



RIDGE

**PLANNING STATEMENT IN
SUPPORT OF AN OUTLINE
APPLICATION FOR THE
ERECTION OF UP TO 102
DWELLINGS**

**LAND TO THE NORTH OF
DROITWICH SPA,
WORCESTERSHIRE**

JANUARY 2022

PLANNING STATEMENT IN SUPPORT OF AN OUTLINE APPLICATION FOR THE ERECTION OF UP TO 102 DWELLINGS LAND TO THE NORTH OF DROITWICH SPA, WORCESTERSHIRE

January 2022

Prepared for

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1. INTRODUCTION

1.1 This Planning Statement has been prepared by Ridge and Partners LLP on behalf of Beechcroft Land Ltd. and the Trustees (the Applicant) in support of a revised outline planning application for the erection of up to 102 dwellings, with all matters reserved except for access, on land to the north of Droitwich Spa, Worcestershire.

1.2 The full description of development is:

“Outline planning application for the erection of up to 102 dwellings, new vehicular and pedestrian access and associated works. All matters reserved except for access.”

1.3 This application follows a previous application on the site for 144 dwellings which was refused by Wychavon District Council in June 2018 under application ref: 17/01631/OUT and subsequently dismissed at appeal in January 2020 under appeal ref: APP/H1840/W/18/3218814. This revised application seeks to address the concerns raised by the Inspector in relation to the previous proposals through a reduction in the amount of development proposed and a revised indicative layout.

1.4 Furthermore, this Statement sets out that there has been a material change in circumstances since the previous proposals were determined as the Council cannot currently demonstrate a 5 Year Housing Land Supply (5YHLS). This is an important material consideration in the determination of this application, in the context of the Government’s aim to significantly boost the supply of housing, which the application proposals can make a significant contribution towards addressing. In addition, since the appeal was determined, there has been significant delay to the emerging South Worcestershire Development Plan Review (SWDPR) which is now not anticipated for adoption until October 2023.

Statement Structure

1.5 This Statement provides a contextual analysis of the site and the surrounding area, including a summary of relevant planning history. In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, it also appraises the proposed development against the relevant policies contained within the development plan for the area as well as other material considerations relevant to the development proposed, including the National Planning Policy Framework (NPPF).

1.6 This statement should be read in conjunction with the following plans and reports which accompany the application:

- Illustrative Layout Plan and other drawings prepared by DJD Architects
- Landscape Strategy prepared by EDP

- Design and Access Statement prepared by DJD Architects
- Flood Risk Assessment prepared by BWB Consulting
- Water Management Statement prepared by BWB Consulting
- Sustainable Drainage Statement prepared by BWB Consulting
- Noise Impact Assessment prepared by Clarke Saunders Associates
- Ecological Assessment prepared by Ecology Solutions
- Biodiversity Net Gain Assessment prepared by Ecology Solutions
- Arboricultural Survey Report prepared by Barton Hyett Associates
- Landscape and Visual Appraisal (LVA) prepared by EDP
- Housing Land Supply Statement for Wychavon District and Malvern Hills District prepared by Pegasus Group
- Transport Assessment prepared by BWB Consulting
- Travel Plan prepared by BWB Consulting
- Air Quality Assessment by Air Quality Consultants
- Heritage Impact Assessment by Cotswold Archaeology

2. SITE AND SURROUNDING AREA

Site Description

- 2.1. The application site comprises approximately 10.05 hectares (ha) of largely agricultural grazing land. It is located to the north of Droitwich Spa, Worcestershire and to the east of the A442. It falls within the administrative area of Wychavon District Council.
- 2.2. The site is situated directly to the east static home park known as Doverdale Park. It is bound by the A422 to the west with Hampton Lovett Industrial Estate beyond. To the north is agricultural pastureland and beyond that, the un-adopted road known as 'The Forest' which provides access to existing dwellings, as well as St Mary's Church and Hampton Lovett Village Hall. To the east, the site is bound by mature hedgerow and trees and beyond that the Worcester – Kidderminster railway line.
- 2.3. To the south, the site is bound by woodland and mature hedgerow which forms part of the Milgrove Plantation. Berry Hill Industrial Estate is located beyond that to the south. The settlement boundary for Droitwich Spa lies to the south of the site, running adjacent to the edge of Berry Hill industrial estate.

The Wider Area

- 2.4. Droitwich Spa is identified as a "Main Town" within the Settlement Hierarchy of the South Worcestershire Development Plan (SWDP), which also identifies it as an "appropriate location to accommodate a proportion of south Worcestershire's employment and housing growth over the next two decades."
- 2.5. The Town Centre is located approximately 2.5km to the south of the site. It provides a shopping centre, supermarkets, a hospital, a Leisure Centre, a range of eateries and public houses and office space. Westlands First School & Nursery and Droitwich Spa High School are located a 1.7km and 2.6km walking distance respectively from the centre of the site. Given the location of the nearest schools, there are opportunities for the use of non-car modes for journeys to school from the proposed development.
- 2.6. Hampton Lovett Industrial Estate (to the west of the site) and Berry Hill Industrial Estate (to the south of the site) provide significant and very local employment opportunities.
- 2.7. A bus stop providing access to services to and from Droitwich town centre; is located immediately adjacent to the site at the access to Doverdale Park. The buses provide access to wider Droitwich and Kidderminster and further details are contained in the accompanying Transport Assessment.

2.8. Droitwich Spa Railway Station is approximately 2.5km to the southeast of the site and provides regular and direct services to an extensive range of facilities and major employment provision at Worcester and Birmingham. Buses run to and from the railway station from the Doverdale Park entrance.

Designations

2.9. The site is not affected by any statutory landscape designations. Land designated by the SWDP as Greenbelt is immediately to the east of the site on the opposite side of the Worcester – Kidderminster railway line.

