
Appeal Statement of Case

Orchard Farm, Pershore

On behalf of Formula Land Ltd

Local Planning Authority Reference Number – W/23/02112/OUT

Contents

1.	Introduction	1
1.1.	Preamble	1
1.2.	Application for Costs	2
1.3.	Structure of this Statement	2
1.4.	Appeal Core Documents.....	2
2.	The Appeal Site and Surrounding Area	6
2.1.	The Appeal Site	6
2.2.	Surrounding Area.....	8
3.	Background to the Appeal Proposals	10
3.1.	Introduction.....	10
3.2.	Pre-application Consultation and Engagement.....	10
3.3.	Environmental Impact Assessment.....	11
3.4.	Application Submission.....	12
3.5.	Post-Submission Consultation and Engagement.....	12
3.6.	Decision to Appeal Against Non-Determination.....	13
4.	The Appeal Proposals	14
4.1.	Proposed Development	14
5.	Development Plan Policy and Material Considerations	16
5.1.	Relevant Development Plan Policies	16
5.2.	Material Considerations	17
5.3.	Conclusions	18
6.	Determination of the Appeal	19
6.1.	Introduction.....	19
6.2.	Housing Land Supply.....	19
7.	The Planning Case	21
7.1.	Introduction.....	21
7.2.	The Appellant's Case for the Delivery of a Sustainable Development.....	21
7.3.	Outstanding Technical Matters	23
7.4.	Landscape	24
7.5.	Highways.....	28
7.6.	Ecology and Ancient Woodland	30
7.7.	Flood Risk and Drainage	32
7.8.	Masterplanning and Design	34
7.9.	Housing Land Supply.....	36
7.10.	Affordable Housing	36
7.11.	Conclusion.....	40
8.	Third Party Representations	41
8.1.	Summary of Representations Received	41
9.	Planning Conditions and Planning Obligations	43
10.	Conclusion	44

Statement of Case

Orchard Farm, Pershore



List of Appendices:

- Appendix A: Appeal Notification, 10 June 2024
- Appendix B: Key Consultee Responses
- Appendix C: LVIA Viewpoint Photographs 1-21
- Appendix D: Arboricultural Impact Assessment
- Appendix E: Correspondence with Natural England
- Appendix F: Tiddesley Wood Path Serviceability Assessment

1. Introduction

1.1. Preamble

- 1.1.1. This Statement of Case has been prepared on behalf of Formula Land Ltd (the 'Appellant'), in respect of a planning appeal against the non-determination by Wychavon District Council ('WDC') of a hybrid planning application (all matters reserved except access) (the 'Application') for the development of land at Orchard Farm, Pershore ('Orchard Farm' and/or 'the Site'). This planning appeal has been submitted under section 78 of the Town and Country Planning Act 1990.
- 1.1.2. This Statement has been prepared by Michael Paul Davies. I hold a Bachelor of Science degree in Environmental Planning obtained from the University of Strathclyde, and a Diploma in Town Planning obtained from Birmingham City University. I became a Chartered Member of the Royal Town Planning Institute in 1998. I have over 26 years continuous professional experience and employment within the town planning profession, providing town planning consultancy advice to a wide range of clients. I joined Savills in 2011 and hold the role of planning Director based within the Birmingham office.
- 1.1.3. The planning application (reference: W/23/02112/OUT) was submitted on 13 October 2023 and sought permission for the demolition of the existing farmhouse, agricultural buildings and structures, the erection of a phased development of up to 300 residential dwellings (Use Class C3) and associated public open space, drainage, infrastructure and engineering works with all matters reserved except access (the 'Proposed Development').
- 1.1.4. This overarching Statement of Case sets out the Appellant's planning case. Separate Statements of Case are provided to set out the Appellant's case with regards to the following key technical disciplines:
- Ecology;
 - Landscape;
 - Design;
 - Highways;
 - Flood risk and drainage;
 - Affordable housing;
 - Housing land supply; and
 - Education.
- 1.1.5. These statements are also summarised in Section 7 of this statement.
- 1.1.6. Savills, on behalf of the Appellant, submitted by email a Notification of Intention to Submit an Appeal under the inquiry procedure to WDC and copied in the Planning Inspectorate on 10 June 2024. A copy of this notification is contained at Appendix A.

- 1.1.7. An inquiry has been requested as the most appropriate method of dealing with the appeal. The reasons for requesting the inquiry route are set out in an accompanying letter which is provided with this submission. We reserve the right to submit further evidence in response to matters raised by WDC, their advisors, statutory consultees or third parties in relation to matters not covered within this Statement of Case.
- 1.1.8. This Statement has been prepared following the guidance within Section 11 of the Planning Inspectorate Procedural Guide: Planning Appeals – England, May 2024 and pursuant to The Town and Country Planning (Inquiries Procedure) (England) Rules 2000 and The Town and Country Planning (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000.
- 1.1.9. A draft Statement of Common Ground (SoCG) has also been prepared by the Appellant. The Appellant intends to discuss common ground with WDC and any other relevant stakeholders to agree common ground on all relevant matters for the planning appeal. This includes proposed planning conditions for consideration by the Planning Inspector. The Appellant will seek to agree a list of Core Documents with WDC through discussions on common ground.
- 1.1.10. The Appellant intends to agree a legal agreement and/or unilateral undertaking covering planning obligations under section 106 of the Town and Country Planning Act 1990. The Appellant intends to continue its dialogue with WDC and other relevant stakeholders in the run up to the inquiry about the contents of the draft section 106 agreement submitted with this Appeal.

1.2. Application for Costs

- 1.2.1. Without prejudice, the Appellant formally reserves its position with regard to an application for costs.

1.3. Structure of this Statement

- 1.3.1. This statement is broken down into the following sections:

1. Introduction (this section);
2. The Appeal Site and Surrounding Area;
3. Background to the Appeal Proposals;
4. The Appeal Proposals;
5. Development Plan Policy and Material Considerations;
6. Determination of the Appeal;
7. The Planning Case;
8. Third Party Representations;
9. Planning Conditions and Planning Obligations; and,
10. Conclusion.

1.4. Appeal Core Documents

- 1.4.1. A Core Documents list will be agreed with the Council in due course. The following documents and plans have been submitted with this appeal.

- This Full Statement of Case and Appendices;
- Appeal Form;
- Draft Statement of Common Ground;
- Original Outline Planning Application Submission, October 2023:
 - Application Form
 - Application Cover Letter
 - Submission Plans:
 - Site Location Plan P22-2506_012-1
 - Site Plan P22-2506_DE_004-1 Rev C (now superseded)
 - Illustrative Masterplan P22-2506_DE_0008 Rev G (now superseded)
 - Land Use Parameter Plan P22-2506_DE_0010 Rev B (now superseded)
 - Strategic Landscape Parameter Plan P22-2506_EN_0012_A_0001 (now superseded)
 - Building Heights Parameters Plan P22-2506_DE_0013 Rev A (now superseded)
 - Density Parameters Plan P22-2506_DE_0014 Rev A (now superseded)
 - Illustrative Landscape Masterplan P22-2506_EN_0011_C_0001 (now superseded)
 - Movement Strategy Plan P22-2506_DE_0015 Rev A (now superseded)
 - Street Hierarchy Plan P22-2506_DE_0016 Rev A (now superseded)
 - Placemaking Plan P22-2506_DE_0017 Rev A (now superseded)
 - Character Areas Plan P22-2506_DE_0018 Rev A (now superseded)
 - Public Open Space Typologies Plan P22-2506_DE_0019 Rev A (now superseded)
 - Demolition Plan P22-2506_DE_0020
 - Indicative Phasing Plan P22-2506_DE_0021_1 (now superseded)
 - Proposed Ghost Island Arrangement 50mph 227119_PD02 Rev N (now superseded)
 - Proposed Emergency Access Route 227119_PD03 Rev B (now superseded)
 - Proposed Tactile Paving Arrangement 227119_PD04 (now superseded)
 - Proposed Footway Alignment 50mph 227119_SK02 Rev N (now superseded)
 - Proposed Footway Alignment – End of Shared Route 227119_SK07 Rev C (now superseded)
 - Proposed Footway Alignment Zebra Crossing 227119_SK09 (now superseded)
 - Proposed Ghost Island Arrangement SPA 11.2m Refuse Vehicle 227119_AT_A01 Rev D (now superseded)
 - Proposed Ghost Island Arrangement SPA Standard Design Vehicle 227119_AT_A02 Rev D (now superseded)
 - Submission Statements:
 - Design and Access Statement (including Open Space Assessment)
 - Planning Statement (including draft S106 Heads of Terms)
 - Statement of Community Consultation and Engagement
 - Affordable Housing Statement
 - Housing Land Supply Assessment
 - Transport Assessment
 - Ecological Appraisal
 - Framework Woodland Management Plan

- Biodiversity Net Gain Assessment
- Arboricultural Impact Assessment
- Flood Risk Assessment and Drainage Strategy (including Foul Sewerage Utilities Assessment)
- Water Management Statement
- Energy Statement
- Sustainability Statement (including Homes Quality Mark Pre-assessment)
- Whole Lifecycle Carbon Assessment
- Health Impact Assessment
- Heritage Assessment
- Geophysical Survey
- Air Quality Assessment and Monitoring Report
- Noise Assessment
- Agricultural Land Assessment
- Mineral Resource Assessment
- Landscape and Visual Impact Assessment
- Electricity Capacity Assessment
- Additional material submitted to WDC on 1 February 2024:
 - LVIA Figure 7A: Winter Viewpoint Photographs P22-2506_EN_00014_-_0001
 - Landscape File Note in response to Landscape Officer consultee response, 12 January 2024
 - Amended Agricultural Land Classification Report, December 2023
 - Agricultural Land Classification Report Clarification Letter, 8 January 2024
 - Bat Survey Addendum 1, December 2023
 - Planning Statement Addendum note responding to December 2023 NPPF, January 2024
 - Revised plans to amend Public Right of Way alignment:
 - Revised Illustrative Masterplan P22-2506_DE_0008 Rev H (now superseded)
 - Revised Movement Strategy Plan P22-2506_DE_0015 Rev B (now superseded)
 - Revised Street Hierarchy Plan P22-2506_DE_0016 Rev B (now superseded)
 - Revised Placemaking Plan P22-2506_DE_0017 Rev B (now superseded)
 - Revised Character Areas Plan P22-2506_DE_0018 Rev B (now superseded)
 - Revised Public Open Space Typologies Plan P22-2506_DE_0019 Rev B (now superseded)
 - Revised Indicative Phasing Plan P22-2506_DE_0021 Rev A (now superseded)
- Additional material submitted to WDC on 14 May 2024:
 - Bat Survey Addendum 2, March 2024
 - Shadow Habitats Regulations Assessment (sHRA), including Appropriate Assessment, April 2024
 - Updated Biodiversity Net Gain Assessment, April 2024
 - Correspondence issued to Natural England, 1 May 2024
 - Updated Flood Risk Assessment, May 2024
 - Illustrative Landscape Sections P22-2506_EN_0015_C_0001, May 2024
 - Trial Trenching Report, May 2024
 - Highways Microsimulation Modelling Review Response, March 2024
 - Stage 1 Road Safety Audit, March 2024

