverse landscape impacts would be relatively small. As a result, I give the conflict and harm identified only limited negative weight in the planning balance.

Highway Safety, Infrastructure and Drainage

14. At the time of my visit, Shinehill Road was relatively lightly trafficked. That said, this represented a snapshot in time, and did not take into account, for example, traffic from shift changes at HMP Long Lartin nearby. Automatic traffic counter evidence indicates that vehicle speeds currently exceed the 30mph speed limit. Nevertheless, the proposal has sufficient space to incorporate visibility splays reflecting the higher speeds of traffic recorded. These splays would allow traffic to access and leave the site safely and could be secured at Reserved Matters stage. The Highway Authority did not object to the proposal on highway safety grounds.
15. South Littleton has a range of facilities, including a school, shop and employment opportunities. Buses provide a reasonable range of services to other destinations, such as Evesham, with the nearest (albeit unmarked) bus stops being adjacent to Clevedon Green. Access to some of these facilities would require occupiers of the proposal to cross Shinehill Lane twice, because of the absence of footway on both sides of the road.
16. The proposal includes limited additional pavement, and two uncontrolled crossing points. I have considered whether the crossings should be of a more controlled type, such as a Zebra crossing, as suggested by third parties. However, based on the technical evidence before me, including from the Highway Authority, this type of crossing would not be justified. Overall, I conclude that the proposal would not unacceptably harm highway safety.
17. Provision of an NHS contribution, on-site public open space, contributions towards school transport and for the dwellings to be secured as First Homes are matters secured by the planning obligation. I am satisfied that these are reasonable and necessary and accord with the Community Infrastructure Regulations. The obligation overcomes the concerns of the District and County Councils in respect of infrastructure matters, and I see little reason to disagree.
18. At the Hearing, and in written evidence, third parties have identified concerns about flooding, including from raw sewage, and that the proposal would

exacerbate this situation. The water company has been consulted on the proposal and has raised no objection, subject to a condition regarding drainage details. It is not for this proposal to rectify existing problems, but on the evidence before me, such measures would prevent any worsening of this issue resulting from the proposed development.

Other Considerations

19. Despite recent development in the village, the Council accepts that it cannot currently demonstrate an adequate supply of housing land, with just 1.1 years' worth of supply, a substantial shortfall. As such, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing additional dwellings to assist the Council in addressing its undersupply. This is as set out in paragraph 11 of the Framework.
20. I have found conflict with DP policies SWDP21 and SWDP25, but that this conflict carries only limited negative weight. Against that conflict, the proposal would make a meaningful contribution to the supply of housing in the area, by the addition of up to 25 dwellings. I give this benefit substantial positive weight. I also give substantial positive weight to the fact that all of the dwellings would be First Homes. These are houses for first time buyers, and constitute a form of discounted market sale affordable housing, for which there is an undisputed need.
21. Construction of the proposal would make a positive economic contribution locally, for instance to the building industry. Its future occupiers would make social and economic contributions. I give these benefits further moderate positive weight.

Other Matters

22. In respect of privacy, the existing dwellings along Shinehill Road would be separated from the proposed dwellings by the road itself. Based on the indicative plan there would be further separation formed by the orchard and landscaping areas. On this basis, there would be sufficient distance between the existing and proposed dwellings to ensure the reasonable privacy of current and future occupiers.
23. In respect of ecology, the site includes features of ecological value such as trees and hedgerow. Surveys were undertaken for different species, but no potential significant adverse effects were identified. Much of the roadside hedgerow is likely to remain and the southern part of the site provides scope for future ecological enhancements. The proposal would not therefore be unacceptable in this respect.
24. The site lies outside of any Settlement Boundary for the village. It does not constitute a type of development permitted by the settlement strategy under LP policy SWDP2. However, this did not form a reason for refusal and the Council did not object to the proposal on this basis. I see little reason to take a different view.

Conditions

25. The Council has provided a list of conditions, which I have assessed and where necessary amended, having regard to the advice in the Planning Practice Guidance. Conditions requiring submission of the reserved matters and adherence to the approved plans (reflecting the outline nature of the proposal) are necessary for certainty.

26. The site has potential for archaeological remains. As such, a condition is necessary to secure its investigation and recording. In the interests of highway safety and the living conditions of nearby occupiers, a Construction Surface Water Management Plan, and a Construction Environmental Management Plan are also necessary. There is a possibility that the agricultural use of the site means that it could be contaminated. As a result, further investigation is required, as well as measures if unexpected contamination is found during works. The above conditions require information to be provided prior to the commencement of development, because they affect works that would take place at an early stage of construction.
27. In the interests of the character and appearance of the area, details of landscaping provision and the retention and protection of trees needs to be secured by condition. Further information in respect of cycle storage, and of a Travel Welcome Pack to occupiers, are required to promote sustainable transport. Highway improvement works are required for similar reasons and in the interests of highway safety, as are details of vehicle parking, and its retention.
28. For the reasons already given, surface and foul water drainage schemes are necessary in the interests of the living conditions of nearby occupiers. At the Hearing, third parties questioned whether the suggested condition was strong enough, and should instead require details before any development commences. However, I am satisfied that a condition requiring this information before any drainage work commences would be sufficiently robust. I note that the Water Company's consultation response did not seek these details prior to any commencement of development.
29. Information in respect of external lighting is necessary in the interests of the character and appearance of the area and protected species. In the interests of the living conditions of nearby properties, restrictions are necessary to control when construction work can take place.

Planning Balance and Conclusion

30. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
31. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11 of the Framework. I have found that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, despite the conflict with the Development Plan, material considerations indicate that planning permission should be granted.
32. For the above reasons, having regard to the Development Plan as a whole, the approach in the Framework, and all other material considerations, the appeal should be allowed.