2.10. The southern part of the site, between Doverdale Park and Berry Hill Industrial Estate, is designated in the SWDP as a 'significant gap' which is a local planning designation intended to protect the settings and separate identities of settlements. However, the proposed built development is proposed to be located outside of the strategic gap.

2.11. There are no designated heritage assets within the site. However, the Grade I listed church of St Mary and its associated Lych Gate (Grade II) and Pakington memorial (Grade II) are located approximately 100m to the northeast of the site. The old Rectory (Grade II) is 430 metres to the north of the site. Hampton Farmhouse (Grade II) is 440 metres to the north of the site.

2.12. The proposed development falls entirely within Flood Zone 1 according to EA Flood Risk Maps. The bridleway 537(B) follows 'The Forest', which bounds the site to the north. Public footpath 522(C) runs northwards from the immediate north-east of the site, through the grounds of St Mary's Church. A network of footpaths are also located c. 100 metres to the north-east and east of the site, on the opposite side of the railway line.

Planning History

2.13. As highlighted in the introduction of this Statement, an outline planning application was previously submitted on the site in 2017 for up to 144 dwellings (including 50% affordable homes) access and associated works under application reference 17/01631/OUT. That application was refused planning permission by Wychavon District Council on 18 June 2018. The following reasons for refusal were cited by the Council on its decision notice:

- 1) *"The application site lies entirely outside the settlement boundary of Droitwich as defined under policy SWDP 2 of the South Worcestershire Development Plan 2016 (SWDP). The site is therefore defined as open countryside where development shall be strictly controlled. The proposed development fails to accord with the provisions of policy SWDP2 part C of the SWDP. The proposed development would go against the SWDP Development Strategy and the principles it is based upon (as set out under policy SWDP2) in that it would not safeguard or enhance the open countryside nor encourage the effective use or re-use of*

brownfield land. The proposal fails to take into account the latest Landscape Character Assessment and its guidelines. Development on this site would not be appropriate to, or integrate with, the character of the landscape setting and as such would be contrary to SWDP25. The SWDP has been prepared and adopted in the context of the National Planning Policy Framework (NPPF) and its contents reflect the presumption in favour of sustainable development and guide how the presumption will be applied locally. To grant planning permission would also go against one of the core planning principles as set out in para. 17 of the NPPF in that permitting development would not be plan-led. The proposed development is, therefore, contrary to adopted South Worcestershire Development Plan (2016) Policies SWDP1, 2, 4 and 25 as well as guidance contained in the National Planning Policy Framework (2012).

- 2) The character of Hampton Lovett is of linear development of period properties set within large plots surrounded by farmed land. Hampton Lovett is not a nucleated village with a central core and therefore the character of the settlement is dependent upon the retention of the rural setting along the lane. It is considered that the proposal to develop the existing farmed land with dwellings would alter the character of Hampton Lovett causing harm to the setting of the Grade I listed church of St Mary and the period properties which form the settlement. This represents a less than substantial harm, which is not outweighed by any public benefits. The proposal is therefore not considered to represent sustainable development. The proposal fails to accord with policies SWDP6, 21 & 24 of the South Worcestershire Development Plan as well as guidance contained in the National Planning Policy Framework (including) paragraph 131 - 134.*
- 3) The development is on a site that has the potential for archaeology from various periods. In order to properly evaluate the significance of below ground heritage assets that may be present, a site evaluation in the form of trial trenching to identify any archaeological features of the site is required. In the absence of such information, the application fails to describe the potential presence/significance of heritage assets and how the proposed development may affect potential features of archaeological interest/value. Consequently, the proposed development is contrary to adopted South Worcestershire Development Plan (2016) Policies SWDP1, 6, 21 and 24, as well as guidance contained in the National Planning Policy Framework (2012).*
- 4) The level of ecological survey information submitted with the application is insufficient to enable the Planning Authority to assess the proposal fully against likely impacts on protected species and ecologically connected habitats. The Framework asks local planning authorities to minimise impacts on biodiversity and to provide net gains in biodiversity where possible. Local Authorities also have a duty to conserve biodiversity under the Natural Environment and Rural Communities Act 2006 and these requirements are reflected in the Council's policy SWDP22. Circular ODPM 06/2005 makes it clear in para 99 that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision." Based on the above requirements, the proposal fails to demonstrate that the development would comply with Policy SWDP22 of the South Worcestershire Development Plan.*
- 5) Whilst noting the applicant's willingness to enter into a Section 106 legal agreement, no secure arrangements are in place to secure:*

- *Monies in lieu of on site formal sports pitches and potentially in lieu of sufficient on-site public open space of range of types set out under policy SWDP39*
- *The provision of a contribution towards cycling infrastructure; and*
- *The provision of on-site affordable housing*

As such, the proposed development does not meet the objectives of sustainable development and cannot be delivered with acceptable impacts on the community and the environment. Therefore, the application is contrary to adopted South Worcestershire Development Plan Policies SWDP1, 7, 15 and SWDP 39 and guidance in the Council's Developer Contributions SPG and Affordable Housing SPG, as well guidance contained in the National Planning Policy Framework. "

2.14. That decision was subsequently appealed and was heard at a Public Inquiry in October 2019. As part of the appeal process, a number of the reasons for refusal were reconsidered and/or resolved with the Council. The Council withdrew from defending reasons for refusal 3, relating to archaeology, and 4, relating to ecology, and accepted that number 5, relating to financial contributions could be overcome by the provision of a s106 legal agreement. A s106 agreement was provided in draft form at the Inquiry for on-site affordable housing; on-site public open space and the public space contribution; and an off-site formal sport contribution.

2.15. The appeal was subsequently dismissed on 28 January 2020, under reference APP/H1840/W/18/3218814. The full appeal decision is contained at Appendix 1 of this Statement. In summary, the Inspector concluded that the main issues in relation to the appeal proposals at that time were:

- the effect of the proposed development on the character and appearance of the local area having particular regard to landscape; and
- heritage assets, particularly the setting of the grade I listed Church of St Mary.

