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## Appeal Decision

Hearing held on 7 October 2025

Site visit made on 9 October 2025

**by Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

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**Appeal Ref: APP/J1860/W/25/3365478**

**Land east of Barbers Lane, Martley, Worcestershire WR6 6QD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
  - The appeal is made by BSL Strategic Limited against Malvern Hills District Council.
  - The application Ref is M/24/01236/OUT.
  - The development proposed is described as 'Outline planning application for the erection of up to 80 dwellings with public open space, landscaping, sustainable urban drainage system (SuDs) and the primary means of vehicular access from the B4204. All matters reserved except for means of access'.
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### Decision

1. The appeal is dismissed and planning permission refused.

### Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for the access into the site. I have assessed the proposal on this basis and treated the submitted drawings as simply being an illustration of how the proposal could ultimately be configured.
3. During my unaccompanied site visit I took the opportunity to view the appeal site from the grounds of Barbers Farmhouse. The merits of the case were not discussed with the owners.

### Main Issues

4. The Council failed to determine the planning application within the prescribed period and therefore the appellant exercised their right to submit the appeal. The Council has confirmed through its Statement of Case that had it been able to do so, it would have refused the proposal due to concerns regarding the effect of the scheme on the character and appearance of the area, heritage and agricultural land. The appellant's submission of a planning obligation pursuant to section 106 of the Town and Country Planning Act addressed any concerns the Council had regarding the effect on infrastructure, including health and education.
5. Accordingly, when having regard to all I have read, heard and observed, the main issues in this appeal are:
  - Whether the appeal site is a suitable location for the appeal scheme, with reference to the spatial strategy in the development plan;

- The effect of the proposed development on the character and appearance of the area, including the landscape;
- The effect of the proposed development on the best and most versatile agricultural land;
- The effect of the proposed development on the significance of Barbers Farmhouse and the Gates, Piers and Railings at Barbers Farmhouse, both Grade II listed buildings, through development in their setting; and
- The effect on the significance of Stoneybridge House, a non-designated heritage asset, through development within its setting

## **Reasons**

### ***The appropriateness of the location with reference to the spatial strategy***

6. To respond to several planning objectives, including delivering housing where the need is greatest, provide public services where the costs are lowest, promote sustainable transport, maintain the identity and integrity of individual settlements and recognise the high quality of the open countryside, the Council has adopted the development strategy and settlement hierarchy set out in Policy SWDP2 of the South Worcestershire Development Plan (SWDP).
7. Policy SWDP2 sets out a five-tier settlement hierarchy against which windfall proposals will be assessed. The largest amount of housing is directed to Worcester, which is in the first tier. It is then proportionately directed to the Main Towns, and then Other Towns. The fourth tier encompasses the Category 1, 2 and 3 villages and the last tier the Lower Category Villages.
8. Category 1, 2 and 3 villages provide a range of local services and facilities. Their role is predominantly aimed at meeting locally identified housing and employment needs. Accordingly, some housing is allocated at these settlements in addition to support being offered for infilling. Policy SWDP59 of the SWDP directs new housing to sites within villages and allocations. Martley is a Category 1 village, but the appeal site is not allocated and nor would its development be infilling within the development boundary. Instead, it is in the open countryside. Policy SWDP2 states that strict control will apply in the open countryside and therefore development is to be limited to certain types, including rural workers dwellings or buildings for agriculture and forestry. Policy MKD6 of the Martley, Knightwick and Doddenham Neighbourhood Development Plan (NP) has a similar approach in that it only permits certain types of development outside the settlement boundary.
9. The appeal scheme would not be any of the types of development listed in Policy SWDP2 or MKD6 as being acceptable in the open countryside. Furthermore, for reasons I will go into, the development would not be of an appropriate scale with regards to the local landscape character. The proposal would therefore be at odds with the spatial strategy set out in the development plan. This would be harmful given the public interest in having a planning system that provides consistency and direction on account of being genuinely plan led.