- Note responding to WCC Highways Comments, 9 May 2024
- Revised Highways Plans:
 - 227119_PD14 Rev A Overview Plan of Proposed Right Turn Facility -85kph
 - 227119-PD14.1 Rev A Proposed Footway Alignment
 - 227119-PD14.2 Rev A Proposed Emergency Access Route
 - 227119-PD14.3 Rev A Proposed Footway Alignment End of Shared Route
 - 227119-PD14.4 Rev A Proposed Right Turn Facility - General Arrangement and Visibility Assessment
 - 227119-PD14-AT01 Rev A Swept Path Analysis – Refuse Vehicle
 - 227119-PD14-AT02 Rev A Swept Path Analysis – Bus
 - 227119-PD14-AT03 Rev A Swept Path Analysis – Pantechicon
 - 227119-PD14-AT04 Rev A Swept Path Analysis – Fire Appliance
- Additional Revised Plans:
 - P22-2506_DE_0004_E_1 Planning Application Boundary
 - Revised Illustrative Masterplan P22-2506_DE_0008 Rev M
 - Revised Land Use Parameters Plan P22-2506_DE_0010 Rev F
 - Revised Site Location Plan P22-2506_DE_0012 Rev A
 - Revised Building Heights Parameters Plan P22-2506_DE_0013 Rev B
 - Revised Density Parameters Plan P22-2506_DE_0014 Rev B
 - Revised Movement Strategy Plan P22-2506_DE_0015 Rev C
 - Revised Street Hierarchy Plan P22-2506_DE_0016 Rev C
 - Revised Placemaking Plan P22-2506_DE_0017 Rev C
 - Revised Character Areas Plan P22-2506_DE_0018 Rev C
 - Revised Public Open Space Typologies Plan P22-2506_DE_0019 Rev C
 - Revised Demolition Plan P22-2506_DE_0020 Rev A
 - Revised Indicative Phasing Plan P22-2506_DE_0021 Rev B
 - Revised Illustrative Landscape Masterplan P22-2506_EN_0011_E_0001
 - Revised Strategic Landscape Parameter Plan P22-2506_EN_0012_B_0001
- Revised reports/addenda to take account of amendments to the red line boundary:
 - Agricultural Land Addendum Letter, April 2024
 - Updated Design and Access Statement, May 2024
 - Ecological Appraisal Addendum, April 2024
 - Updated Air Quality Assessment and Monitoring Report, April 2024
 - Updated Arboricultural Impact Assessment, April 2024
 - Updated Heritage Statement, April 2024
 - Updated Mineral Resource Assessment, April 2024
 - Updated Sustainability Statement, April 2024
 - Updated Energy Statement, April 2024
 - Landscape and Visual Impact Assessment Addendum, April 2024

Further Submissions

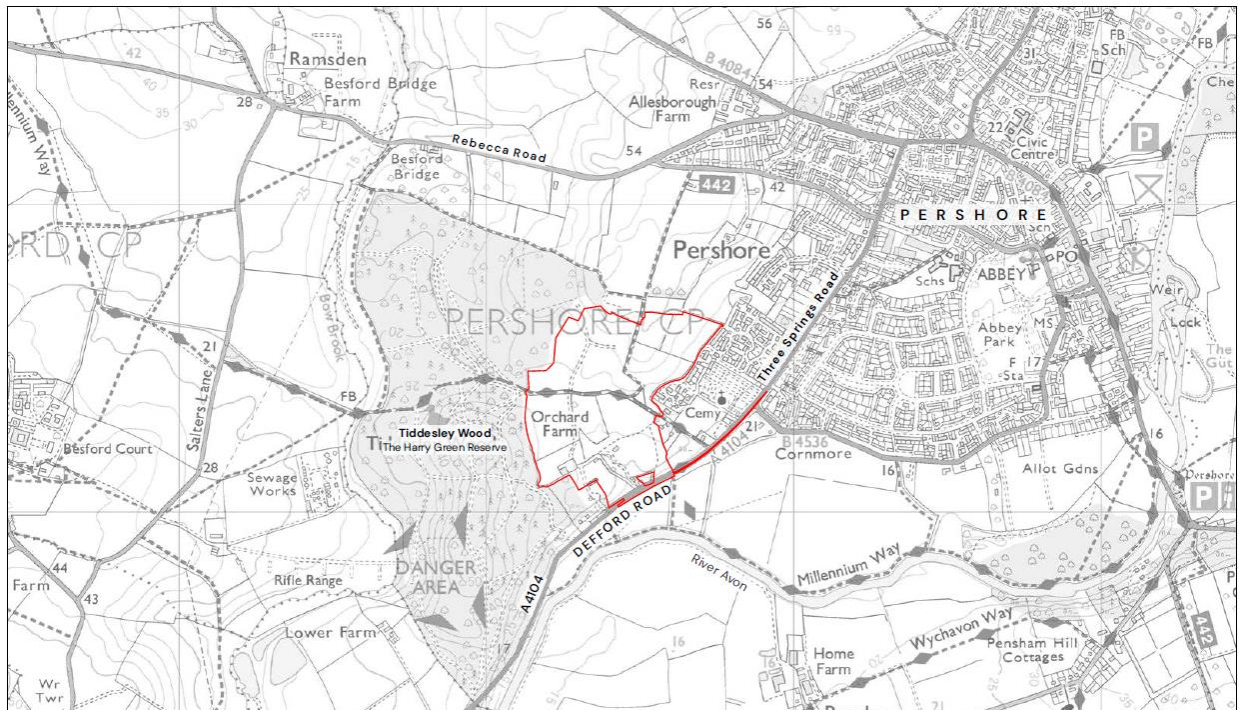
- Flood Risk and Drainage Response Note, 5 June 2024, submitted in response to LLFA comments received 4 June 2024
- Flood Risk and Drainage Response Note, 18 June 2024, submitted in response to WDC Emergency Planning Team comments received 12 June 2024.

2. The Appeal Site and Surrounding Area

2.1. The Appeal Site

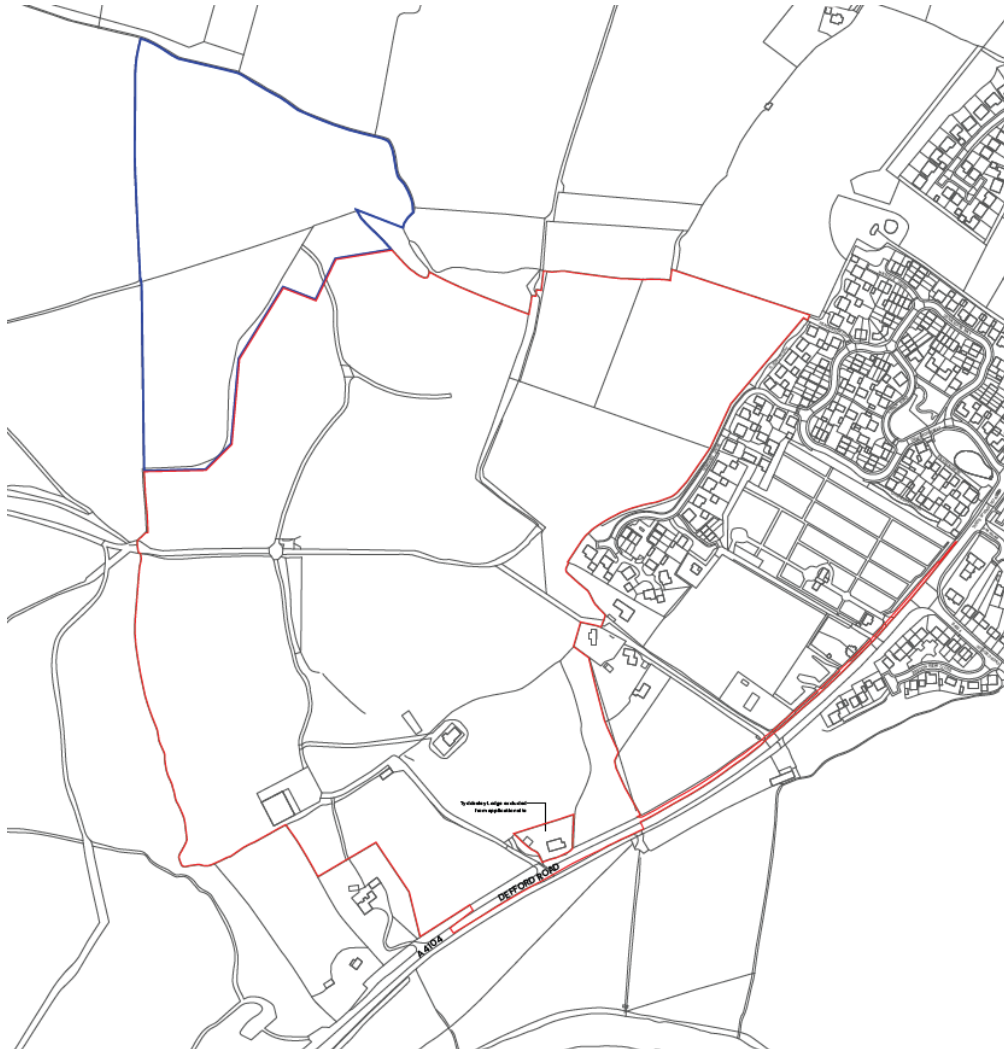
- 2.1.1. It is the Appellant's intention to seek to reach common ground with WDC in respect of the character and setting of the Site and the surrounding area.
- 2.1.2. As shown in Figure 2.1, the Site is located to the west of Pershore, north of Defford Road. The Site falls within the Wychavon District Council administrative boundary.

Figure 2.1: Site Location Plan



- 2.1.3. The Site extends to 25.82 hectares (63.80 acres) and comprises a number of agricultural grazing fields and associated agricultural buildings, including 1 no. agricultural dwelling. Figure 2.2 overleaf shows the red line application boundary for the Site. This plan also shows the eastern part of Tiddesley Wood, edged in blue, which is under the Applicant's control and extends to 6.17 hectares (15.25 acres).

Figure 2.2: Site Plan



- 2.1.4. The Site is bound by Defford Road to the south, existing residential development and a cemetery to the east, Tiddesley Wood to the west and north-west, and additional agricultural land to the north.
- 2.1.5. There are existing dwellings located along the southern boundary of the Site. Within the Site there is a farm house and a number of agricultural buildings, as well as some hedgerows and trees. There are two Public Rights of Way running through the Site. One of these runs east to west to provide access to Tiddesley Wood, and the other runs north to south as shown overleaf.
- 2.1.6. The Site slopes from a level of approximately 50m AOD at the north-west boundary of the Site to a level of approximately 17m AOD along the centre of the southern boundary (Defford Road). The primary existing Site access is taken from Defford Road to the south.

Statement of Case

Orchard Farm, Pershore



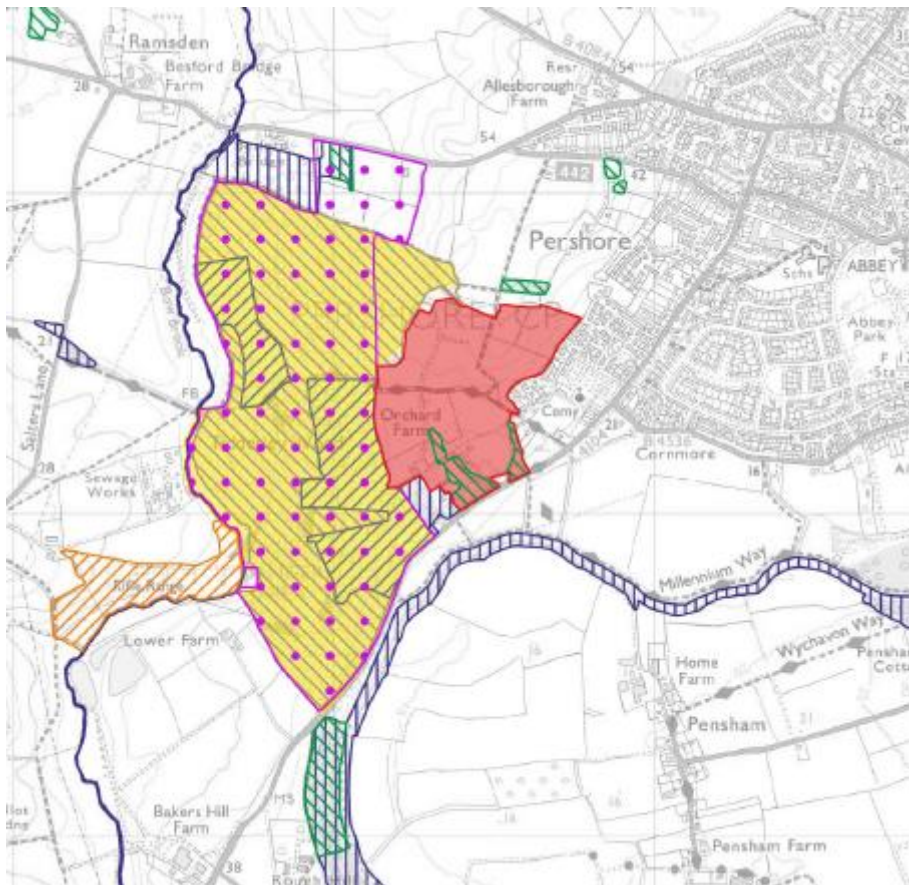
2.1.7. There are no designated or non-designated heritage assets within the Site boundary, and there are no ecological designations. The majority of the Site is located within Flood Zone 1, with a small area of Defford Road falling within Flood Zone 2.

2.2. Surrounding Area

2.2.1. To the east of the Site is existing residential development which has been constructed over the last decade. There is also an existing cemetery and chapel and associated car park. The agricultural land to the south of the Site beyond Defford Road functions as a flood plain for the River Avon.