2.16. At the time the appeal was determined, it was also concluded that the Council could demonstrate a 5YHLS and that the Council had delivered what was required in terms of housing and affordable housing.

2.17. In respect of the proposals, the Inspector concluded at paragraph 33 that there would be harm to the Grade I Listed Church of St Mary due to development on the pastureland at the north of the site which the Inspector considered would have an adverse effect upon the setting of the Church and thus would harm its significance, albeit acknowledging that this is a limited part of its significance as a whole. Overall, it was concluded that this amounted to less than substantial harm which needed to be weighed against the public benefits of the proposed development.

- 2.18. In addition to the above, the Inspector concluded at paragraph 22 that whilst the site was close to the urban fringe, the development would have a harmful visual impact upon the open countryside and upon the character of the settlement of Hampton Lovett. It was concluded that the proposals would not be appropriate to, or would integrate with, the character of the landscape setting and that the appeal proposal therefore failed to accord with Policy SWDP 25.
- 2.19. Overall, the Inspector went on to conclude that the harm to the character and appearance of the area, including the landscape harm, and harm to the setting of the Church of St Mary, were such that the appeal should fail in that instance.
- 2.20. It is acknowledged that the appeal decision represents a material consideration in relation to the current application proposals. However, this Statement sets out how the application proposals now submitted have sought to address the issues raised by the Inspector in respect of heritage harm and effects on landscape character.
- 2.21. Other key points made by the Inspector of note include:
- At paragraph 34 the Inspector agreed that the Grade II listed Pakington Memorial, to Lady Pakington, main significance is as a monument and that whilst the proposed housing could be seen in combination with the monument, this would not result in harm to this particular listed building.
 - At paragraph 35 the Inspector noted that the proposed development would have a negligible impact on the significance of the listed lychgate in its own right due to the scale of the structure and the proposed retention of open space at this point.
 - At paragraph 36 the Inspector concluded that the siting of the proposed housing to the south of The Forest would prevent there being harm to the relationship between the Church and The Grade II Listed Old Rectory, or to the relatively isolated, rural, location of The Old Rectory. Nor would there be harm to the Grade II Listed Hampton Farmhouse.
 - At paragraph 45 the Inspector stated that the provision of new housing and affordable housing provision were benefits to be given substantial weight, despite the fact the Council could demonstrate a 5YHLS at the time of the appeal.
 - At paragraph 47 the Inspector noted that the proposed footpath/cycle link through the site, with an access point close to the roundabout at the south edge of the site near the A411, would be of benefit to existing residents. Overall, the Inspector considered the site to be reasonably located in terms of accessibility and that the proximity to Droitwich and increased accessibility were a modest benefit of the proposed development.
 - At paragraph 48 the Inspector noted that landscape enhancement arising from the scheme was a benefit that attracted limited weight as it would be required, in part, to screen and to mitigate the harm of the appeal proposal. The provision of open space was also attributed modest weight.

- At paragraph 49 the Inspector considered that the increase in population in Hampton Lovett could increase the vitality and viability of the community which was a modest benefit of the proposals.
- At paragraph 50 it was concluded that construction jobs would generate some local economic benefits which was attributed limited weight.
- At paragraph 51 the Inspector concluded that they were satisfied there would be adequate space for a proposed scheme to meet normal requirements for private, outlook and daylight. It was also concluded that noise and disturbance between the existing and proposed site use would not be unacceptable in principle.
- At paragraph 52 the Inspector concluded that the highway could acceptably accommodate the additional traffic, and neither would it result in a situation that would justify withholding planning permission.
- At paragraph 54 the Inspector also noted that the appeal scheme proposed “*significant areas of open space and land to be managed for ecological benefit, which would support bats, as well as providing for recreational access.*” The Inspector also conclude they were satisfied that the effect of the scheme on local ecology would be acceptable and that there would be a net gain in biodiversity. It was considered that this was a significant benefit to the local habitat that attracted moderate weight in the planning balance.
- At paragraph 58 the Inspector concluded that the Development Plan had delivered what had been required in terms of housing and affordable housing and that the Council was moving forward with a timely review of the Plan. Therefore, the Inspector concluded that the planned system was shown to be achieving what was envisaged for the area following an Examination process.

2.22. As identified earlier, since the above appeal was determined it is considered a material change in circumstances has occurred in that it is considered the Council is now unable to demonstrate a 5YHLS. In addition, the review of the SWDP has become substantially delayed since the appeal was determined, such that it is now not anticipated to be adopted until October 2023 according to the Council’s latest Local Development Scheme (dated September 2021). These matters are discussed in further detail later in this Statement.

3. THE PROPOSALS

- 3.1. The application constitutes a revised proposal for residential development and associated works at land to the north of Droitwich Spa, Worcestershire following a previously dismissed appeal at the site for the erection of 144 dwellings in January 2020.
- 3.2. The revised proposals are for the erection of up to 102 dwellings, including 40% affordable housing in accordance with planning policy requirements. The provision of affordable housing will be secured by the execution of an appropriate S.106 legal agreement.
- 3.3. As the application is made in outline, with all matters reserved for future consideration except for access, no house types or detailed design work are provided in support of the application. However, the application is accompanied by a Design and Access Statement (DAS) which sets out the proposed details of the indicative scheme and the key design principles. A brief summary of the proposals is also set out below.
- 3.4. The accompanying illustrative masterplan demonstrates how a proposed development of up to 102 dwellings could be suitably accommodated at the site, having regard to the opportunities and constraints identified by the technical work supporting this application. The mix and tenure of the dwellings, including affordable homes, will be provided in accordance with local policy requirements and local needs, to be determined at Reserved Matters stage.
- 3.5. As discussed later in this Statement, the revised proposals have also been designed to respond to the conclusions of the appeal Inspector in relation to the previous proposals for the site. In particular, the proposals represent a 29% reduction in the amount of built development when compared with the previous proposals for the site (a reduction from up to 144 dwellings to up to 102 dwellings).
- 3.6. The illustrative masterplan also shows how the red line site area has also been reduced to the north compared to the previous proposals, meaning the land to the north of the residential development will remain as agricultural pastureland. The central part of the site now contains the proposed residential development, which is situated adjacent to the northern and eastern boundaries of existing static home development at Doverdale Park. To the south lies POS provision and an area for surface water attenuation and storage.
- 3.7. The areas of POS will remain open landscape, with formal and informal footpaths woven through the site providing connections to the POS provision and with Droitwich and Hampton Lovett. A natural play area will be provided within the scheme, with full details to be provided at Reserved Matters stage.