### ***The effect on the character and appearance of the area, including the landscape***

10. The appeal site encompasses part of an arable field located to the east of Martley. It adjoins Barbers Lane and the B4204 with hedging delineating its boundaries with

these thoroughfares. The former is a narrow country lane with the latter being a busier route through the village. The topography is marked, with the site set above the adjacent roads. It then slopes notably down to the north-east away from the village and towards the pastoral fields beyond the Laughern Brook. This change in levels is experienced from the public footpath that traverses the field and from both Barbers Lane and the B4204. There is some sporadic development along the B4204<sup>1</sup>, but this reads as being outside the village and in the countryside.

11. The eastern side of Martley has a different character to the western side, as there are no large housing estates. The two sides of the village are separated by the verdant conservation area in between. Hawthorn Close is a stark suburban insertion into this verdant character, but it is a small development which is not prominent in views from the appeal site. The distinctive settlement character of Martley is therefore important to the character of the village and elevates the rural context and character of the appeal site. I also share the view of the Council that Barbers Lane marks the natural edge of the village. Even then it is a soft edge given its rural character and the limited development that fronts the lane.
12. The appeal site and its immediate context is not covered by any national or local landscape designations, but it exhibits many of the key characteristics of the Principal Timbered Farmlands as defined in the Worcestershire Landscape Character Assessment (LCA). In particular, there is an appreciable sense of the ancient, wooded character given the abundance of trees and hedges in the area. The appeal site and its immediate context is also part of a rolling lowland landscape due to the topographical changes. It connects with the wider landscape on account of the views out to wooded hills, especially the vista to the north-west.
13. That said, the Ecological Appraisal submitted with the application has concluded that the appeal site is of limited ecological value. The Council did not dispute this at the hearing. This reduces the site's natural heritage value. I am also mindful that the field in which the appeal site is located does not retain its historic form, being an amalgamation of several smaller fields. The existing boundary hedge is also a little gappy. These points effect its condition and intactness. However, the appeal site is still an integral part of the wider agricultural landscape. For reasons I will go into, the site forms part of the setting of Barbers Farmhouse, and this affords it some cultural heritage value, although it is not associated with any known artists, writers or historic events. There is no public access to the site save for the footpath, which provides some recreational value. The site does not have any particular function in the landscape beyond providing a rural setting to the village.
14. Perceptually, the site is part of a local landscape that has high scenic value. Indeed, from the public footpath there are views towards local wooded hills to the north-west and the adjacent pastoral fields to the north-east. There are also impressive views across the site from Barbers Lane where a vista over undeveloped rolling countryside is a defining characteristic. The sense of relative tranquillity increases quickly as one moves through the site away from the B4204. This is because the noise reduces and views towards the handful of nearby buildings becomes less pronounced. Indeed, there is an almost instant sense of being in open countryside upon entering the field and moving north-east.

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<sup>1</sup> Including Simson Aggregates Solutions and Stoneybridge House

15. The secondary school is a local detractor given its scale and stark form. Its impact is likely to increase in the winter months. However, it is set away from the appeal site and is not particularly apparent once walking along the reverse slope of the field. Otherwise, there is little built development within Martley that is visible from the appeal site. The two houses at The Orchard are prominent in foreground views from the south-western corner of the appeal site, but less so in views from the public footpath. Again, this is on account of the slope. The playing field to the north-west is largely screened by hedging and contains little paraphernalia. It has a visual affinity with the neighbouring meadows, although it does have a slightly more manicured appearance. The B4204 is noisy, but sunken, screened and subject to intermittent traffic. Accordingly, there are a few detracting elements that affect the rural character of the area, but these are not significant detractors.
16. When having regard to the above landscape attributes, I share the view of both the Council and appellant that the appeal site and its immediate context is of medium landscape value.
17. The LCA explains that individual dwellings can be accommodated in the Principal Timbered Farmlands if they do not appear in sufficient density. It goes on to explain that modern development favouring groups or clusters of new houses would not be appropriate in this landscape. I am mindful that the Principal Timbered Farmlands is a large landscape character area, but the guidance in the LCA is nevertheless an indication that large housing estates would be difficult to accommodate in the landscape. This would suggest that parts of the Principal Timbered Farmlands will have a high susceptibility to the type of change proposed.
18. When considering the grain of the settlement and the attributes of the local landscape, the appeal site is in a location where the susceptibility to a change of the type proposed would be medium high. When taken with the medium landscape value, I share the view of the Council that the landscape's sensitivity is higher than indicated in the appellant's Landscape and Visual Appraisal (LVA). Indeed, the eastern side of Martley is of medium high sensitivity to development.
19. The appeal scheme would introduce a large body of housing into this sensitive landscape. Given the appeal site's affinity with the open countryside, the housing would be inherently incongruous as an odd projecting addition. It would not be a rounding off or a natural expansion of the settlement. Indeed, the development would barely adjoin any built features within the village. The only 'bridge' being the pair of houses at The Orchards, and these are on the western side of Barbers Lane. In this respect, the proposal would appear stark and apart from the village, especially as many of the properties would be on the reverse slope and therefore have little spatial or visual affinity with the settlement. Indeed, there would be little immediate built context to anchor the development in the locality. The school being set behind playing fields and hedges.
20. Moreover, the proposal would seriously upset the local pattern of development evident in the village. As explained above, the larger housing estates are located on the western side of the Martley. There is then the verdant conservation area marking the historic centre of the village and this tapers off gently into the open countryside to the east. The appeal scheme would entirely disrupt this grain as its relatively dense form would jar with the soft, rural character of Barbers Lane and the deeper sense of ruralness found on the eastern side of the village.