2.2.2. Tiddesley Wood, a Site of Special Scientific Interest (SSSI) and ancient woodland, abuts the western Site boundary. The majority of the woodland is managed by Worcestershire Wildlife Trust, with the exception of land edged in blue shown in Figure 2.2, which is under the Applicant's control. There are multiple Public Rights of Way running through the woodland. Figure 2.3 below identifies Tiddesley Wood (shaded yellow) in relation to the Site (shaded red).

Figure 2.3: Tiddesley Wood Location (yellow shading)



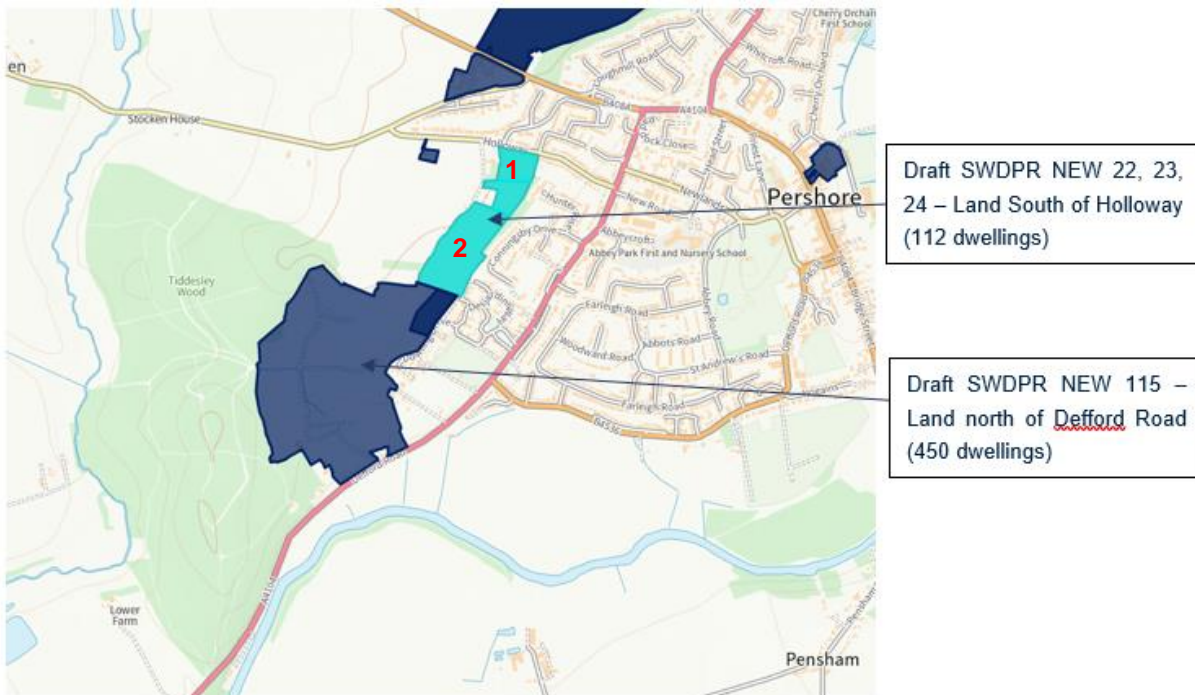
Statement of Case

Orchard Farm, Pershore



- 2.2.3. The Appeal site was proposed to be allocated for 450 dwellings in the emerging South Worcestershire Development Plan Review (SWDPR) Preferred Options consultation under reference SWDPR NEW 115, as shown in Figure 2.4. As discussed further in Section 3 of this statement, the Appeal site was subsequently removed from the SWDPR at Regulation 19 pre-submission stage.
- 2.2.4. Furthermore, land to the north east of the Appeal site is proposed to be allocated in the emerging SWDPR for 112 dwellings (Policy SWDPR NEW 22, 23 and 24) in the Regulation 19 pre-submission plan, as shown in Figure 2.4 in light blue. This site is known as 'land south of Holloway'.
- 2.2.5. SWDPR NEW 22,23 and 24 were subject to similar objections to the subject Site at the previous Regulation 18 Preferred Options consultation stage relating to impact to Tiddesley Wood SSSI, flood risk and drainage, and also additional concerns relating to topography.
- 2.2.6. The northernmost part of the draft allocation was granted full planning permission for 28 dwellings (W/22/00658/FUL, labelled '1') on 29 May 2024. The remainder of the draft allocation is the subject of a live planning application (W/24/00270/FUL, labelled '2') for 120 dwellings.

Figure 2.4: Draft Allocation SWDPR New 22, 23, 24



3. Background to the Appeal Proposals

3.1. Introduction

- 3.1.1. The Appeal Site was purchased by the Appellant in August 2022. At this time, the Appeal Site was subject of a proposed allocation for 450 dwellings in the emerging South Worcestershire Development Plan Review (SWDPR) Preferred Options consultation.
- 3.1.2. Prior to the Appellant's purchase of the Appeal Site, we understand that it was promoted by the previous landowner for residential development from as early as 2017. A public consultation event was held, however a planning application was not submitted.
- 3.1.3. The Appeal Site was subsequently removed from the Regulation 19 Pre-submission SWDPR, which was consulted on between December 2022 – January 2023. The reason for the removal of the Appeal Site from the SWDPR, as set out in the published summary of officer responses to representations received to the Preferred Options consultation, are set out below:
- *Harmful Impact on Tiddesley Wood (SSSI), an ancient woodland, and disturbance to its wildlife from people, cats, dogs, litter, light spillage;*
 - *With reference to NPPF Para 170 and Para 171, the proximity of the site in relation to SSSI is likely to lead to a range of impacts, with scope for mitigation at this distance extremely limited. In view of the site's poor rating in the SA, Natural England would welcome further dialogue with the SWCs;*
 - *Inadequate pumping station already at capacity; and*
 - *Increased flooding from surface water run-off.*
- 3.1.4. The SWDPR was submitted for Examination in September 2023. Hearing sessions for the Examination have yet to be scheduled due to delays to county-wide strategic transport modelling and sensitivity analysis, which had not been completed prior to the submission of the plan. On 25 April 2024, the South Worcestershire Councils wrote to the Planning Inspectorate to advise that this work would not be available until 30 August 2024. Therefore it is considered that Examination hearings are unlikely to be held until late 2024 / early 2025.
- 3.1.5. The Appellant has continued to promote the Appeal Site through the SWDPR in tandem with the preparation of a planning application.

3.2. Pre-application Consultation and Engagement

- 3.2.1. Following some initial due diligence research and preliminary technical work undertaken by the Appellant, a formal request for pre-application advice was submitted to WDC on 12 January 2023. This request sought advice on the principle of development for up to 430 dwellings (subsequently reduced to 300 due to site constraints). This request was made prior to detailed technical work being progressed. A pre-application fee of £4,124.60 was paid to WDC.

3.2.2. An initial telephone call was held between the Appellant and the pre-application case officer, Nick Atkinson, on 6 April 2023. A further Teams meeting was held on 27 April 2023 at which the case officer informed the Appellant that they would provide a formal EIA screening opinion (discussed in detail below) and formal pre-application response in due course, once in receipt of additional technical reports which, by this time, had been progressed. A range of draft technical reports in support of 300 dwellings was submitted by the Appellant on 2 May 2023 to inform the written pre-application response. This draft technical work comprised:

- Heritage Assessment;
- Highways Scoping Note;
- Preliminary Ecological Appraisal;
- Flood Risk and Drainage Technical Note;
- Landscape and Visual Impact Assessment; and
- Development Framework Plan.

3.2.3. Whilst it was agreed that written pre-application advice would be provided, no formal pre-application response was issued by WDC, despite the formal pre-application fee being paid for a service which was to include a written response. Therefore, the Appellant sought to progress the preparation and submission of a hybrid planning application without formal feedback from WDC.

3.3. Environmental Impact Assessment

3.3.1. Given the proposed development is for more than 150 dwellings and the overall area of the development exceeds 5 hectares, the proposal constitutes Schedule 2 development for which screening the need for EIA must be conducted.

3.3.2. The Appellant submitted an EIA Screening Request to WDC on 24 March 2023. During the pre-application meeting on 27 April 2023, a formal screening opinion was proposed to be provided in tandem with the written pre-application response. The Appellant agreed to this on the basis that the Screening Opinion would be provided imminently.

3.3.3. Following the expiry of a 90-day period with no Screening Opinion having been issued, it was decided by the Appellant to issue a formal EIA Screening Request to the Secretary of State on 12 July 2023. A response was received from the Secretary of State on 25 July 2023 stating that, as the submitted proposals differed from those that were submitted to WDC in March 2023 (due to the evolving design process since this time), a second Screening Request should be resubmitted to the LPA. A second request was submitted to WDC on 27 July 2023.

3.3.4. Following no response being received from WDC within the statutory three week period (17 August 2023), a further request for a Screening Request was issued by the Appellant to the Secretary of State on 18 August 2023. On 26 September 2023, the Appellant was informed that the Casework Unit had passed the screening request back to WDC, requesting that they provide a screening opinion by early October. At the time of the application submission in October 2023, a Screening Opinion had not been issued by WDC.

3.3.5. Following the validation of the application on 1 November 2023, the Appellant received a formal Screening Opinion from WDC on 7 November 2023 confirming that an Environmental Statement was not required.

3.4. Application Submission

3.4.1. The hybrid planning application, the subject of this appeal, was submitted on 13 October 2023 via the Planning Portal. The application description submitted was:

“Planning application for the demolition of existing farmhouse, agricultural buildings and structures, the erection of a phased development of up to 300 residential dwellings (Use Class C3) and associated public open space, drainage, infrastructure and engineering works with all matters reserved except access.”

3.4.2. The application was registered and assigned the reference number W/23/02112/OUT. The Appellant was informed that the Application was valid on 1 November 2023 and the validation was back dated to 16 October 2023. A copy of the Application Form has been submitted with the Appeal.

3.5. Post-Submission Consultation and Engagement

3.5.1. The initial statutory consultation period ran from 7 November 2023 to 30 November 2023. The Council received a number of consultation responses from statutory consultees and approximately 790 responses from members of the public. These were made available to view on the Council’s website and have been reviewed and responded to where appropriate by the Appellant ahead of submitting this appeal.

3.5.2. The Appellant has sought to engage with statutory consultees during the determination period to resolve as many technical aspects as possible. Further details of the matters the Appellant considers to not be in dispute at the time of this Appeal submission are set out in the accompanying draft Statement of Common Ground.

3.5.3. An initial meeting with the appointed WDC case officer, Gillian McDermott, and WDC’s Landscape officer, Eileen Marshall, was held on 7 December 2023 to discuss the consultee responses received to date. WDC’s landscape officer raised concerns regarding cumulative impact and the gradual creep of Pershore westwards from the original settlement core. She also raised the impact on Bredon Hill, part of the Cotswolds AONB, as a concern. An additional landscape technical note and winter view photography were prepared and submitted in response to these concerns.

3.5.4. Following the receipt of the majority of consultee responses, the Appellant submitted additional material to the LPA to provide clarification on some of the points raised by consultees. This was submitted on 1 February 2024 and was subject to a further 2 week consultation which ended on 15 February 2024.

3.5.5. A further meeting was held with the case officer on 16 February 2024 to discuss the additional consultee comments. At this meeting, the Appellant provided updates on progress made towards providing the further information requested by Natural England and Worcestershire Wildlife Trust, who both issued strong objections to the proposals on the grounds of anticipated impacts on Tiddesley Wood SSSI.

3.5.6. Positive discussions were subsequently held with Natural England and WWT at meetings held on 22 March 2024 and 19 April 2024 respectively. Further details on these meetings are provided in Section 7 of this statement.

3.5.7. A further submission of revised and additional technical documents was submitted on 14 May 2024, following which a further period of statutory consultation was undertaken. This ended on 29 May 2024.

- 3.5.8. Savills has engaged in ongoing dialogue with WDC via email, including multiple extension of time requests from WDC which were positively responded to. The most recent extension of time expired on 31 May 2024.
- 3.5.9. A summary of the outstanding consultee objections and responses is included in Section 7 of this statement. The Appellant considers that the outstanding objections can be overcome through suitable mitigation measures. Further details of the Appellant's ongoing engagement with consultees and other stakeholders in respect of technical matters is set out in the accompanying technical statement of case material.