- 3.8. The PROW which runs through the north-east corner of the site will be preserved and views of the proposed residential development from the PROW will be mitigated with strategic planting. There is also an opportunity to create new footpaths and cycle links through the site, connecting the site with the wider area of Hampton Lovett and Droitwich. The full details of the new footpaths and cycle links will be provided at reserved matters stage.
- 3.9. The accompanying indicative landscape strategy ('Plan EDP 6: Landscape Strategy') proposes additional planting across the site with both meadow and plantation land to be retained and enhanced to the south of the site. The proposed built development does not encroach onto the designated Strategic Gap area as defined by the SWDP policies map. The boundaries of the site will also be enhanced through additional planting, which will also help to screen the development.
- 3.10. As set out in the accompany LVA, the proposals will result in a scheme that could achieve a substantial net increase in the tree and shrub resource associated with the site which would help to enhance the local landscape including:
- Tree planting along new roads;
 - Shrub and tree groups to the north of the development;
 - Shrub and tree planting to south and west of development;
- 3.11. A single point of vehicular access will be provided into the site via a new priority T-junction off the A442 Kidderminster Road 60m to the south of the Doverdale Lane junction. This has been designed with appropriate visibility splays and in accordance with the Worcestershire Streetscape Design Guide (2020) 'informal street' criteria, as set out in the accompanying Transport Assessment. A tracking assessment has also been undertaken for the proposed site access which demonstrates that a large refuse vehicle can access and egress the site without any conflicts.
- 3.12. The site's layout will also integrate safe and convenient cyclepaths and footpaths, the details of which will be secured at the reserved matters stage. Parking and cycle parking will be provided in line with national and local policy and dealt with at Reserved Matters stage.
- 3.13. The proposed development aims to make a positive contribution to the community by incorporating the following sustainable principles:
- Makes efficient use of the proposed development site while enabling a successful integration into the surrounding area

- The site is accessible for pedestrians and cyclists with good links to surrounding services and facilities;
- The site is well served by public transport which provides connections to surrounding settlements;
- The proposal makes provision for enhanced biodiversity with retained vegetation and trees, the landscape proposals to enhance planting across the site;
- The proposed houses will be built to a high specification with regard to sustainable building materials and building technologies.

Planning obligations - Draft Heads of Terms

3.14. Draft heads of terms that will inform a section 106 legal agreement are set out below.

3.15. As per the previous proposals at the site, it is anticipated the following contributions will be requested during the application process:

- Affordable housing – 40% in line with the SWDP policy requirement
- Cycling – a contribution towards improving the accessibility of local services by bicycle
- Education – A contribution towards education may be required, this will be confirmed by Worcestershire County Council's Education department during the application process.
- Public Open Space (POS) – In accordance with SWDP 5, all housing developments on sites of over 1 hectare are required to provide 40% of the total site area as Green Infrastructure. Policy SWDP 39 sets out types of POS that may be required.

4. PLANNING POLICY CONTEXT

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. This section provides an overview of relevant planning policy and guidance in relation to the proposed development.
- 4.2. The Development Plan relevant to the site currently comprises of the South Worcestershire Development Plan (SWDP) which covers the period 2006 to 2030 and the Waste Core Strategy for Worcestershire Adopted Waste Local Plan 2012-2027.
- 4.3. The SWDP covers the administrative areas of Malvern Hills District Council, Wychavon District Council and Worcester City Council (“the South Worcestershire Councils”). There is currently no neighbourhood plan applicable to the site.
- 4.4. Other material considerations include the National Planning Policy Framework (NPPF), which was amended in July 2021; the emerging South Worcestershire Development Plan Review (SWDPR), which will supersede the existing SWDP once adopted and other Supplementary Planning Documents and Guidance.

South Worcestershire Development Plan

- 4.5. **Policy SWDP 1** sets out the overarching sustainable development principles and states that when considering development proposals, the Local Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 4.6. **Policy SWDP2** on the development strategy and settlement hierarchy categorises Droitwich as an “Urban Area – Main Towns”. Town settlements provide a comprehensive range of local services and employment opportunities for their residents and the rural hinterland. The towns will continue to be the focus of balanced growth in the Malvern Hills and Wychavon.
- 4.7. **Policy SWDP 2** defines open countryside as land beyond any development boundary. The policy states that within the open countryside, development will be strictly controlled and limited to development specifically permitted by other SWDP policies.
- 4.8. **Policy SWDP 3** sets out the housing requirement and delivery for the South Worcestershire Councils. Within Wychavon (excluding the Wider Worcester Area) there is a requirement for 10,600 new homes in total from the period of 2006-2030 with a split of 7,300 market houses and 3,300 affordable houses.