21. Planning permission has previously been granted for development behind The Orchards, although I understand that the permission has now lapsed. The appeal site would have had a greater built context had the scheme behind The Orchards proceeded. However, the approved houses would have occupied sloping land on the western side of Barbers Lane. Consequently, the appeal scheme would still be a discordant projection even if this development had occurred.
22. Although landscaping is a reserved matter, the indicative layout demonstrates that there would be space within the site to provide a generous level of green infrastructure (GI), some of which could be structural in nature. This would soften the impact of the scheme and could respond to the landscape guidelines for the Principal Timbered Farmlands, such as additional planting of Oak trees. Indeed, I observed during my site visit that landscaping and a muted colour pallet has successfully soften the development at Ryecroft Way, although this is on the western side of the village where there is already an establish built context.
23. That said, much of the proposed GI would have a suburban character, being play areas, allotments, drainage features and paths. Other than street trees, the indicative layout also shows the GI around the housing rather than amongst it. If this approach was ultimately adopted, then it would do little to break up the mass of what would be a large block of housing. The GI would also be inextricably linked with the housing and therefore have the character of being part of a housing estate. In any event, GI would not mitigate the scheme's inherent limitation as a stark and discordant extension of the village beyond its well-defined and logical edge, as marked by Barbers Lane. The landscaping would ultimately be a forlorn attempt to mitigate and disguise an ill placed housing estate.
24. Given the localised impact, I share the conclusion in the LVA that the proposal would have a negligible adverse effect on the landscape character of the Seven and Avon Vale National Landscape Area. Similarly, given the large geographical area of the Principal Timbered Farmlands, the effect on the entirety of this landscape character area would be minor adverse. However, the scheme would have a major adverse effect on the site, its immediate context and the character of Martley. For the reasons given above, this would not sufficiently decrease as the landscaping matures. The residual long-term impact on local landscape character, which is of medium-high sensitivity, would be major-moderate adverse.
25. The Council confirmed during the hearing that the viewpoints (VP) in the LVA are representative and would therefore be an accurate basis on which to judge the visual impacts of the scheme, although I need to consider the effects in winter. Moreover, visual impacts are a kinetic rather than static experience. The appeal scheme would be highly visible to users of the public footpath that goes through the site, these being sensitive visual receptors as they would be walking the footpath to enjoy the countryside. Walkers would also use Barbers Lane.
26. The scheme would be very stark in VPs 5, 6, 7 and 8. VPs 5 and 6 are from the adjacent pastoral fields and the housing would be directly in front of walkers when moving in a westerly direction from an elevated position. From this direction, the scheme would appear entirely out of place and apart from the settlement due to the limited built context and the site topography. There would be a major adverse impact on these views, even with the proposed landscaping.