3.6. Decision to Appeal Against Non-Determination

- 3.6.1. Whilst positive engagement is ongoing, the Appellant considers that WWT is unlikely to be persuaded to remove its in-principle objection related to ecology and ancient woodland prior to the determination of the application by WDC.
- 3.6.2. We also consider that WCC Highways and the WDC Landscape officer are also unlikely to be minded to remove their objections in the near future.
- 3.6.3. Therefore, it is considered unlikely that WDC will seek to positively determine the application in the coming months. The submitted application has now been pending determination for 8 months without a reasonably prospect of being determined in the short-medium term. The Appellant therefore considers that they are left with no option but to appeal against the non-determination of the application within a reasonable timeframe.

4. The Appeal Proposals

4.1. Proposed Development

- 4.1.1. It is the Appellant's intention to seek to reach common ground with the Council in respect of the description of the appeal proposals.
- 4.1.2. The Appeal contains details of the Proposed Development including a Design and Access Statement ('DAS') and various plans arising out of the background survey and assessment work. A list of the Application submission plans and statements, including any updates or further technical work submitted during the application determination period, is set out in Section 1 of this Statement.
- 4.1.3. The Proposed Development evolved considerably in the period prior to the Application being submitted through the significant period of initial technical work and design considerations. Full details of the Proposed Development (which form the basis upon which the Appeal should be determined) are set out in the application drawings, Design & Access Statement and supporting documents submitted with the planning application, as well as the information submitted in support of subsequent amendments made to the scheme.
- 4.1.4. The Proposed Development comprises up to 300 dwellings across the site, providing a coverage of 32 dwellings per hectare (net). The development proposes to deliver a range of house types, sizes and tenures to meet the diverse needs of the community.
- 4.1.5. Of the 300 dwellings, it is proposed that 40% will be affordable, delivering circa 120 homes to meet the needs of those who are unable to access housing which meets their needs on the open market. Of this 40%, at least 25% (circa 45 dwellings) will be First Homes. The provision of affordable homes would make a substantial contribution towards meeting housing needs within the authority area.
- 4.1.6. The new homes will range from 1.5 to 2 storeys as specified on the Building Heights Parameter Plan (drawing ref: P22-2506_DE_0013 Rev B). Reduced building heights are proposed in sensitive areas of the Site, in line with landscape and design considerations in light of the topography of the Site.
- 4.1.7. The proposed main vehicular access to the Site will be via a new access from Defford Road to the south of the Site (drawing ref: 227119_PD14, Rev A). This access will be located to the west of the existing Tyddesley Lodge cottage.
- 4.1.8. Two pedestrian and cycle access points are proposed. The first will be located to the east of Tyddesley Lodge in the south eastern corner of the Site. The second will be a pedestrian, cycle and emergency vehicle access onto Henderson Close to the north east of the Site. The details of these access points are also provided (drawing refs: 227119_PD14.1 Rev A and 227119_PD14.2 Rev A).
- 4.1.9. The proposed primary access for the site from Defford Road, lends itself to development commencing with development at the southern end of the site. Following the initial construction of the access it is anticipated that the first phase of residential development will take place with the next phases coming forward through the centre and north western part of the site, with the final phase in the north east of the site expected to come forward.

Statement of Case

Orchard Farm, Pershore



- 4.1.10. An indicative phasing plan (P22-2506_DE_0021 Rev B) has been included to show how the broad 4 phases may come forward during the implementation of the project. It is anticipated that once the site is the subject of Reserved Matters that the more detailed phasing plans can be finalised.
- 4.1.11. In terms of landscaping, existing trees and hedgerows will be retained wherever possible, particularly along the existing field boundaries on Site. The primary loss of trees/hedgerows will take place in order to provide a vehicular access to Defford Road, however significant additional planting will be provided as part of the proposals.
- 4.1.12. All Category A trees within the Site are all proposed for retention. A Strategic Landscape Parameters Plan (drawing ref: P22-2506_EN_0012_B_0001) and Land Use Parameters Plan (drawing ref: P22-2506_DE_0010 Rev F) are submitted in support of the application proposals and demonstrate how the scheme will deliver 16.35ha of Green Infrastructure, representing 63.3% of the Site area. This is significantly above the 40% requirement set out in adopted Policy SWDP5.
- 4.1.13. A range of Public Open Space (POS) typologies will be provided, principally in the west of the site adjacent to Tiddesley Wood as well as a central corridor running east to west which will provide a greenway preserving the PRoW route and retaining the view from Woodman's Cottage to Tiddesley Wood. These comprise allotments, amenity and semi-natural green space, equipped play space, and community orchards. The Public Rights of Way (PRoW) on site will be retained and enhanced as part of the proposals.
- 4.1.14. The submitted Design and Access Statement and Strategic Landscape Masterplan set out the indicative proposed locations of the landscaping and open space typologies, however these will be the subject of detailed agreement at the reserved matters stage. However, it is accepted that the landscape character of the area will be changed by the proposed development.
- 4.1.15. The Site does not contain any protected sites as defined under the Conservation of Habitats and Species Regulations (2017) as amended. The application proposals include a range of habitat, ecological and biodiversity enhancements including a Biodiversity Net Gain (BNG) well in excess of 10%.
- 4.1.16. The majority of the Site is located within Flood Zone 1, with a small part of Defford Road falling within Flood Zone 2. Sustainable Urban Drainage Systems (SUDS) will be used on Site to provide drainage. Indicative locations of attenuation basins have been provided in the Illustrative Masterplan, however the final details of their location will be subject to agreement at the reserved matters stage.

5. Development Plan Policy and Material Considerations

5.1. Relevant Development Plan Policies

- 5.1.1. It is the Appellant's intention to reach common ground with WDC in respect of the relevant development plan policies and material considerations.
- 5.1.2. The Appellant considers the relevant Development Plan documents for this planning appeal to be:
- South Worcestershire Development Plan (adopted 2016)
 - Worcestershire Minerals Local Plan (adopted 2022)
- 5.1.3. The Site is not allocated for residential development within the adopted development plan documents.
- 5.1.4. The adopted Development Plan policies that the Appellant considers to be relevant to this appeal are set out below.

SWDP Policies

- SWDP 1: Overarching Sustainable Development Principles
- SWDP 2: Development Strategy and Settlement Hierarchy
- SWDP 3: Employment, Housing and Retail Provision Requirement and Delivery
- SWDP 4: Moving Around South Worcestershire
- SWDP 5: Green Infrastructure
- SWDP 6: Historic Environment
- SWDP 7: Infrastructure
- SWDP 13: Effective Use of Land
- SWDP 14: Market Housing Mix
- SWDP 15: Meeting Affordable Housing Needs
- SWDP 21: Design
- SWDP 22: Biodiversity and Geodiversity
- SWDP 24: Management of the Historic Environment
- SWDP 25: Landscape Character
- SWDP 27: Renewable and Low Carbon Energy
- SWDP 28: Management of Flood Risk
- SWDP 29: Sustainable Drainage Systems
- SWDP 30: Water Resources, Efficiency and Treatment
- SWDP 31: Pollution and Land Instability
- SWDP 32: Minerals
- SWDP 39: Provision for Green Space and Outdoor Community Uses in New Development

Minerals Local Plan Policies

- MLP 42: Safeguarding Mineral Sites and Supporting Infrastructure

5.1.5. As discussed in Section 6 of this statement, it is considered that as per the provisions of footnote 8 of the NPPF, these policies are considered to be out-of-date.

5.1.6. Notwithstanding the relevance of the above SWDP policies, the Appellant considers that the policies which are most important for determining the application are out of date, as per the provisions of NPPF paragraph 11d. As set out in Section 6.4 of the submitted Planning Statement, the Appellant considers that the following SWDP policies are the most relevant (and therefore out of date):

- SWDP 1 – Overarching sustainable development principles;
- SWDP 2 – Development Strategy and Settlement Hierarchy;
- SWDP 3 – Employment, Housing and retail provision requirement and delivery;
- SWDP13 – Effective Use of Land;
- SWDP 21 – Design; and
- SWDP 25 - Landscape Character.

5.1.7. Following the introduction of the revised NPPF in December 2023, Savills undertook a review of the revised policies in the context of the submitted application and submitted a Planning Statement Addendum dated January 2024.

5.1.8. Although the emerging SWDPR was submitted for Examination in September 2023, the Appellant considers that the policies contained within the SWDPR carry very limited weight in the planning balance as they have not yet been formally examined and found to be legally compliant or sound. Furthermore, the policies contained within the submitted plan are the subject of significant outstanding objections, including those lodged by the Appellant.

5.2. Material Considerations

5.2.1. The following material considerations are considered by the Appellant to be relevant to the Appeal:

- National Planning Policy Framework (December 2023) (NPPF)
- Planning Practice Guidance (PPG)
- Affordable Housing SPD (adopted October 2016)
- Planning for Health SPD (adopted September 2017)
- Design Guide SPD (adopted March 2018)
- Developer Contributions SPD (adopted July 2018)
- Renewable and Low Carbon Energy SPD (adopted July 2018)
- Water Management and Flooding SPD (adopted July 2018)

5.2.2. There are a significant number of additional material considerations which are referred to in the Appellant's Application and Appeal submission documents. The Appellant will set out a list of the documents which have

been relied upon as part of the application submission and will be relied upon for the appeal. The above list of material considerations is not necessarily exhaustive and the Appellant will seek to reach agreement with WDC of the list of relevant material considerations and core documents.

5.3. Conclusions

- 5.3.1. The Site is considered to be in a sustainable location for the Proposed Development and the Appeal proposals are considered to comply with the principles of sustainable development. Residential development is also considered to be a compatible use for the character of the surrounding area.
- 5.3.2. When assessed against the policies within the adopted SWDP, and the requirements of the NPPF, SPDs, and other material considerations, the proposals are not considered to give rise to any adverse highways, heritage, air quality, noise, landscape, drainage, or biodiversity implications, or be adversely affected by these considerations. Where potential issues have been identified, appropriate mitigation measures have been considered and informed the proposals accordingly. In summary, it is considered that there are significant environmental, social and economic benefits to this Proposed Development which are considered sufficient to outweigh any potential harm that may arise from the Proposed Development.

6. Determination of the Appeal

6.1. Introduction

6.1.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

6.1.2. The Appellant accepts that the Site is not allocated for residential development under the adopted development plan documents. However, as set out in the application submission documents, the Appellant considers that the principle of residential development on this Site is established through the provisions for the presumption in favour of sustainable development, as set out in paragraph 11d of the NPPF which states:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

6.2. Housing Land Supply

6.2.1. The Appellant provided evidence that a five year housing land supply (5YHLS) cannot be demonstrated as part of the application submission. The appellant considers that there is an acute housing supply issue across WDC, as well as in neighbouring Worcester City Council. At the time of the application submission, the Appellant considered WDC to be able to demonstrate a 2.95 year supply, versus WDC’s published position at the time of 3.81 years (April 2023).

6.2.2. Since the application was submitted in October 2023, the NPPF was revised in December 2023. Paragraph 226 states that, where LPAs have reached a sufficiently advanced stage of the plan-making process, the requirement to demonstrate a 5YHLS is reduced to a 4 year requirement. The emerging South Worcestershire Development Plan Review was submitted for Examination in September 2023. Therefore, the provisions within paragraph 226 apply to WDC, which is henceforth only required to demonstrate a 4 year housing land supply.

6.2.3. WDC issued a revised housing land supply position in December 2023, which states that they are able to demonstrate a 2.65 year supply for the period 2023-2028. A further Housing Land Supply Addendum was issued in April 2024, which stated that this supply was now 2.78 years over the same monitoring period. This was due to the removal of the 5% minimum buffer in the latest iteration of the NPPF. The Appellant will provide further evidence that demonstrates that the housing supply position in WDC is still considerably below the 4 year requirement. In accordance with Footnote 8 of the Framework, the adopted Development

Plan policies which are most important for determining the application are therefore considered to be out of date.

- 6.2.4. The Appellant considers that planning permission should be granted if the material considerations indicate that it is appropriate to support a departure from the adopted and saved development plan policies, in light of the inability of WDC to demonstrate a 5YHLS. In such circumstances, the extent of the conflict with the development plan policies and the weight to be attributed to them in the decision-making process need to be balanced against any material considerations which indicate that the appeal proposals should be allowed.
- 6.2.5. The Appellant considers that any adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The remainder of this statement sets out the case for the Appellant.