- 4.9. **Policy SWDP 4** states that proposals must demonstrate that: the layout of development will minimise demand for travel, they offer genuinely sustainable travel choices, they address road safety, and they are consistent with the delivery of the Worcestershire Transport Plan objectives. The policy requires all major development to produce travel plans. The policy also states that new development should have regard to the design criteria and principles set out in Manual for Streets, Worcestershire County Council's Local Transport Plan, and Worcestershire County Council's Highways Design Guide; and developments will be expected to contribute to the provision of sustainable transport infrastructure necessary to support them.
- 4.10. **Policy SWDP 5** requires housing development to contribute towards Green Infrastructure (GI). For greenfield sites exceeding 1ha (gross), 40% Green Infrastructure (GI) is expected.
- 4.11. **Policy SWDP 6** establishes that development proposals should conserve and enhance the significance of heritage assets and their settings. This applies to Grade I and Grade II listed buildings.
- 4.12. **Policy SWDP 7** identifies, inter alia, that development will be required to provide or contribute towards the provision of infrastructure needed to support it. Where new infrastructure is needed to support new development, the infrastructure must be operational no later than the appropriate phase of development for which it is needed.
- 4.13. **Policy SWDP 13** requires development to make the most effective and sustainable use of land, focussing on, appropriate housing density for different types of development sites and locations and making only exceptional use of BMVAL.
- 4.14. **Policy SWDP 14** states that all new residential developments of five or more units, having regard to location, site size and scheme viability, should contain a mix of types and sizes of market housing informed by the latest Strategic Housing Market Assessment and / or other local data and developers' assessments.
- 4.15. **Policy SWDP 15** requires the provision of 40% affordable housing on greenfield sites of 15 or more dwellings. The number, size, type, tenure and distribution of affordable dwellings provided will be subject to negotiation, dependent on recognised local housing need, specific site and location factors and development viability.
- 4.16. **Policy SWDP 21** relates to design. All development is expected to be of a high design quality and will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets and their settings. It specifically requires that development proposals at urban edges respect its rural setting.
- 4.17. **Policy SWDP 22** relates to biodiversity and requires development to enhance biodiversity and geodiversity interest as well as conserve on-site biodiversity corridor and networks where possible. It also discourages harm to ancient and important trees.

- 4.18. **Policy SWDP 24** states that development proposals affecting heritage assets will be considered in accordance with the Framework, relevant legislation and published national and local guidance. Proposals that are likely to affect the significance of a heritage asset, should be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed. Where there is potential for heritage assets with archaeological interest to be affected, this description should be informed by available evidence, desk-based assessment and, where appropriate, field evaluation to establish the significance of known or potential heritage assets.
- 4.19. **Policy SWDP 25** requires that development proposals integrate with the character of the landscape setting. It also requires that proposals take into account the latest Landscape Character Assessment, conserving and enhancing, where possible, the primary characteristics defined in character assessment. Finally, it requires that major development proposals are supported by a Landscape and Visual Impact Assessment (LVIA).
- 4.20. **Policy SWDP 27** requires all new developments in excess of 100sqm to incorporate the generation of energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements, unless it has been demonstrated that this would make the development unviable.
- 4.21. **Policy SWDP 28** requires all development proposals must adhere to the advice in the latest version of the SFRA and ensure development is safe from flooding for its lifetime. **Policy SWDP 29** encourages the use of Sustainable Drainage Systems (SuDS).
- 4.22. **Policy SWDP 38** aims to protect open spaces identified on the Policies Map, together with other areas such as Green Infrastructure, in conjunction with policies SWDP 5, 22, 29 & 39, as any new Green Infrastructure secured under these policies is designated and protected as Green Space. Development of Green Space will not be permitted unless the following exceptional circumstances are demonstrated:
- i. The proposal is for a community / recreational use that does not compromise the essential quality and character of the Green Space; or
 - ii. An assessment of community and technical need (using recognised national methodology where appropriate) clearly demonstrates that the Green Space is surplus to requirements; or
 - iii. Alternative / replacement Green Space of at least equivalent value to the community has been secured in a suitable location.
- 4.23. **Policy SWDP 39** establishes that development proposals exceeding 5 dwellings should make provision for Green Space and outdoor community uses. **Policy SWDP 48** advises that development proposals in Droitwich Spa will be within the development boundary of Droitwich.

The Waste Core Strategy for Worcestershire - Adopted Waste Local Plan 2012-2027

- 4.24. The Waste Local Plan was adopted by Worcestershire County Council on 15 November 2012 and is a plan outlining how to manage all the waste produced in Worcestershire up to 2027. The following policies are relevant to this application:
- WCS1 (Presumption in favour of sustainable development)
 - WCS17 (Making provision for waste in new development)

South Worcestershire Development Plan Review

- 4.25. The South Worcestershire Councils are in the process of updating the adopted SWDP, with the revised SWDP plan period to 2041 and adoption expected by the end of 2021.
- 4.26. The South Worcestershire Councils (SWC) commenced a review of the SWDP in late 2017. Whilst some progress on the review has been made, within an initial Issues and Options Consultation undertaken during November and December 2018, a Preferred Options consultation undertaken in November and December 2019, and a further Regulation 18 (iii) consultation was undertaken in March / April 2021 specifically targeted on the interim Preferred Options Sustainability Appraisal Report responding to issues raised to the document published alongside the Preferred Options in November 2019.
- 4.27. However, the production of the SWDP has been substantially impacted by the Covid-19 pandemic and the release of the new NPPF and, according to the latest Local Development Scheme dated September 2021, it is now anticipated that the Plan will not be submitted for examination until November 2022, with adoption anticipated for October 2023.
- 4.28. As such, it is considered the emerging SWDPR can be afforded at most limited weight in the determination of planning applications.

The National Planning Policy Framework (NPPF)

- 4.29. The NPPF represents an important material consideration which should be taken into account in determining planning applications.
- 4.30. **Paragraph 7** states that the purpose of the planning system is to contribute to sustainable development. **Paragraph 8** to achieve sustainable development means that the planning system has three overarching objectives; economic, social and environmental:

- 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;*
- 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; and*
- 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.”*

4.31. **Paragraph 10** is clear that at the heart of the framework is a presumption in favour of sustainable development. **Paragraph 11** states for decision taking this means *“approving development proposals that accord with an up-to-date development plan without delay.”*

4.32. **Part d of paragraph 11** states:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, 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”*

4.33. Footnote 8 states that out-of-date applications include:

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”

4.34. **Paragraph 60** states that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

4.35. **Paragraph 65** establishes that major housing development should propose at least 10% of the total number of homes to be available for affordable home ownership.