27. The scheme would also appear stark from Barbers Lane. In fact, the existing very pleasant view from Barbers Lane over attractive rolling countryside would be dramatically harmed by the suburbanising presence of a relatively dense housing estate. The housing would also be very apparent from VP1 (the B4204) as it would be elevated above the road and entered from an engineered access. This view is likely to be experienced by motorists driving at speed, but they would nevertheless be aware that the countryside has been urbanised in a discordant way. Furthermore, when emerging from the woodland on top of Penny Hill (VP15), the development would be apparent. In this view, it would sit apart from the village and appear as a strident and alien addition in what is a wide impressive vista over rolling wooded countryside. The visual impact, although generally local in extent, would be major adverse. This would soften a little in time due to the proposed landscaping, but the harm would nevertheless endure at a high level.
28. In conclusion, the proposal would have a very significant net adverse impact on both the settlement pattern of Martley and the rural landscape to its east. This would be at odds with Policies SWDP25 and SWDP21 of the SWDP, which seek to secure development that conserves the primary characteristics and important features of the landscape and is of a siting and scale which reflects and complements the characteristics of the area.

***The effect on best and most versatile agricultural land***

29. Policy SWDP13(H) of the SWDP states that windfall development which would result in the loss of more than two hectares of best and most versatile agricultural land (BMVAL) will be required to demonstrate that the proposed development cannot be reasonably accommodated on non-BMVAL *and* the benefits of the development significantly outweigh the loss of BMVAL. Both tests must be satisfied to prevent a policy conflict from occurring.
30. The development plan does not explain what is meant by the 'proposed development' in this context. It is conceivable that it is referring in broad terms to the type of development proposed, such as housing. This approach would provide more flexibility in seeking to avoid an impact on BMVAL. For example, in this instance most of the appeal site is not BMVAL. It is therefore conceivable that a smaller amount of residential development could be delivered within the appeal site without permanent loss of BMVAL. The 'avoidance' test in the first limb of Policy SWDP13(H) could therefore be satisfied.
31. However, when this was discussed at the hearing the Council were unclear on how the policy should be approached and seemed to have considered the first limb test with reference to the description of development, that being a residential scheme of up to 80 homes. I will approach the matter in the same way.
32. Paragraph 16 of the reasoned justification to Policy SWDP13(H) explains that the scale and nature of the proposed use will be factors in determining the appropriate area to investigate when considering whether the proposed development cannot be reasonably accommodated on non BMVAL. In this case, the proposal is for general market and affordable housing aimed at addressing district wide needs. It therefore seems reasonable to consider district wide alternatives.
33. The appellant has not undertaken this analysis, instead focussing on alternatives in and around Martley. However, there is little justification to consider matters this narrowly. An analysis could reasonably have included other sites around Category

- 1, 2 and 3 villages as well as the settlements in the first, second and third tier of the settlement hierarchy. Although asked during the hearing, the Council were unable to clarify how an appellant should go about such an assessment though.
34. The appellant understandably pointed to the practical difficulties of doing a sequential test along the lines implied by Policy SWDP13(H) and in the district wide geographical area suggested by the Council. Indeed, if the area to be investigated was district wide, then a very large area of land around many settlements would have to be assessed. Agricultural land classification maps would have to be used as it would be impractical to test soil quality on such a scale. There is also a question of proportionality when the amount of land lost would only just exceed the threshold in Policy SWDP13(H) of two hectares.
35. However, despite these practical issues the appellant has made very little attempt to consider alternatives and thus satisfy the 'avoidance' test. Accordingly, the appellant has failed to demonstrate that the proposed development cannot be reasonably accommodated on non-BMVAL and a conflict with Policy SWDP13 would occur. That said, there is common ground between the Council and appellant that the extent of agricultural land which would be lost to the development would be modest, that some agricultural land will need to be developed to meet housing requirements, that the land lost would be the lowest category of BMVAL and that the loss would be significantly outweighed by the benefits of the scheme. As a result, they afford the harm, and the following policy conflict, limited weight in this instance. This is a finding that I share.