7. The Planning Case

7.1. Introduction

7.1.1. This section of the Statement focuses upon the Appellant's case in so far as it relates to the principle of development. The overarching case for the Appellant is that, in line with the tilted balance set out in paragraph 11d of the Framework, the benefits of granting planning permission significantly and demonstrably outweigh any adverse impacts. Accordingly, the Appellant considers that the appeal should be positively determined in light of the lack of a 5YHLS and that the proposals represent a demonstrably sustainable development. A full explanation of how the Appeal scheme meets the three tests set out under Paragraph 11d of the NPPF is set out at sections 6.2 – 6.8 of the submitted Planning Statement.

7.2. The Appellant's Case for the Delivery of a Sustainable Development

7.2.1. Chapter 2 of the NPPF sets out the definition of sustainable development. Paragraph 7 explains that this involves “*meeting the needs of the present without compromising the ability of future generations to meet their own needs*”.

7.2.2. Paragraph 8 of the Framework explains that the planning system has three overarching economic, social and environmental objectives. These objectives are independent but need to be pursued in mutually supportive ways so that net gains can be secured across all three. The Appellant's evidence will explain how the appeal proposals will achieve net gains across each of these objectives and that, when taken as a whole, the development would constitute sustainable development.

a) an economic objective – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.*

7.2.3. The Appellant's evidence will demonstrate that the proposed development would deliver direct and indirect economic benefits to Pershore and the wider South Worcestershire area.

7.2.4. The proposed development will deliver the necessary infrastructure improvements to support the development, including through the provision of S106 obligations as set out in Section 10 of this statement. In addition, WDC will receive payment via the Community Infrastructure Levy.

7.2.5. In addition, temporary direct economic benefit will arise from the construction process and employment of workers to deliver the development. There will also be indirect benefits of employment from jobs relating to the supply chain.

7.2.6. Secondly, the proposed development will result in increased expenditure by new residents, which will help to support the local economy in Pershore and wider South Worcestershire economy.

b) a social objective – *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by*

fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

- 7.2.7. Firstly, the development will provide up to 300 new homes, 120 of which will be affordable. This will help to significantly boost the supply of housing in Wychavon, where a 4 Year Housing Land Supply cannot currently be demonstrated. The proposals will provide a range of homes to meet diverse needs, including an appropriate tenure and dwelling mix to meet local needs.
- 7.2.8. Secondly, the proposals will be well-designed, safe, high quality and will positively impact upon the character of Pershore. Further details of the design benefits of the scheme are provided in the submitted Design and Access Statement. No objections in respect of the design of the scheme have been received from WDC Urban Design.
- 7.2.9. Thirdly, Pershore is a highly sustainable settlement which benefits from a range of facilities and services. The Site is located within walking distance of Pershore town centre and other local facilities and amenities. It is considered that in the context of Wychavon District, where development is focused around the main towns of Droitwich, Evesham and Pershore, the proposed development represents an opportunity to provide sustainable development in one of the few remaining unconstrained land parcels surrounding these settlements. Further detail regarding the locational sustainability of the Site is set out in the submitted Transport Assessment. Contextualise this with ref to rest of Wychavon.
- 7.2.10. Fourthly, the proposed development would provide significant community benefits in the form of significant areas of public open space, a new community orchard, allotments, a number of local / neighbourhood areas of play and new footpaths including a circular walk. With the exception of the existing Public Rights of Way within the site, the majority of the site is currently inaccessible to the public. Therefore, the provision of these spaces will provide significant publicly accessible green space which will have significant social benefits for new residents.

c) an environmental objective – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

- 7.2.11. The Appellant's evidence will demonstrate that the proposals will minimise harm to environmental sustainability objectives and will maximise opportunities for environmental enhancement in a number of ways.
- 7.2.12. Firstly, the vast majority of the existing on-site trees will be retained as part of the proposals. Care has been taken to ensure that the loss of high quality trees is minimised and significant levels of tree planting are proposed as part of the indicative landscaping plans.
- 7.2.13. Secondly, levels of Biodiversity Net Gain in excess of the 10% legal requirement is proposed to be provided through on-site habitat enhancements. Additionally, the Green Infrastructure proposed to be provided as part of the scheme is well above the 40% requirement set out in Policy SWDP5.

7.2.14. Thirdly, the proposals have been designed to minimise impacts on Tiddesley Wood SSSI/ancient woodland and provide opportunities for enhancement of the woodland. A substantial package of enhancements and improvements to the management of Tiddesley Wood have been proposed and are considered by the Appellant to represent an appropriate mitigation response to the potential impacts arising from the appeal proposals.

7.2.15. Fourthly, the submitted hydraulic modelling results (contained within the Flood Risk Assessment) demonstrate that the formalised drainage provided as part of the proposed development will generate a reduction in existing unmanaged surface water flows crossing Defford Road of approximately 78%. This is considered to be a significant scheme benefit which will have a material impact on the operation of Defford Road for the local community.

7.3. Outstanding Technical Matters

7.3.1. At the time of this appeal submission, outstanding objections are in place from the following statutory consultees:

- Worcestershire Wildlife Trust;
- WDC Landscape;
- WDC Natural Heritage (Ecology); and
- WCC Highways (recommends deferral).

7.3.2. Copies of these key consultee responses are included at Appendix B.

7.3.3. Non-statutory objections have also been received from the following parties:

- CPRE;
- Pershore Town Council; and
- Pershore Civic Society.

7.3.4. Accordingly, the technical matters the Appellant considers likely to form the matters to be addressed at appeal at the time of writing are related to the matters of:

- Landscape;
- Ecology and ancient woodland; and
- Highways.

7.3.5. These matters are considered in further detail in the following sections.

7.3.6. Additional material is also provided in relation to the following three technical areas as these are considered by the Appellant to be key relevant matters in the determination of this appeal:

- Masterplanning;
- Affordable housing;
- Housing land supply; and

- Flood Risk and Drainage.

7.3.7. Further detail on matters the Appellant considers will be in dispute with WDC during this appeal is provided in the accompanying draft Statement of Common Ground.

7.4. Landscape

7.4.1. Following the submission of the application in October 2023, WDC's landscape officer provided a first response on 27 November 2023 (Appendix B). Following this response, Pegasus Landscape prepared a technical response that was issued on 1 February 2024. Further comments were provided by WDC's landscape officer on 12 February 2024. Pegasus Landscape prepared a further technical response which was issued on 14 May 2024. On 21 May 2024, WDC's Landscape officer issued a further response confirming that there were still concerns regarding landscape and visual impacts. Further to this, additional comments were then received from the Landscape Officer on 2 July 2024 which raised new queries in relation to cut and fill across the site which had not been previously raised. Below, the Appellant's case in relation to landscape matters is set out and addresses the key landscape and visual concerns raised by WDC's landscape officer.

Impact on the Setting of Tiddesley Wood

7.4.2. The setting of Tiddesley Wood has been taken into account in the development parameters for the site, which have been landscape and visually led. The current composition of the setting of the wood comprises: the scale and character of the woodland itself; the open grassland between the woodland edge and the existing settlement (of which the site is a part); and the existing settlement edge itself. As such, the site forms part of the local setting of this part of Tiddesley Wood. This is acknowledged within the LVIA at para. 5.11.

7.4.3. The "Wooded Estatelands" LCT (Landscape Character Type) of which the site and adjacent areas form a part, has been subject to change in recent years in order to accommodate the necessary residential expansion on this edge of Pershore. The proposed development will be entirely consistent with other recent forms of development on the rising topography, and be set back some considerable distance from the edge of Tiddesley Wood. This will ensure that the current composition/setting of the Woodland will be subject to a level of modification as opposed to fundamental (or any other sort of) change. For such change to be unacceptable, development would have to encroach considerably further towards the Woodland than is proposed.

Visual Impact on views from the south-east and from The Cotswolds National Landscape

7.4.4. As part of the LVIA process, a series of 20 no. viewpoints that are representative (and agreed as such) of the visual envelope of the site have been considered with respect to the likely magnitude of change in the view and the effects of visual mitigation. This includes some additional viewpoints as requested by WDC's Landscape Officer post-application submission. The conclusions are that the very vast majority of the adverse visual effects will be localised. This is a point that is recognised in WDC's Landscape and Visual Consultation Response.

- 7.4.5. Views from areas to the south-east of the site, in the vicinity of the River Avon, have all been considered in detail in the LVIA, at viewpoints 9, 10, 11 and 15 (Appendix C). Several of these (9, 10 and 11) have been further tested as part of the LVIA process via a series of Long Landscape Sections (LVIA Figure 9) which have been used (iteratively) to develop the landscape and visually led development strategy with specific respect to both the horizontal (spread) and vertical (height) built form parameters; together with the location and extent of mitigation planting.
- 7.4.6. With regard to longer distance views from Bredon Hill within the Cotswolds National Landscape (viewpoints 19 and 20), the greater distance here is an important consideration in that the site forms a very small part of a wide expansive panorama that the settlement of Pershore also contributes to. Likely visual effects from these more distant locations are negligible adverse, where the proposed development will read as small and consistent extension of the existing settlement.

Impact upon the Rural Character of the area

- 7.4.7. Neither the site nor the local/wider landscape is the subject to any specific landscape related planning designations; and nor are they located within any statutorily protected landscape. Matters of landscape value, susceptibility and sensitivity have all been considered thoroughly as part of a LVIA process, prepared in accordance with the Guidelines for Landscape and Visual Impact Assessment, third Edition (GLVIA3).
- 7.4.8. The site and its local/wider landscape are also not considered to be a valued landscape for the purposes of NPPF paragraph 180 (a), and there is no reference as such in the WDS Landscape and Visual Consultation Response to that effect.
- 7.4.9. The site and its local landscape also lie directly adjacent to the existing urban edge, and from where the site can be seen, it is seen within that context. On this basis, the prospect of a genuinely “rural” character of the site and its local landscape are somewhat diluted, and as such the likely landscape effects are similarly diluted.
- 7.4.10. With respect to Tiddesley Wood itself, being a prominent local landscape feature, it understandably increases the sensitivity of the local landscape, however there will be no direct landscape impacts on this Woodland – indeed the proposed development seeks to protect and enhance its integrity both physically and in terms of its wildlife and biodiversity credentials.
- 7.4.11. Elsewhere, the proposed development seeks to provide comprehensive Green Infrastructure in the form of wildflower meadows; woodland copse and woodland belt planting; additional hedgerow planting; and water features. This mosaic of landscape features, consistent with locally characteristic landscape features, provides substantial mitigation and site-specific landscape enhancements.

Harm to the existing Settlement Character and Pattern

- 7.4.12. The settlement character and pattern of this south-western part of Pershore has extended in a south-westerly direction over time, and is now characterised by residential development on rising slopes above Pershore Cemetery.

7.4.13. The proposed development will be consistent with this chronology, in all respects. The perceived difference with regard to the proposed development is that development would, in this case, extend closer to the edge of Tiddesley Wood, however it will not encroach right up to the woodland, but leave a substantial grassland belt around it which remains an important part of the character of the settlement edge into the local and thereafter wider landscape, and vice versa.

Potential Lighting Impact

7.4.14. Whilst lighting levels reduce beyond the settlement edge here, as described in the LVIA, it is also the case that they do in the very vast majority of other settlement edge settings. Greenfield sites on the edges of settlements are by definition, not lit, but because of their disposition, they typically are not “dark” landscapes, and that is the baseline position here.

7.4.15. The proposed development will be lit to adoptable standards for residential development and design, and will read consistently with the adjacent established residential areas. There will be no unique or elaborate lighting features as part of the proposed development such as floodlighting to a sports facility; car parking lighting or tall mast lighting. If there was, then that would make the proposed development different, however this is not the case.

Harm to the setting of The Millennium Way Long Distance Footpath

7.4.16. A short section of The Millennium Way extends across the site, linking Defford Road and the settlement edge with Tiddesley Wood. The current setting of this section of the Millennium Way as it crosses the site is agricultural, and gives a sense of having left the settlement edge and transitioning into the wider landscape.

7.4.17. It is acknowledged that this setting will change in part. In order to address this, proposed development has been set back to the north and to the south of the route of the Footpath to specific parameters asset out on Figure 10 of the LVIA (between 20-45 metres). As such, whilst new development will be visible from the footpath, it will be subservient to the scale of the retained open space either side of the Footpath. Elements of landscape design in these set-backs will not be so dense as to enclose the route of the footpath.

7.4.18. The overall setting of this section of The Millennium Way across the site, whilst having been subject to change in part, will be both an open and landscaped one, and not an urban one – as a direct consequence of the landscape and visually led approach to development.