4.36. **Paragraph 74** states that in order to achieve the aim of significantly boosting the supply of homes and meet the objectively assessed need for housing, a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing with an appropriate buffer should be maintained.

4.37. **Paragraph 75** outlines how local authorities can demonstrate a five-year supply of deliverable housing sites. It states:

“A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
- b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.”*

4.38. **Paragraph 98** iterates the importance of having access to a network of high quality open spaces, for the health and well-being of communities, and the wider benefits for nature it can deliver, noting that high quality open space can also support efforts to address climate change.

4.39. **Paragraph 105** determines that significant development should be focused on locations which are or can be made sustainable. This can have many benefits such as the reduction of congestion and emissions, and improvement of air quality and public health.

4.40. **Paragraph 112** states that development applications should:

- a) “give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

4.41. **Paragraph 124** states that planning decisions should make efficient use of land. Criteria a-e should be taken into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

4.42. **Paragraph 131** identifies the importance of incorporating new tree planting into developments, including ensuring new streets are tree lined, and retaining existing trees where possible.

4.43. **Paragraph 167** states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

4.44. **Paragraph 169** outlines the expectation that major developments incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Where appropriate sustainable drainage systems should provide multifunctional benefits.

4.45. **Paragraph 174** shows how planning decisions can contribute to and enhance the natural and local environment:

- a) *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*

4.46. **Paragraph 180(d)** states:

“...opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

4.47. In respect of the historic environment, **Paragraph 195** states:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

4.48. **Paragraph 197** states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

4.49. **Paragraph 202** states that:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

5. PLANNING ASSESSMENT

- 5.1. The previous section of this Statement has identified all relevant planning policies and national planning policy and guidance of relevance to the proposed development. This section assesses the proposal against those requirements and subsequently weighs up the proposals in the planning balance.

Principle of Development

- 5.2. The application site is situated outside the settlement boundary for Droitwich. It is also acknowledged that the site is not an allocated site for development by Policies SWDP 48 or SWDP 49. It is therefore accepted that the site is in open countryside. As the proposed development is not an exceptional circumstance of the type set out at Policy SWDP 2, it does give rise to some conflict with the development plan by virtue of the site's location beyond the defined settlement boundary.
- 5.3. Nevertheless, as set out further below, it is considered that the Council cannot currently demonstrate a 5 year Housing Land Supply (5YHLS). By consequence, the most relevant policies of the Development Plan are out of date as per Para 11, Footnote 8 of the NPPF and the weight that can be attributed to Policy SWDP 2 in the determination of this application should be reduced, as discussed later in the planning balance section of this Statement.
- 5.4. It is also noted that the SWDPR has been significantly delayed in its preparation as detailed earlier in this Statement and is not now due to be adopted until October 2023. The site is not proposed to be allocated for development in the SWDPR currently, therefore there is some conflict with the emerging Plan, but it has been identified earlier that the SWDPR can be afforded little weight in determining planning applications due to its stage of preparation and the delays experienced in its preparation.

Five Year Housing Land Supply

- 5.5. Paragraph 74 of the NPPF requires local planning authorities to have a supply of deliverable sites to provide for a minimum of five years' worth of housing against their housing requirement. In circumstances where a Council cannot demonstrate a five year supply of deliverable housing land, the most important policies for determining the application are to be considered out of date, in accordance with footnote 8 of the NPPF.
- 5.6. In this circumstance, the weight to be afforded to any conflict with these policies in the planning balance is consequently diminished and the "tilted balance" at paragraph 11 of the NPPF applies which requires that permission should be granted unless policies for protecting assets of particular

importance provides a clear reason for refusing the development, or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

5.7. In this respect, whilst it is noted that the South Worcestershire Five Year Housing Land Supply Report (5YHLSR) published by the three Councils in September 2021 concludes that the Councils can demonstrate 5.76 years' worth of deliverable housing sites, this application is accompanied by a Housing Land Supply Statement (HLS Statement) prepared by Pegasus Group which concludes that the Council cannot currently demonstrate a 5YHLS. It is considered that the lack of 5YHLS represents an important material consideration in relation to the application proposals.

5.8. In summary, the report prepared by Pegasus identifies that the Councils have presented the 5YHLSR as a single joint housing land supply position covering the three local authority areas, contrary to the advice of the PPG and the SWDP. As set out in the accompanying HLS Statement, the PPG advises that:

*"Areas which have a joint plan have the option to monitor their 5 year housing land supply and have the Housing Delivery Test applied over the whole of the joint planning area or on a single authority basis. **The approach to using individual or combined housing requirement figures will be established through the plan-making process and will need to be set out in the strategic policies.**" (emphasis added).*

5.9. The SWDP states at Part C of Policy SWDP3 that:

*"Housing provision will be made for about 28,400 dwellings (net) during the plan period, comprising the area subtotals, **which are separate and non-transferable.**" (emphasis added)*

5.10. Paragraph 40 of the SWDP also explains that:

""Separate and non-transferable housing provision" in the policy means that, subject to the provisions of the Framework paragraph 141, any shortfall identified in the five-year housing land supply against any Area sub total will not be met elsewhere in another Sub Area or Area identified in SWDP 3".

5.11. Therefore, it is clear that the development plan requirement is for the five year land supply to be assessed separately for each sub-area, and the PPG is clear that this approach will apply until it is reviewed through the plan-led process.