### ***The effect on the significance of Grade II listed buildings***

36. Barbers Farmhouse is an imposing building which probably dates from the early 18<sup>th</sup> Century with 19<sup>th</sup> Century alterations. The polite, well balanced front elevation is dominated by attractive sash windows with the north-western elevation containing a bay window over multiple floors angled in part towards the appeal site. This fine, well-preserved farmhouse is a repository of period building traditions and methods and tells us much about how people lived in the past. It is also an attractive building linked to local history. It therefore has a high level of evidential<sup>2</sup>, aesthetic<sup>3</sup> and historic value. The building draws significance from these values.
37. As a grand building arranged over three floors and exhibiting the contemporary style of the early 18<sup>th</sup> Century, it was designed to be seen in the local landscape and thus project the wealth and status of the occupant. The generous grounds around the building reinforce the status of the property. A particularly important vista is the entrance into the site from the B4204 where the principal elevation is framed by an avenue of trees along the driveway. The building was also originally positioned away from the village, probably to relate to the owner's associated farmland, which included the appeal site. Indeed, historic maps indicate that the eastern extent of the appeal site included an avenue of trees which aligned with the driveway leading to the farmhouse. It is unclear why this avenue was planted on the far side of the B4204.
38. Considering the foregoing, the setting of the building contributes positively to the way it is experienced. It helps to explain why the building is orientated, designed and positioned where it is amongst farmland and partially overlooking the appeal

<sup>2</sup> Also referred to as research and archaeological value

<sup>3</sup> Also referred to as architectural or artistic value

site. Despite the presence of The Orchards and Hawthorn Close, Barbers Farmhouse still retains a generally undeveloped immediate setting which also allows the grandness of the building to be appreciated without any significantly competing or detracting features. Indeed, the Council accurately describe the building as having 'pride of place' in the eastern approach to the village.

39. The appeal scheme would erode the open rural setting of the farmhouse. It would diminish the sense, at least from the north and east, of the building being set close to agricultural fields. The proposed housing estate would also be apparent as one turns into the driveway leading to the farmhouse. This is on account of the access and the very likely position of some properties on or near the highest part of the field. The illustrative layout also shows allotments at the end of the driveway. These would probably be a suburban feature with sheds and clutter.
40. The estate would therefore detract from the listed building's sense of having pride of place as the new housing, being a discordant addition to the landscape, would draw the eye and local attention. Moreover, when in the grounds around the farmhouse, one would be cognisant of the large housing estate across the road. The scheme would also erode the spatial and visual link with farmland, which is intrinsically an important component of the farmhouse's significance. The building would also be drawn into the expanded village, rather than sitting apart from it.
41. The hedging and tree planting within the grounds of Barbers Farmhouse, some of which is evergreen, provides a high degree of screening and a sense of separation with the appeal site. However, I was able to appreciate the intervisibility of the appeal site and the farmhouse during my site visit. Indeed, it is highly likely that the proposed housing estate would be visible in views from the listed building, especially in the winter months. Indeed, even the appellant's LVA concludes that the proposal would be visible from Barbers Farmhouse and there would be a minor adverse visual effect at completion. The appeal scheme would harm and thus not preserve the setting of the listed building.
42. As explained above, generous levels of GI could be accommodated within the appeal site, but it could not fully screen the proposal in views from the listed building or remove a perception that its setting has been encroached upon. There is a suggestion that the avenue of trees could be replanted, although only a row is shown on the indicative plans. Even if this was remedied in the final design, reinstating this feature would not mitigate for the scheme's overall impacts. Ultimately, a moderate level of harm to the significance of the listed building would occur. This would be less than substantial within the meaning of the National Planning Policy Framework (the 'Framework').
43. The Gates, Piers and Railings to the Farmhouse probably date from the early 19<sup>th</sup> Century. They have aesthetic value and significance as a pleasing entrance feature that compliments and reinforces the grandness of the farmhouse and the formality of the driveway leading to it. There is also some historic interest as the feature was likely installed to project status as well as functional security and easy access by horse and carriage. The ability to experience the aesthetic value and functionality of the gates in the context of the farmhouse, the driveway and the B4204 aids an understanding of their significance. The gates are not especially rural in their design and are not intended to separate the grounds of the listed building from farmland. Instead, the gates provide a barrier with the road. I

therefore share the view of the appellant that the appeal scheme would not harm the ability to experience this listed building. Its setting would be preserved.