Impact on Views towards The Cotswolds National Landscape

7.4.19. The existing visual links between the site and the Cotswolds National Landscape have been considered in the LVIA with specific reference to viewpoints 3, 4, 5, 6 and 7. In these panoramas, the varying extent to which these visual links are available from publicly accessible locations are illustrated.

7.4.20. Some views from the site towards The Cotswolds will be partially obstructed; but it is not the case that all views will be lost – far from it. In some views, the ridgelines of Bredon Hill will be retained in part e.g. viewpoint 3; and in the vicinity of viewpoints 4 and 5 within the retained extensive open spaces between the

western edge of the proposed development and Tiddesley Wood, existing visual links between the Long-Distance Footpath and National Landscape will generally be retained.

- 7.4.21. Elsewhere, more elevated views will be retained e.g. views 6 and 7; and in addition to these, the proposed open spaces that occupy the elevated northern sections of the site, will provide a series of additional views towards the Cotswolds as part of the open space experience.

Topographical Disturbance

- 7.4.22. Changes to the site topography are inevitable on a sloping site. Here, the vast majority of the development platforms lie on the shallower slopes of the site. It is only the northern and north-western development cell edges that will generate more noticeable change in topographical terms, together with part of the site frontage down to Defford Road.
- 7.4.23. A balance of cut and fill on site is achievable, and the more accentuated level changes are localised, and will not alter substantial tracts of the site itself. Landscape earth modelling together with planting can be used along parts of the northern edge of the development envelope to create a “non-engineered” design solution, and provide an additional positive dimension to the landscape design as sloping sites often can. Some detailed landscape sections have been prepared accordingly ref. Pegasus dwg, P22-2506_EN_0015_C_001.
- 7.4.24. With particular reference to the western flank of the development cell that comprises the north-western part of the overall envelope, changes in level here can be likewise designed to soften the interface between built form and existing ground levels, to positively respond to the retained open pastoral setting of this edge of Tiddesley Wood, including both its landscape and visual character.
- 7.4.25. In terms of visibility of the proposed units, the Illustrative Landscape Masterplan is aligned with the Preliminary Cut and Fill Assessment Plan, such that all conclusions as drawn in the LVIA remain.

Impact on the Rural Character of the Defford Road Frontage adjacent to the Site

- 7.4.26. The proposed access arrangements along Defford Road will necessitate the removal of a number of trees and associated hedgerow vegetation, as set out in detail in the LVIA and the Arboricultural Impact Assessment (Appendix D). Notwithstanding this, the best specimen trees will be retained, and the entire frontage will be re-planted with a native woodland hedgerow/belt such that the existing vegetation loss will be replaced over time to reinstate the green frontage either side of the site access. This is a point acknowledged in the WDC Landscape and Visual Consultation Response.

Cumulative Landscape and Visual Effects

- 7.4.27. Any assessment of cumulative effects must accept that all existing built form is part of the landscape and visual baseline. Cumulative effects must however deal with other potential similar developments that may come forward, and this includes the current application directly to the north of this site, on land at Holloway, Pershore, application ref. W/24/00270/FUL, comprising residential development of 120 units.

- 7.4.28. This application post-dated the one the subject of this appeal, and as such, any cumulative landscape and visual effects were not able to be considered in the Orchard Farm LVIA submitted.
- 7.4.29. The Holloway proposal is located in the same Landscape Character Type as the Orchard Farm proposal (“Wooded Estatelands” LCT); and it is also likely to be visible in a number of the same locations as the Orchard Farm proposal. Consequently, this merits a consideration of landscape and visual cumulative effects. Due to the recent nature of the other application, this has not yet been possible but will be included in the Landscape and Visual Proof of Evidence.
- 7.4.30. However, given the relative disposition of both proposals, directly adjacent to the existing urban edge; the simple landscape compositions of both sites; and the proposed mitigation strategies that are in place, it is not considered that any such cumulative effects are likely to be unacceptable.

SWDP Policy 25: Landscape Character

- 7.4.31. SWDP Policy 25 is heavily focussed on matters of landscape character, and for development proposals to acknowledge what generates that character, and the need to conserve and enhance it. This is why the landscape and visually led approach has been adopted, and why the proposed development has been laid out in the way it has.
- 7.4.32. There is clear reference in all respects to the “Wooded Estatelands” LCT, and this has been embedded in the strategy that is comprehensively described, with reasoning and justification, within the submitted LVIA, with particular reference to the way in which the development proposal will protect and conserve both the physical fabric and setting of Tiddesley Wood.
- 7.4.33. The likely landscape and visual impacts of the proposed development have been both identified, analysed and mitigated, and on this basis, it is not considered that the proposed development is unacceptable in landscape and visual terms and accords with Policy SWDP25.

7.5. Highways

- 7.5.1. Worcestershire County Council Highways have recommended deferral of the proposals in their consultee response dated 17 April 2024. A number of items of clarification and/or further technical work were requested and have since been provided by the Appellant. A further consultee response from WWC Highways was received on 2 July 2024. The Appellant will respond to the points raised by WCC Highways in this response during the appeal process. The Appellant sets out its case with regards to Highways matters below.

Overview of Technical Work

- 7.5.2. The Appellant considers that the accessibility of the Site has been assessed by all travel modes and it has been concluded the Site is in a sustainable location. Schools, employment and key facilities and services in Pershore town centre are accessible of foot, by bicycle, or by bus.
- 7.5.3. A comprehensive approach to trip forecasting has been undertaken.

- 7.5.4. An industry-standard TRICS assessment has been completed. Also, following discussion with, and at the suggestion of, Worcestershire County Council (WCC), a bespoke assessment using data collected from the adjacent residential development on Desjardins Way has also been completed. Both methodologies provide comparable results, which are sensible and realistic, and provide trip rates which are more robust than those applied to other recent residential planning applications in Pershore.
- 7.5.5. The proposed Site Access Junction is informed by a topographical survey and is designed based on DMRB CD 123. The Site Access Junction has been subjected to a detailed review, including a Stage 1 RSA, from which further minor adjustments were made to the design. The Site Access Junction is cognisant of the change in levels, the flood zones in close proximity to Defford Road, and the current speed and volume of traffic on Defford Road.
- 7.5.6. The impact of the Appeal proposals should be considered across the whole day. However, to limit the extent of assessment the traffic analysis has focussed on three hours in the AM peak period (07:00 – 10:00) and three hours in the PM peak period (16:00 – 19:00). The assessment demonstrates the network is already busy, which is not unusual for an urban area at peak times.
- 7.5.7. The assessment demonstrates that the only location where driver delay (journey time) increases in a noticeable way is at the Three Spring Roads / Worcester Road Junction. This increase is short-lived, only occurs from 08:15-08:30, assumes no driver on the network responds to the inconvenience around them by adjusting time of travel, route of travel or mode of travel, and is primarily as a consequence of an additional 24 vehicles turning right.

WCC Highways Consultee Response

- 7.5.8. The submitted Transport Assessment, following a formal pre-application scoping process, helped address many of the key points raised at pre-application stage via the original planning submission.
- 7.5.9. Following the submission of the application, WCC Highways provided comments in two phases. The first set of comments received, which specifically related to traffic modelling, were dated 8th February 2024. A second set of comments received were dated 17th April 2024. The second set of comments represented WCC's complete response.
- 7.5.10. WCC Highways appears to be very focussed on the highway impact of the Appeal proposals, particularly at peak commuting times on the highway network. The first set of comments received in response to the planning submission from WCC Highways were primarily focussed on traffic modelling.
- 7.5.11. The first set of comments requested further information in relation to peak hours, modelling profiles, geometries, additional information to calibrate the traffic models, the actual traffic model files to be sent to WCC Highways to enable a further review, and a microsimulation model to be built to further assess the operation of two junctions on the network.
- 7.5.12. In the second set of comments the approach to trip forecasting was challenged, despite previously being accepted by WCC Highways. More detailed comments on design and mitigation were also provided, however the focus remained very much on the impact of additional vehicle trips on the highway network.

7.5.13. It is noted that a request for a detailed lighting strategy has been made. It is considered that this is a matter to be dealt with at reserved matters stage and accordingly this can be conditioned at outline stage.

Response to WCC Highways Comments

7.5.14. A Technical Note was submitted to address all comments raised by WCC Highways . This technical note appended a separate Technical Note specifically on the subject of traffic modelling. This separate Technical Note included the microsimulation model results. A Travel Plan has also been submitted as an appendix to the Technical Note.

7.5.15. The Technical Note also included details of the following further technical work:

- The Site Access Junction has been updated and the Spine Road has been widened to 6.1m, in line with WCC comments, and dropped kerbs and tactile paving provided to allow pedestrians to cross the Spine Road within the Site;
- Further information of the gradient of the Site Access Junction / Spine Road and the active travel route (pedestrian and cycle) has been provided;
- The potential to connect the Site to the Land off Holloway Phase 2 application has been investigated;
- The potential for bus access to / through the Site has been investigated further;
- A Stage 1 RSA and Designer's Response has been submitted;
- Further TRICS analysis has been undertaken, and further analysis of Desjardins Way has been completed to ensure it is representative of the Proposed Development;
- A comparison of traffic flows on Three Springs Road between the surveys supporting this application and the Land off Holloway Phase 2 application has been completed; and
- Further analysis of traffic impact has been completed.

7.5.16. The Appellant considers that, following submission of the Technical Note, we do not believe there are any unresolved matters or key areas of disagreement. There may be a difference of opinion on the weight to attach to short-lived periods of driver inconvenience during the commuter peak periods on the highway network. The Appellant will seek to address further queries raised by WCC Highways in its additional response, dated 2 July 2024, during the appeal determination process.

7.6. Ecology and Ancient Woodland

7.6.1. Natural England, Worcestershire Wildlife Trust, and WDC's Natural Heritage officer initially objected to the proposals. The Woodland Trust has not objected, but expressed concerns around the proposals. The objections are made on the basis that the consultees consider the proposed development will have significant impacts on Tiddesley Wood SSSI.

7.6.2. Natural England initially objected to the Appeal Scheme on grounds of expected (and thus alleged) adverse impacts on Tiddesley Wood SSSI, which it said were not capable of mitigation.

- 7.6.3. Since these comments were received by the Appellant, further dialogue has occurred with Natural England, as will be set out in full in evidence. On 4th June 2024, Natural England confirmed in writing (included at Appendix E) that it had adjusted its position, now accepting that the anticipated effects about which it initially raised a concern, were indeed capable of mitigation. This is reflected in the latest correspondence from Natural England dated 28 June 2024 (see Appendix 5) which confirms that ‘the offer of onsite green infrastructure is of good quantity’ and ‘the list of additional SSSI measures seems comprehensive’ with information now sought on the detail of the mitigation.
- 7.6.4. Despite a formal consultee response confirming this changed position having been received, it is anticipated that impacts on Tiddesley Wood SSSI might form a deemed reason for refusal (RfR) in light of the ongoing objection from WWT and is likely to remain a key issue in the appeal. Accordingly, the Appellant sets out its case in respect of ecology and ancient woodland matters below.
- 7.6.5. It is considered that a number of points which were raised by consultees in respect of ecology have subsequently been addressed by further information that has been submitted. Further details on this are provided in the draft Statement of Common Ground.
- 7.6.6. It is considered that a single matter remains outstanding which is namely the potential for deterioration to occur on the offsite SSSI at Tiddesley Wood, which was designated for this protection due to assessment of it as high quality ancient woodland. Tiddesley Woods is located adjacent to the western boundary of the appeal site, and is, in the majority, owned and managed by Worcestershire Wildlife Trust (WWT), with a small part of the woodland owned by the Appellant. This land is shown etched in blue on the site plan (ref: P22-2506_DE_0004, Rev E). The concern of consultees relates to potential harm from additional footfall from Appeal Site visiting the woodland. Specifically, the concern relates to an exacerbation of existing deterioration from under or un-managed recreational use of the SSSI. Secondary effects of alleged urbanisation are also cited.
- 7.6.7. Survey work of the offsite woodland has established its baseline condition and mapped and documented its current usage and sensitivity. This is provided at Appendix F. Meetings have been held with Natural England and WWT which have further refined the nature of the concerns held and how best to focus mitigation so as to address the pre-existing issues at the woodland from footfall and provide capacity for usage by new residents. Constructive negotiations are ongoing and it is hoped that agreement can be reached on this matter.
- 7.6.8. In the event that agreement cannot be reached, evidence will be presented to demonstrate that the woodland is currently experiencing deterioration effects from pre-existing issues arising from recreational pressure. The Appellant will show that mitigation of alleged adverse effects is both possible, and has frequently been deployed successfully elsewhere. Details will be provided to show how such measures would provide additional headroom to readily accommodate footfall from the appeal proposals without risk to deterioration of the woodland. Evidence will also be advanced to show how potential urbanisation effects would be avoided.
- 7.6.9. Moreover, it will be demonstrated that a net positive outcome will arise for the woodland with this secured for the long-term through the provision of a sustainable funding stream for visitor access management to ensure the enhanced condition of the woodland is maintained into the future.