5.12. In addition to the above, the HLS Statement prepared by Pegasus identifies that the Council's 5YHLSR seeks to take into account an alleged over supply of housing that has arisen in previous years to reduce the current minimum local housing need. It is noted that the 5YHLSR factors in the over-supply by comparing the levels of completions which have arisen since 2006 with the adopted housing requirement over that period. This is contrary to the advice at paragraph 74 of the NPPF

which requires that given the age of the SWDP the adopted housing requirement is not used for the purposes of calculating the 5YHLS.

- 5.13. The HLS Statement states that such an approach does not accord with the fact that the local housing need is a forward looking figure from 2021 onwards and so should not be adjusted to take account of previous delivery. This approach is also considered contrary to the PPG which identifies that the standard method already factors in previous levels of delivery. The HLS Statement identifies the previous levels of delivery will have influenced the affordability ratio used within the standard method, and therefore any adjustment to take account of previous levels of delivery again would result in double counting.
- 5.14. As such, the HLS Statement states that the adjustment sought by the Councils is directly contrary to national policy and national guidance and results in double counting. It concludes that once the standard method is applied in accordance with national policy and guidance, there would actually be a five year requirement (excluding buffer) for 2,510 homes per annum in Wychavon and 6,415 homes per annum across the SWDP. When applying a 5% buffer, this results in a five year requirement for 2,636 homes per annum in Wychavon and 6,736 homes per annum across the SWDP.
- 5.15. In concluding, the supporting report prepared by Pegasus states that once the supply is assessed against the minimum local housing need derived from the standard method, as required by national policy, Wychavon is unable to demonstrate a five year land supply and concludes that the supply would stand at 4.38 year's supply. This remains the case, even if the supply is assessed in aggregate across the SWDP (contrary to the PPG and SWDP) with the HLS statement concluding there would be a 4.31 year's supply for South Worcestershire.
- 5.16. Given the above, the weight to be afforded to the Council's policies for the supply of housing should be significantly tempered and the proposed provision of new housing and affordable housing at the application site is considered to be a very significant benefit of the proposals to be weighed in the planning balance.
- 5.17. Furthermore, on the basis that the Council cannot demonstrate a five year supply of deliverable housing land at this time, the Council's policies most relevant to the determination of this application are out of date in accordance with footnote 8 of the NPPF. Therefore, paragraph 11 of the NPPF applies which states that permission should be granted unless policies for protecting assets of particular importance provides a clear reason for refusing the development or any adverse impacts of permitting the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This will be assessed further below in the planning balance.

- 5.18. In any event, whether a local planning authority can demonstrate a five year supply is not of itself a reason for refusing planning permission. A five year supply of deliverable housing land is not a ceiling. It is the minimum that needs to be demonstrated, as per paragraph 74 of the NPPF.

Housing Mix and Affordable Housing Provision

- 5.19. Policy SWDP 14 requires all new residential developments of five or more units contain a mix of types and sizes of market housing informed by the latest Strategic Housing Market Assessment and / or other local data and developers' assessments. However, as the application is in outline, the housing mix will be further established at Reserved Matters Stage and will be designed to comply with the above policies.
- 5.20. The development proposes the provision of 40% affordable housing in accordance with Policy SWDP 15. The provision of affordable housing is considered to be a very significant benefit of the proposals, noting that the Council's latest Strategic Housing Market Assessment (SHMA), dated September 2019, identifies a shortfall of 43 affordable dwellings each year over the next five years across the district based on the latest available data from the council's housing register. Paragraph 5.13 of the SHMA also states that this figure is *"a minimum need as it is based on the number of households who have expressed a need for housing on the housing register"*.
- 5.21. The proposals will therefore contribute to addressing a key objective of the SWDP, as set out in Table 1 of the plan under Heading B at para. 3, where it states an objective of the Plan is *"To maximise opportunities to deliver affordable housing"*. In setting out the spatial context to the Plan, it also states:

*"Good accessibility and a high quality built and natural environment has led to the area being subject to relatively high levels of inward migration, which has kept market housing prices relatively high. **Housing affordability within both the urban and rural areas is a major issue and is likely to remain so throughout the plan period.**"* (Emphasis added)

- 5.22. Overall, the proposals clearly accord with Policy SWDP 15, and the provision of affordable housing represents a very significant benefit of the proposals to be weighed in the planning balance.

Heritage

- 5.23. Policies SWDP 6 and 24 seek to conserve and enhance the significance of heritage assets, including that gained from their settings.
- 5.24. When considering the previous proposals at the site, the appeal Inspector concluded that a key issue was the development on the pastureland and that the area of open space closest to the Church, and the loss of that pastureland would have an adverse effect upon the setting of the Church and thus

would harm its significance, albeit that it was a limited part of the Church's significance as a whole. This was considered to amount to less than substantial harm and the harm was therefore weighed against the public benefits of the proposed development.

- 5.25. Since that appeal decision, the application proposals have been significantly amended from the appeal proposals through a reduction in the amount of residential development proposed and a reduction in the red line site area. Therefore, the land to the north (which was previously contained in the red line site area) will remain undeveloped as agricultural pastureland.
- 5.26. The accompanying Heritage Impact Assessment (HIA) has assessed the proposals and the nearby heritage assets, including a description of their significance to allow potential impacts to be adequately assessed, as per the requirements of the NPPF. The HIA concludes that no harm to the Church and other surrounding listed heritage assets will arise as a result of the proposals. With regard to the Inspector's previous conclusions, the HIA identifies that the reasons for dismissal of that appeal have been addressed and the revised proposals do not result in harm to heritage assets.

Landscape and Visual Impact

- 5.27. Policy SWDP 25 requires that development proposals and their associated landscaping schemes must demonstrate the following:

"i. That they take into account the latest Landscape Character Assessment and its guidelines; and

ii. That they are appropriate to, and integrate with, the character of the landscape setting; and

iii. That they conserve, and where appropriate, enhance the primary characteristics defined in character assessments and important features of the Land Cover Parcel, and have taken any available opportunity to enhance the landscape."