44. Policy SWDP24 explains that proposals which effect heritage assets will be considered in accordance with the Framework. The Framework states that any less than substantial harm should be weighed against the public benefits of the scheme. In calibrating this balance, the Framework states that designated heritage assets are an irreplaceable resource that should be conserved for existing and future generations and that great weight should be given to an asset's conservation. Conservation in this context means sustaining, and thus not harming, an asset's significance. This is not an instruction to dismiss a proposal that would harm the significance of a listed building, but it nevertheless provides a strong presumption in favour of preservation.
45. The proposal would result in moderate harm to the significance of Barbers Farmhouse through development within its setting. This matter carries great weight. This is synonymous with the considerable importance and weight that must be given to the statutory duty to pay special regard to the desirability of preserving a listed building or its setting<sup>4</sup>. For reasons I go into, the public benefits of the proposal are collectively matters of very great weight. Indeed, the benefits would be of sufficient force to outweigh the less than substantial harm. Accordingly, there would be no conflict with Policy SWDP24 of the DP, as harm to the significance of a designated heritage asset would have clear and convincing justification.

### ***The effect on the significance of Stoneybridge House***

46. Stoneybridge House has historic layers but probably dates largely to the 18<sup>th</sup> and 19<sup>th</sup> Centuries. It is an extensive double pile former farmhouse. The building's historic form is still evident although some unsympathetic window replacement has eroded the aesthetic value. That said, the Council and appellant agree that the building has sufficient interest and value to be considered a non-designated heritage asset (NDHA). The rural agricultural setting inherently adds to the experience of the building as a historic farmhouse. When moving along the public footpath through the appeal site, it is possible to experience the building in its agrarian context.
47. For the reasons already given, the appeal scheme would be a stark suburban intrusion into the area. This would erode the rural setting of the NDHA, especially from views in the vicinity of VP7. That said, the development would not be prominent in views from the farmhouse on account of its orientation and intervening hedging. Indeed, views are directed to the north of the farmhouse over the rolling pastoral fields. The appeal scheme would not impinge on this. As a result, a rural setting would be retained, albeit diminished. The impact on the setting and significance of the farmhouse would be limited. In accordance with Paragraph 216 of the Framework, I have taken this matter into account in my planning balance.

### **Other Considerations**

48. As recorded in the Statement of Common Ground, the Council and appellant agree that the proposal would not have adverse impacts in respect of several matters. On the assumption this is correct, it follows there would be some compliance with the development plan. However, for the reasons set out above, the appeal scheme

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<sup>4</sup> See Sections 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

would be at odds with several important policies in the development plan. Ultimately, there would be a conflict with the development plan taken as a whole. An appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. The benefits of the scheme and the provisions of the Framework are important considerations in this instance.

49. The Council are currently unable to demonstrate a five-year housing land supply. In such circumstances Paragraph 11 of the Framework<sup>5</sup> states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole. In so doing, the Framework states that particular regard is given to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes. The wording in Policy SWDP1 of the SWDP is similar in some respects but does not reflect the most recent version of the Framework, which now includes a strengthened presumption in favour of sustainable development.
50. The appeal scheme would deliver up to 80 homes at a point in time when the housing land supply is only around 2.06 years and therefore well below the minimum five-year requirement. This is a large shortfall which is at odds with the Framework's aim of significantly boosting the supply of housing. I understand that the supply has been steadily decreasing in recent years, and this situation has come about in the main because large strategic sites have proven slow to deliver and may not do so at scale within the time horizon of the SWDP. In addition, the Council's housing requirement has increased since the most recent Framework was published. Thus, the Council has an immediate and serious deficit and needs to identify more land for homes. The appellant described the Council's spatial strategy as a failure, and I can see why. I was advised at the hearing that a new local plan aimed at addressing this is not imminent. In this prevailing context, the Council and appellant agree that the delivery of housing would be a substantial benefit given the scale of the scheme.
51. In addition, the proposal would deliver 40% of the homes as affordable housing. This is secured through the necessary planning obligation and would be a significant benefit given the challenging local position with affordability. Again, the parties agree that this is a matter of substantial weight, especially when Paragraph 66 of the Framework is a key policy to which particular regard should be given.
52. The proposal would result in new homes adjacent to a Category 1 village. Accordingly, the homes would not be isolated and would be close to services and facilities. The proximity of both a primary and secondary school is a particular benefit as children would be able to walk to school. That said, there is little choice in the range of facilities, and a sustainable location is to be expected. The appeal scheme nevertheless performs well against the key policies in Paragraphs 110 and 115 of the Framework. The proposal would also assist the vitality of the village in accordance with key policy in Paragraph 84 of the Framework, but I am mindful that it has already experienced a very high level of growth recently. Overall, the 'sustainable location' of the development and its efficient use of land would be benefits of moderate weight.