7.7. Flood Risk and Drainage

- 7.7.1. The Appellant considers that the proposed development is wholly in line with National and Local Policy and Guidance, in terms of flood risk and drainage.
- 7.7.2. It should be noted that no objections to the proposals have been received in respect of flood risk and drainage from WDC, WCC (in their role as LLFA), the Environment Agency, or Severn Trent Water. However, as discussed below, the Appellant was made aware during the pre-application and post-submission consultation period of various local reports of surface water flooding from the site onto Defford Road to the south. Accordingly, additional technical work has been undertaken to demonstrate the benefits the proposed development can provide in alleviating surface water flooding beyond the site boundary. On 4 June 2024 the LLFA provided a number of queries and questions in respect of the submitted FRA and the Appellant provided clarifications on these matters on 5 June 2024. On 10 June 2024, the LLFA provided a revised consultee response confirming that it considered the outstanding queries to be resolved.
- 7.7.3. Further to this, on 12 June 2024 the Appellant was made aware of queries raised by WDC's Emergency Planning team in relation to flood risk to Defford Road. A Response Note was issued on 18 June 2024 to provide confirmation that the proposed development will reduce flood risk to Defford Road, as set out in the submitted Flood Risk Assessment. A further response from the Emergency Planning team was received on 26 June 2024, confirming the withdrawal of their objection.
- 7.7.4. The Appellant considers no issues in respect of flooding and drainage to be outstanding.

Flood Risk

- 7.7.5. A Flood Risk Assessment ('FRA') has been undertaken, in accordance National and Local Policy and Guidance, which identifies the Site to be at low or very low risk of flooding from tidal sources, reservoirs, groundwater and sewers.
- 7.7.6. With regard to fluvial flood risk, in accordance with the publicly available Flood Map for Planning, the majority of the Site is identified to lie within Flood Zone 1 (approximately 98.8% of the Site), outside the maximum extents of identified potential flooding during the 1 in 100 year (1% AEP) event and 1 in 1,000 year (0.1% AEP) event associated with the fluvial flood extents of the River Avon. The southern boundary of the Site, comprising Defford Road, has been identified to lie within Flood Zone 2 (Approximately 1.2% of overall Site area). None of the Site is identified to lie within Flood Zone 3, nor within an area that is identified to be at potential fluvial flood risk in the 1 in 100 year (1% AEP) plus climate change event.
- 7.7.7. The publicly available Long-Term Flood Risk Information, Flood Risk from Surface Water map identifies that the Site is predominantly at very low flood risk from surface water flooding. There is a prominent surface water flow route identified, which is mirrored in the Site topography, that is identified to be at medium to high surface water flood risk and is understood to be associated with the existing ditch (i.e. unnamed, ordinary watercourse) network in this location.
- 7.7.8. During public consultation, surface water flooding along Defford Road which is consistent with the national surface water flood risk mapping, was identified. Through the development proposals, specifically through

the provision of a sustainable surface water drainage strategy within the Appeal Site, improvements to existing highway drainage within Defford Road and integration of additional mitigation measures within the Appeal Site, significant improvements to existing surface water flooding within Defford Road are proposed.

- 7.7.9. Site-specific hydraulic modelling has been undertaken, which identifies a significant reduction to potential surface water flood risk in post development conditions, as compared to the existing baseline conditions, in all modelled events. Most notably, a reduction of 78% will be provided in surface water flows entering and crossing Defford Road in the 1 in 100 year plus climate change event under post development conditions, as compared to existing baseline conditions.

Surface Water Drainage Strategy

- 7.7.10. The surface water drainage strategy has been developed in accordance with national and local policy and guidance.
- 7.7.11. It is proposed to sustainably manage surface water from the Appeal Site via above ground, natural sustainable drainage systems (SuDS). The SuDS will capture, attenuate and treat surface water within the Site, limiting all outflows from the Site to the existing site-specific QBar discharge rate in all events up to, and including, the 1 in 100 year plus 40% climate change event, discharging to existing, onsite unnamed ordinary watercourses.
- 7.7.12. In addition to management of surface water, the proposed SuDS will offer amenity value and enhance biodiversity within the Site. These SuDS features will have varying geometry, hydraulic profiles and some may contain permanently wetted areas, thereby providing habitat enhancement and variation.

Highway Drainage

- 7.7.13. An outline drainage design to provide access to the proposed development and enhance the existing highway drainage within Defford Road has been undertaken at the Site.
- 7.7.14. The outflows at the headwall utilised to discharge the highway drainage demonstrates a proposed betterment to Defford Road within the 1 in 5-year, 1 in 30-year, 1 in 100-year and 1 in 100-year plus 40% climate change event, which will reduce the currently observed surface water flooding within Defford Road. A betterment to the existing highway drainage of approximately 20% is demonstrated within the 1 in 100-year plus 40% climate change event in Defford Road.

Foul Water Drainage Strategy

- 7.7.15. The proposed development will discharge at two points on third party land. The first being a manhole (MH7510) to the northeast of the Site in an existing residential development. For the second, a connection is proposed via an existing manhole to the east of the Site (MH7202) on the A4104 (Defford Road). A new Severn Trent Water foul sewer is proposed from the south of the Site to the manhole along the A4104. All flows are proposing a gravity discharge.

7.7.16. A connection to the proposed Severn Trent Water network at the identified manholes can be achieved through requisition to the public sewer under Section 98 of the Water Industry Act (1991).

7.7.17. Proactive liaison has been undertaken with Severn Trent Water who have undertaken sewer modelling to better understand the existing capacity of the network. Severn Trent have confirmed that the modelling results demonstrated that “the proposed development would not have any adverse effect on the receiving network” thereby confirming that there is adequate capacity within the existing Severn Trent Water network to accommodate proposed foul flows from the development.

7.8. Masterplanning and Design

7.8.1. No objections have been received from any statutory consultees with regards to design and masterplanning. However, for completeness and in anticipation of potential reasons for refusal relating to design, the Appellant sets out its case with regards to design below.

Change to Character of Settlement

7.8.2. The settlement pattern of Pershore has extended over time in a linear fashion to the north and south along its primary highway corridor of the A4104. To the south, this is characterised by residential development on rising slopes to the west of the highway. The proposed development is consistent with this character, wrapping around the existing settlement, maximising connectivity and cohesion with existing development, and providing a logical evolution to Pershore.

7.8.3. The location of Tiddesley Wood forms a natural boundary to the settlement, as such this would mean the proposed development would be the new settlement edge to Pershore. As such, to ease the transition from rural to urban, the proposed development is stepped back from the highway, with a generous landscaped frontage. This will not only create a natural transition, but also an attractive gateway into Pershore.

Density of Development

7.8.4. The proposed average density of the development is 32dph.

7.8.5. The Draft Wychavon Design Code sets out a hierarchy of densities to reflect their location, from the most dense in Town Centres (50 dph and above), to the least dense in rural locations (below 20dph). The proposed site would fall into the “suburb” category, which states an average density guide of 25-40dph. The proposals (at 32dph) are appropriately placed in the middle of this band.

7.8.6. The proposed density is significantly lower than recent approved major applications in Wychavon:

- 20/02792/RM – 59 dwellings (density of 38dph);
- 20/00724/OUT (allowed at appeal) – 100 dwellings (density of 40dph);
- 20/00183/OUT – 100 dwellings (density of 40dph).

Local Character & High-Quality Design

- 7.8.7. To accompany the application, a full Design and Access Statement was prepared that comprehensively sets out the justification and rationale of the proposed development for the Site. This Statement is structured according to the ten design principles of the National Design Guide with supporting evidence to demonstrate compliance. The Design & Access Statement clearly indicates that this is a high-quality scheme that has been well considered and designed to optimise the use of this site but with a design that appropriately respects the local character and make a positive contribution to the surrounding area.
- 7.8.8. Wychavon does not have a Design Code. However, a consultation on a proposed Design Code, closed in February 2024. The draft Design Code is also structured around the National Design Guide, but provides Wychavon specific examples, which have been followed and used as a guide to inform the proposals.
- 7.8.9. To ensure the local identity is continued on this site, in addition to the Wychavon Draft Design Code, a thorough evaluation of the local context was examined. This included reviewing architecture and urban design within Pershore and the surrounding villages in Wychavon. As demonstrated in the Design & Access Statement, the proposed character areas for the development are based on either the best examples within Pershore (the High Street and historic side streets in the town centre) or the surrounding villages (for the more rural character areas).
- 7.8.10. To further strengthen the identity of the development, the proposals seek to retain the landscape infrastructure within the site. This includes the retention of existing hedgerows and trees, and the retention of a visual link (via a landscaped corridor) between Woodmans Cottage and Tiddesley Wood. Allowing these features of the site to positively influence the design is fundamental in creating a well-designed place.

Impact on Ancient Woodland

- 7.8.11. The setting of Tiddesley Wood has been considered in the development parameters for the site, which have been landscape led.
- 7.8.12. The design strategy for the relationship to the woodland is layered. To the woodland edge, a fenced off area will be created that will not be accessible by the public, and provide protection to the woodland. Within the remaining landscape buffer, the proposed landscape strategy proposes woodland planting and wildflower meadows closer to the existing woodland, then footpaths and play areas hugging the proposed built development edge. This comprehensive strategy ensures the most sensitive design to the woodland.

Topographical Disturbance

- 7.8.13. Changes to the site topography is inevitable on a sloping site. Here, the vast majority of the development platforms lie on the shallower slopes of the site. It is only the northern and north-western development cell edges that will generate more noticeable change in topographical terms, together with part of the site frontage down to Defford Road.
- 7.8.14. A balance of cut and fill on site is achievable, and the more accentuated level changes are localised, and will not alter substantial tracts of the site itself. Landscape earth modelling together with planting can be used along parts of the northern edge of the development envelope to create “non-engineered” design solution and provide an additional positive dimension to the landscape design as sloping sites often can. Some

detailed landscape sections have been prepared accordingly ref. Pegasus dwg, P22-2506_EN_0015_C_001.

7.8.15. In addition, to the northern parcels of development, the illustrative street structure follows the contours of the site, to assimilate the site within its context.

7.9. Housing Land Supply

7.9.1. The Council's current housing land supply statement (published December 2023) has a base date of 1st April 2023. This is over 15 months ago and therefore the Appellant will seek to agree with the Council the base date for calculating the five year housing land supply.

7.9.2. The Appellant agrees that because the strategic policies in the Council's Local Plan are more than five years old, the five year housing land supply should be measured against the local housing need calculated using the standard method set out in the PPG. At 1st April 2023, this is 488 dwellings.

7.9.3. The Appellant agrees that the 20% buffer should apply as set out in paragraphs 77 and 79 of the Framework.

7.9.4. Whilst the Council accepts it cannot demonstrate a 5 year housing land supply (or a 4 year housing land supply), the Appellant will provide its own assessment of the Council's deliverable supply with reference to the following points relating to methodology:

- The definition of "deliverable" and how this differs from the definition in the 2012 Framework, which was the relevant Framework considered during the examination of the Local Plan;
- The clear evidence required for the inclusion of category b) sites in the definition of deliverable;
- The application of realistic build rates and lead-in times; and
- The compelling evidence required for the inclusion of a windfall allowance.

7.9.5. For the reasons set out above, the Appellant will demonstrate that the Council cannot demonstrate a deliverable four or five year housing land supply in accordance with paragraph 77 of the Framework.

7.10. Affordable Housing

7.10.1. No objection has been received from WDC Housing in respect of affordable housing, although it is anticipated that there will be ongoing negotiation with WDC Housing during the course of the appeal in order to confirm the affordable housing tenure split to be included in the Section 106 agreement. The below statement sets out the Appellant's position with regards to providing on-site affordable housing, which represents a significant scheme benefit.