O Marigold

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Ben Kelly, MPlan MRTPI – Pegasus Group, Planning
Ben Davies, CMLI MarborA – MHP, Landscape

FOR THE LOCAL PLANNING AUTHORITY:

Julie Morgan BSc (Hons) DipTP MAUD MRTPI – Principal Planning Officer
Carl Brace BSc (Hons) MA MRTPI – Development Manager

THIRD PARTIES:

Cllr Robson – District Councillor
Cllr Ashwin – Parish Councillor

DOCUMENTS HANDED IN DURING AND AFTER THE HEARING

1. Draft planning obligation
2. Signed and dated planning obligation

Richborough

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the Reserved Matters") shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission. Development shall be carried out as approved in writing by the Local Planning Authority.
- 2) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby approved shall be carried out in accordance with Location Plan Ref 358.P.1.2 submitted 15 August 2023.
- 4) 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:
 - (1) The programme and methodology of site investigation and recording.
 - (2) The programme for post-investigation assessment.
 - (3) Provision to be made for analysis of the site investigation and recording.
 - (4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - (5) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - (6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall not be commenced until site investigation and recording has been completed as approved, and shall not be occupied until the post-investigation assessment has been completed in accordance with the programme, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 5) No works or development shall take place until a Construction Surface Water Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include 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 approved construction surface water management plan shall be implemented as soon as works start on site and shall thereafter maintained during the full duration of the construction phase.
- 6) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway,
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities,
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Parking and facilities for construction workers, and material storage, shall only take place on the site in locations approved in writing by the Local Planning Authority.

- 7) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM), or equivalent British Standard and Model Procedures if replaced, has been submitted to and approved in writing by the Local Planning Authority. If any contamination is found, no development shall take place until:

(i) a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority;

(ii) the site has been remediated in accordance with the approved measures and timescale; and

(iii) a verification report has been submitted to and approved in writing by the Local Planning Authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

(i) additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority; and

(ii) a verification report for all the remediation works has been submitted to and approved in writing by the Local Planning Authority.

- 8) The following details shall be submitted for approval as part of the landscaping Reserved Matters:

1. survey information of all existing trees and hedges on the application site, and branches from trees on adjacent land that overhang the site, including their position, canopy spread and species; an assessment of health and stability; any proposals for felling or pruning; and any proposed changes in ground level, or other works to be carried out, within the canopy spread.

2. a landscape scheme which shall include the planting layout of proposed trees, hedges, shrubs and grassed areas; a schedule of proposed planting, a written specification for cultivation and vegetation establishment and a schedule of maintenance for a minimum period of five years from first planting. The landscaping shall be provided and maintained in accordance with the approved details.
- 9) The development hereby approved shall not be brought into use until sheltered and secure cycle parking, to comply with the Council's adopted cycle parking standards, has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The approved parking facilities shall thereafter be used only for cycle parking for the lifetime of the development.
- 10) The development hereby approved shall not be occupied until details of a Travel Welcome Pack, promoting sustainable forms of transport available to occupiers of the development, have been submitted to and had approval in writing from the Local Planning Authority. The approved Pack shall be provided to each household at the point of first occupation of each dwelling hereby approved.
- 11) The development hereby approved shall not be brought into use until vehicle parking, to comply with the Council's adopted parking standards, has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The approved areas shall thereafter be used only for vehicle parking for the lifetime of the development.
- 12) The development hereby approved shall not be brought into use until the following highway improvement works have been completed (such completion being approved in writing by the Local Planning Authority) and they are open to traffic. The works comprise new sections of 2.0m footway on the south side of Shinehill Lane from the new site access in either direction; and two sets of uncontrolled pedestrian points, with dropped kerbs and tactile paving on Shinehill Lane, either side of the new site access.
- 13) Notwithstanding the submitted Flood Risk Assessment and Drainage Strategy dated 14th March 2023, no works in connection with site drainage shall commence until surface water and foul water drainage schemes for the proposed development have been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme shall include:

- details of measures, including for hardstanding areas, and the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall conform to the drainage strategy.
- If possible, infiltration techniques are to be used, and the scheme shall include the details and results of field percolation tests.
- run off treatment proposals for surface water drainage. Where the scheme includes communal surface water drainage assets, proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future

homeowners or occupiers of the arrangements for maintenance of communal surface water drainage assets.

The foul water sewerage scheme shall include:

- The pumping station, rising main and onsite sewers will be adopted pursuant to a s104 Agreement.
- The pumping rate will be a minimum of 3xDWF, which for the permitted development equates to approximately 0.6 l/s (Note: For a minimum 80mm rising main diameter the pumping rate will be 3.8l/s to achieve minimum velocity requirements), based on the Design and Construction Guidance for foul and surface water sewers offered for adoption under the Code for adoption agreements for water and sewerage companies operating wholly or mainly in England.
- The point of connection will be manhole MH6101 in Shinehill Lane (or other location in the same vicinity if directed by Severn Trent Water under the Water Industry Act, to be finalised at technical submission stage).

The approved surface water drainage and foul water schemes shall be implemented in accordance with the approved details before first occupation of the development hereby approved, and thereafter be maintained in accordance with the agreed schemes.

- 14) The development hereby approved shall not be occupied until details of any proposed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed and maintained only in accordance with the approved details and no additional external lighting shall be installed thereafter.
- 15) Construction work in connection with the development hereby approved shall only take place between the hours of 08.00 and 18.00hrs Monday to Friday and 08.00 and 13.00hrs on a Saturday. There shall be no construction work on Sundays or Bank Holidays.

Ends