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<sup>5</sup> In this instance none of the policies in the Framework that protect areas of assets of particular importance provide a strong reason for refusal

53. Constructing the houses would result in some moderate economic benefits as would the spending of the future occupants. The Council would also gain additional Council Tax receipts, although it would also be put to the cost of providing services to future occupants. A notable biodiversity net gain and additional tree and hedge planting would be a moderate benefit. The provision of additional GI would be a benefit, but I share the views expressed by local residents at the hearing that this is unlikely to be a destination for existing residents given its position relative to the rest of the village. Indeed, existing residents are more likely to visit the attractive and tranquil Millennium Green, which is closer to most and is the start and finish of a circular walk. As such, the proposed GI would mainly be used by future residents rather than the wider community and is a matter of middling weight. The proposal would provide several infrastructure contributions, some of this may have wider benefits and is a matter of limited weight. Overall, the benefits are matters of very great weight.
54. Alternatively, the appeal scheme would harmfully undermine the spatial strategy in the SWDP. The spatial strategy is consistent with many aspects of the Framework, in that it seeks to proportionately direct development to settlements. There is also an inherent benefit from the consistency and direction provided by a planned led approach. However, regardless of the merits of the spatial strategy, it is failing to deliver enough homes contrary to the expectations of the Framework. As explained above, the shortfall is serious. The Council will therefore need to deliver more homes, and the indicators are that this will involve sites in the countryside.
55. Martley scored highly in the Village Facilities and Rural Transport Study, placing it in second place out of around 181 villages considered. It is therefore comparatively well placed within its tier to take housing growth. To this end, Martley was allocated housing through the SWDP and has seen several other schemes approved outside the settlement boundary. A rigorous application of Policies SWDP2 and MKD6 would frustrate attempts to remedy the housing shortfall any time soon. Consequently, for these reasons the conflict with the spatial strategy is a matter of limited weight in this instance.
56. Constructing housing on a green field site in the countryside will inevitably result in some harm to the character and appearance of the area. Given the need for housing, some urbanisation of the countryside will occur. However, in this instance I have concluded that the eastern side of Martley in the vicinity of the appeal site is sensitive to housing development. The appeal scheme would be an incongruous addition that would very significantly harm the local landscape character, visual amenity and settlement pattern. The Framework states at Paragraph 135 that proposals should be sympathetic to local character. The proposal would not achieve this by some way. Moreover, at Paragraph 139 the Framework states that development which is not well designed should be refused. In this respect, I note the importance the National Design Guide places on context and identity when outlining a well-designed place. The proposal would also fail to recognise the intrinsic character and beauty of the countryside. This is a policy with a protective element and implication, albeit that the level of protection is not as high as a valued or nationally designated landscape. Overall, the impact on the character and appearance of the area is a very important matter weighing against the scheme.

57. Added to this, there would be limited harm to the significance of Stoneybridge House and from the loss of agricultural land. There is also moderate harm to the setting of Barbers Farmhouse, and this carries great weight. Collectively, the adverse impacts carry weight of a high order.
58. The 'tilted balance' in Paragraph 11 of the Framework is designed to allow harm. It is only where that harm would significantly and demonstrably outweigh the benefits should permission be refused. In this instance, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Accordingly, the operation of the presumption in favour of sustainable development in Paragraph 11 of the Framework is not a material consideration that indicates the proposal should be determined otherwise than in accordance with the development plan.