Overview

7.10.2. The UK's chronic housing shortage is one of the biggest challenges the country faces and the severe lack of affordable housing affects whole communities in many ways. National and local government have set affordable housing policies to address this crisis.

7.10.3. Affordable housing is therefore a highly important material consideration in planning decisions. The latest National Planning Policy Framework (NPPF), adopted in December 2023, the First Homes PPG, and Wychavon District Council's local planning policy are all relevant and material in setting the affordable housing requirements at Orchard Farm.

Affordable Housing Percentage

7.10.4. The latest NPPF, adopted in December 2023, sets out the Government's planning policies for England and how these are expected to be applied. In respect of affordable housing, paragraph 63 of the NPPF specifies 'Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:

- off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- the agreed approach contributes to the objective of creating mixed and balanced communities'.

7.10.5. The South Worcestershire Development Plan (SWDP), was adopted in 2016 and covers the development growth for the period 2006 to 2030. Affordable housing is addressed in the SWDP under SWDP 15: Meeting Affordable Housing Needs. It states that sites of 15 or more dwellings on brownfield or greenfield land in WDC require a 40% affordable housing provision provided on site.

7.10.6. The Appellant is committed to providing a full policy compliant 40% affordable housing provision on site.

Affordable Housing Delivery & Needs

7.10.7. Historic under delivery of affordable housing adversely affects current and future affordable housing need. S106 affordable housing provides just under half of all affordable housing delivered. The majority is delivered by Homes England grant funding. The following bullet points highlight the severe affordable needs in WDC:

Historic Delivery

- In the last 17 years (to 2022/23) new affordable dwelling delivery equates to 31%, which is consistently below the 40% target. The 31% includes grant funded affordable housing, which highlights the under provision of affordable housing via s106 contributions.
- Past affordable housing delivery has not reduced the number of eligible households on the Housing Register.

Current Affordable Needs

- The latest Housing Register (2022/23) confirms that 2,678 households are eligible for affordable housing in WDC. 45% of those households are in high housing need.
- The number of eligible households in affordable housing need has been increasing year on year for the last 3 years, and those in high housing need has almost trebled in the last 4 years.
- 129 households were homeless in Wychavon between October and December 2023. Based upon the Census 2021, there were 1,022 households in overcrowded accommodation in Wychavon.

Future Planned Affordable Delivery (2023 to 2028)

- In terms of new build affordable homes proposed in Pershore, only 2 out of the 6 named sites that are estimated to be delivered in the 5 years to 2028 will deliver any affordable housing. A total of just 41 new affordable homes are expected to be delivered in the next 5 years (2023 to 2028) in Pershore, which equates to just 8 new affordable homes per annum.
- The number of affordable housing proposed in Pershore is extremely low and will not address the backlog, current or future affordable housing need. As Pershore is one of three towns in Wychavon, these towns are expected to deliver the majority of affordable housing to address both local and district wide needs.
- WDC's proposed 5 Year Housing Land Supply (5YHLS) sites will not achieve the net affordable housing need of 117 new homes per annum. In total, an under provision of approximately 200 affordable dwellings for the next 5 years (to 2028) is expected. This will add further pressures to the rising Housing Register.
- WDC's proposed 5YHLS sites aim to provide 1,288 new homes between 2023 and 2028 (based upon dwellings that have not started or are under construction). Of these new dwellings it is estimated that 389 could be affordable (assuming a 40% provision is applied to each large site). This equates to 30% affordable housing for planned sites in the next 5 years. Planned delivery equates to just 78 new affordable homes per annum.

7.10.8. Orchard Farm could deliver to up to 120 new affordable homes. This would almost double the number of affordable homes proposed in the local area and help rebalance the lack of affordable housing currently proposed, addressing both local and district wide needs.

Affordable Housing Tenure Mix

7.10.9. In terms of affordable tenure, the following planning policies are relevant:

- NPPF requires at least 10% of the total number of homes to be available for affordable home ownership in sites that deliver 10 or more dwellings.
- SWDP 15 states that the affordable tenure mix will be subject to negotiation. Generally, the preference will be for Social Rented, unless viability or local need has been demonstrated for a different affordable housing tenure.
- Since the production of the SWDP, the First Homes Ministerial Statement and Planning Practice Guidance (PPG) has been published (May 2021). This requires that a minimum of 25% of the affordable housing provided within the s106 agreement will be First Homes.

7.10.10. The local needs of Pershore and wider Wychavon district have been considered. The key issues are as follows:

- Pershore has higher levels of Social Rent (21% of all dwellings) compared to WDC (16%).
- 2021 Census also confirms that Pershore has low levels of Shared Ownership.
- Unemployment and long terms sick/disabled levels are low in both Pershore and WDC, indicating the potential for ownership options.

Statement of Case

Orchard Farm, Pershore



- Affordability is a significant issue in Wychavon. Households need 9.75 times their workplace-based annual earnings to purchase a home.
 - Only households with 2 workers could afford to rent a home without help.
 - Only households with 2 full-time workers on average or above average earnings could afford to buy a home without help.
- Many households that would qualify for an affordable home are not recorded on WDC’s Housing Register. These hidden households many be struggling financially, and the situation has become worse since the cost-of-living crisis.
- The SHMA update 2021 identified that 792 newly forming households each year in Wychavon would require some form of affordable housing. Most first time buyers need help buying a home. There are over 1,000 people in Pershore that are under 35 years old.
- The end of Help to Buy has left a large gap in the market for those unable to buy a home without assistance. First Homes will fill some of the gap, but it is not additional affordable housing. First Homes will provide small 1 & 2 bed homes, possibly apartments which are in low numbers in Pershore. Shared Ownership can cater for single income households and those needing larger homes.
- The introduction of First Homes may further reduce the number of Shared Ownership homes available which will affect those missing households needing family housing that are not recorded on the Housing Register.

7.10.11. The following indicative affordable mix was proposed in the Affordable Housing Statement issued to WDC in September 2023:

Tenure	Proposed % of Affordable Housing	Notes
Affordable Rent/Social Rent	60% to 69%	Affordable Rent to be capped at LHA levels. Lower percentage in accordance with First Homes PPG.
First Homes	25%	First Homes must be a minimum of 25% of Affordable requirement.
Intermediate Tenures (i.e. Shared Ownership)	6% to 15%	Higher percentage is in accordance with First Homes PPG.
Total	100%	Fully policy compliant scheme.

Post Submission Progress and Conclusions

7.10.12. Following the submission of the Affordable Housing Statement in September 2023 which accompanied the Planning Application suite of documents, an open dialogue with WDC’s Housing Development Officer has been maintained. In November 2023 WDC provided a response to the Affordable Housing Statement at Orchard Farm. The first paragraph of the response states ‘*The Affordable Housing Statement submitted as part of this application confirms that the proposals will provide a policy compliant level of affordable housing*’. WDC’s key proposals are as follows:

- 40% affordable housing with the following split

- 69% Social Rent
- 25% First Homes
- 6% Shared Ownership.
- WDC encourages the Nationally Described Space Standards (NDSS) in terms of the size of affordable dwellings. Plus, First Homes must meet the NDSS in terms of internal sizes.
- Provision of a range of property types to help meet local housing need which is to be agreed in writing with WDC prior to commencement of the Development, in the form of a comprehensive affordable housing scheme.

7.10.13. Affordable housing is an extremely important material consideration in planning decisions. The Appellant is committed to providing a full policy compliant 40% affordable housing provision on site. WDC has confirmed that the proposals will provide a policy compliant level of affordable housing.

7.10.14. There is an acute shortage of affordable housing in WDC. Historically low delivery has exacerbated the issue and future planned affordable housing will not deliver enough affordable homes. It is estimated that the under provision is approximately 200 affordable dwellings in the next 5 years.

7.10.15. Planned delivery of affordable housing in Pershore is also expected to be very low (41 new affordable homes in the next 5 years). Orchard Farm could deliver to up to 120 new affordable homes. This site will be an important contributor to much needed affordable housing in the area. Significant weight should be afforded in the planning balance in light of the affordable housing proposals.

7.11. Conclusion

7.11.1. In light of the social, environmental and economic considerations outlined above, the Appellant considers that the proposals represent a sustainable development and the benefits of the proposal demonstrably outweigh any adverse impacts. In accordance with Paragraph 11 of the NPPF, planning permission should therefore be granted.

8. Third Party Representations

8.1. Summary of Representations Received

8.1.1. The Appellant acknowledges representations received by the Council in respect of the Application.

8.1.2. The following statutory consultees currently object to the proposed development:

- Worcestershire Wildlife Trust;
- WDC Natural Heritage officer;
- WDC Landscape officer; and
- WCC Highways (recommends deferral).

8.1.3. The following statutory consultees had no objection to the application, or removed their initial objection upon receipt of further technical work:

- WRS Contaminated Land;
- WRS Nuisance;
- Lead Local Flood Authority;
- WDC Drainage Engineer;
- Environment Agency;
- Severn Trent Water;
- Forestry Commission;
- British Horse Society;
- Ramblers' Association;
- WDC Emergency Planning and Projects officer;
- NHS CCG – Primary Healthcare;
- WDC Housing;
- West Mercia Police Design Out Crime officer;
- Historic England;
- WDC Conservation officer;
- WDC Tree officer;
- Worcestershire Children First (Education)
- WDC Planning Policy;
- WCC Public Rights of Way;
- WDC Archaeology officer;
- Woodland Trust (expressed concerns however did not object);
- Natural England.

8.1.4. Non-statutory objections were received from the following third parties:

- Pershore Town Council;
- Pershore Civic Society;
- CPRE.

Statement of Case

Orchard Farm, Pershore



- 8.1.5. In addition, approximately 790 responses from members of the public have been received to date via WDC's online application portal. 32 of these responses were in favour of the scheme, with 758 of responses objecting.
- 8.1.6. Where relevant, additional work has been undertaken and submitted with the Appeal to address consultee comments. The Appellant is in ongoing discussions with key consultees including Natural England and Worcestershire Wildlife Trust, and intends to continue engaging with these consultees throughout the appeal process.

9. Planning Conditions and Planning Obligations

- 9.1.1. The Appellant has proposed a list of draft conditions for the Appeal Site and draft S106 Heads of Terms in the Draft Statement of Common Ground. The Appellant seeks to work with WDC to agree the proposed planning conditions and obligations prior to the Inquiry.

10. Conclusion

- 10.1.1. This Statement of Case has been prepared on behalf of Formula Land Ltd, who is the Appellant.
- 10.1.2. This Statement sets out the Appellant's grounds for the planning appeal, brought against the non-determination by Wychavon District Council of a planning application for a Proposed Development comprising the demolition of existing farmhouse, agricultural buildings and structures, the erection of a phased development of up to 300 residential dwellings (Use Class C3) and associated public open space, drainage, infrastructure and engineering works with all matters reserved except access.
- 10.1.3. The Site is located within the open countryside, adjacent to the existing settlement, and is not allocated for development within the adopted Development Plan. The Site was previously proposed to be allocated in the emerging South Worcestershire Development Plan Review for 450 dwellings, and was included in the Preferred Options (Regulation 18) version of the Plan in 2021. The Site was subsequently removed from the Plan at pre-submission (Regulation 19) stage due to objections regarding impact on the adjacent SSSI/ancient woodland, surface water drainage concerns and a perceived lack of foul drainage capacity.
- 10.1.4. The Appellant will demonstrate that the concerns raised regarding the Site in the SWDPR preparation process have been considered as part of the application submission, and sufficient evidence has been provided to demonstrate that the proposals will be able to mitigate the ecology and drainage objections raised by other representors / consultees. Furthermore, the Appellant will demonstrate that all outstanding objections to the proposals can be overcome through the implementation of appropriate mitigation measures.
- 10.1.5. The Appellant will demonstrate that there is a significant housing shortfall within Wychavon District, where a 4 year housing land supply cannot be demonstrated and the adopted Development Plan is out of date. Delays in preparation of the emerging South Worcestershire Development Plan Review mean that this shortfall is likely to continue for some time.
- 10.1.6. As per the provisions of NPPF Paragraph 11d, the Appellant considers that the tilted balance is engaged due to the lack of a sufficient housing land supply. This means that, given that the most important policies for determining the appeal are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework. The Appellant will provide evidence that the numerous significant benefits of the scheme significantly and demonstrably outweigh any harm, and accordingly planning permission should be granted without delay.
- 10.1.7. The Appellant intends to provide a comprehensive presentation of its case to the Planning Inspector in the Proofs of Evidence at the planning appeal by public inquiry.