### Other Matters

59. I have considered the appeal scheme on its own merits with regard to the evidence presented. Nevertheless, the appellant has referred to several appeal decisions as material considerations. In respect of the Tenbury Wells decision<sup>6</sup>, the Council removed all its reasons for refusal and part of the site was proposed for a housing allocation. At Great Witley<sup>7</sup>, the Inspector found only modest harm to the ground to the character and appearance of the area. Only limited harm to the landscape was also identified in the Rushwick case<sup>8</sup>. Other dismissed appeal decisions have been referred to, but they relate to different sized schemes in alternative locations<sup>9</sup>.
60. Two of the appeal decisions referred to relate to sites in Martley. In respect of the Berrow Green Road scheme<sup>10</sup>, the Inspector concluded that the proposal would close a loop of built form around the recreation ground and would not extend the settlement pattern significantly further into the countryside. The scheme before me would do the opposite. The Inspector also concluded that the setting of the neighbouring listed building had already been substantially eroded. The Sandyfields<sup>11</sup> scheme would be next to the housing estate at Ryecroft Way.
61. Due to the material differences between the cases outlined above and the one before me, there is no inconsistency between my findings and the other Inspectors.
62. I understand that the Council's emerging development plan is presently undergoing examination. No specific policies were substantively drawn to my attention, and I understand there are unresolved issues. As such, I afford it little weight. The same applies to the emerging Neighbourhood Plan.
63. Various concerns have been raised by interested parties including reservations regarding the impact on infrastructure and highway safety. However, given my findings it has not been necessary to address these matters further as the appeal has failed on the main issues. Similarly, as the appeal has been dismissed for other reasons, it is unnecessary to consider the effect of the proposal on the setting of the Martley Conservation Area and other nearby listed buildings.

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<sup>6</sup> APP/J1860/W/24/3353961

<sup>7</sup> APP/J1860/W/24/3350677

<sup>8</sup> APP/J1860/W/21/3267054

<sup>9</sup> APP/J1860/W/22/3313440 and APP/J1860/W/22/3295623

<sup>10</sup> APP/J1860/W/24/3348743

<sup>11</sup> APP/J1860/W/22/3306186

## **Conclusion**

64. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

*Graham Chamberlain*  
INSPECTOR

Richborough

## **APPEARANCES**

### **FOR THE APPELLANT**

|                                       |                                                    |
|---------------------------------------|----------------------------------------------------|
| Christian Hawley                      | Counsel for the appellant (No5 Chambers)           |
| Leo Phillips CMLI                     | Landscape Architect – Director (FPCR)              |
| Jon Kirby BSc (Hons) DMS MRTPI        | Senior Director (Lichfields)                       |
| Robert Skinner BA (Hons), MA, MCIfA   | Associate (EDP)                                    |
| Laura Gaffney BA (Hons) MA MRTPI      | Senior Planner (Lichfields)                        |
| Nicholas Mills BA (Hons) DiP TP MRTPI | Strategic Planning Manager (BSL Strategic Limited) |

### **FOR THE LOCAL PLANNING AUTHORITY**

|                                                                                    |                                                                   |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Anna Priestley-Clarke, BA (Hons) Dip TP                                            | Principal Planning Officer, Malvern Hills District Council (MHDC) |
| Christopher Lewis-Farley<br>HND Arboriculture<br>Masters in Landscape Architecture | Tree and Landscape Officer, MHDC                                  |
| Sarah Lowe<br>BSc(Hons) Dip(Hons)Arch<br>PGDipHistEnvCons                          | Senior Conservation Officer, MHDC and Wychavon District Councils  |

### **INTERESTED PARTIES**

|                         |                   |
|-------------------------|-------------------|
| Mark and Jeanne Swallow |                   |
| Heather Randall         |                   |
| Barbara Williams        | Local Ward Member |
| Aantaa Collier-Leenamar |                   |
| Peter Waddell Hall      | Parish Council    |
| Chrsitopher Jones       |                   |

### **DOCUMENTS SUBMITTED AT OR AFTER THE HEARING**

- Certified copy of the Planning Obligation