- 5.28. It is acknowledged that when considering the previous proposals at the site for 144 dwellings, the Inspector concluded at paragraph 22 that the appeal proposals would have a *"harmful visual impact upon the open countryside and upon the character of Hampton Lovett"* and that the proposals would not be *"appropriate to, or integrate with, the character of the landscape setting"* it was therefore concluded that the proposal failed to accord with Policy SWDP 25 as a result.
- 5.29. Following the above appeal decision, the proposed development has significantly reduced the amount of development proposed to up to 102 dwellings, with the bulk of development focussed adjacent to the existing Doverdale Park site. The red line site boundary has also been reduced, so that the land to the north of the application site is now excluded from the proposals and remains as

agricultural pastureland, thereby also ensuring a greater gap between the proposed built development and heritage assets in order to ensure their setting is preserved.

- 5.30. As set out in the accompanying LVA produced by EDP, it is acknowledged that the proposals would inevitably change parts of an open field to residential land use, resulting in a noticeable change as a result of the development. However, the surrounding context of the site – particularly Doverdale Park – constitutes residential built form so that the proposals would not be in discordance with the existing character of the site. Furthermore, much of the open landscape would be retained as a result of the application proposals and would keep the pastoral character of the site intact to some extent. It is therefore concluded that the application proposals would result in moderate/minor adverse effects on the character of the site in the LVA.
- 5.31. The LVA goes on to state that the site benefits from being visually contained towards the wider countryside and that when looking at the Land Cover Parcels (LCPs) defined in the Worcestershire Landscape Character Assessment, which provide an in-depth analysis of local character specific to the site and its context, it is considered that LCP 2c currently comprises an industrial estate and would not be affected by the development and that any changes to the character of both 2f would be localised and would not affect the wider character. Effects on LCP 2c are considered to be minor adverse overall. The LVA also identifies that there are no anticipated effects on local landscape designations.
- 5.32. Overall, the LVA concludes that while the proposals would constitute a general change to the land use of the site, it would not be in discordance with the local context and local patterns of development. It notes that the development would be read as an extension to the existing residential development at Doverdale Park and that the location of built form, allowing for the retention of open fields to the north and south, respects the local character.
- 5.33. Furthermore, it considers that additional planting on the boundaries of the development and within the scheme would soften its visual effects and would provide varied landscape elements within the site. It is therefore concluded that the proposed development would not be inconsistent with the local landscape character.
- 5.34. It is also considered that the landscape enhancements would constitute a benefit of the scheme including additional tree and shrub resource associated with the site including tree planting along new roads, shrub and tree groups to the north of the development and shrub and tree planting to south and west of development. Albeit, as noted by the Inspector considering the previous proposals at the site, these enhancements would be required in part to screen and mitigate the harm of the appeal proposal the landscape enhancements.

- 5.35. Finally, in respect of views from PROW, it identifies that the development would be most noticeable from close-range views from residential receptors at the Forest and Doverdale Park and from users of PROW to the north of the site. These receptors are considered to experience a moderate/minor adverse effect. There would be limited to no visibility of the development from midrange and long-distance views. From the wider countryside to the north-east of the site there would be some visibility of the site. However, these effects would generally be screened due to the intervening vegetation and would constitute minor to negligible effects. Overall, the LVA states that while the proposed development would be prominent from certain close-range viewpoint locations, it is generally considered to be visually contained, having limited effect on the open countryside to the east.
- 5.36. Overall, the LVA concludes that the development would read as an extension to the existing residential development at Doverdale Park. While it would constitute a general change to the land use of the site, it would not be in discordance with the local context and local patterns of development. It is also stated that the location of built form, allowing for the retention of open fields to the north and south, would respect the local character. Furthermore, additional planting on the boundaries of the development and within the scheme would soften its visual effects and would provide varied landscape elements within the site. It is therefore states that the proposed development would not be inconsistent with the local landscape character. While it would be prominent from certain close-range viewpoint locations, it is generally considered to be visually contained, having limited effect on the open countryside to the east.
- 5.37. Given the above, it is therefore considered that the revised proposals accord with the aims and objectives of Policy SWDP 25. Nevertheless, even if it was considered that the moderate/minor adverse effects on the character of the site would result in some conflict with Policy SWDP 25, it is suggested that the conflict would be limited and that it also needs to be considered whether this policy is up to date in the context of the Council's 5YHLS position.

Green Infrastructure

- 5.38. As shown on the illustrative masterplan accompanying the application, the proposals at the site accommodate the provision of 40% Green Infrastructure. The proposals are therefore in accordance with Policy SWDP 5 a) in this regard.
- 5.39. It is acknowledged that site is also identified as an area of GI to 'Protect and Restore', and that Policy SWDP5 c) advises that, other than specific site allocations in the development plan, development proposals that would have a detrimental impact on important GI attributes within these areas will not be permitted unless certain criteria are met including that replacement of, or investment in, GI of at least equal community and technical benefit is secured.

- 5.40. As noted earlier in the landscape section of this Statement, the proposals will result in some local landscape enhancements, which was accepted by the Inspector when considering the previous appeal proposals. Overall, it is therefore considered that it cannot be said that the proposals would result in a detrimental impact on GI attributes. Therefore, the proposals are also in accordance with Policy SWDP 5.

Access and Highways

- 5.41. A Transport Assessment accompanies the application which concludes that the proposed traffic generation of the site would not have a material impact on the local road network. The increase in traffic from the proposed development would also not affect the safety conditions of the local road network.
- 5.42. It also demonstrates that appropriate vehicle access can be provided via a new ghost island right turn priority junction off Kidderminster Road. Adequate visibility can be achieved from the proposed site access junction and the layout of the junction will be sufficient to accommodate the required swept paths of the most onerous vehicles expected to require regular access to the Site (refuse collection vehicles).
- 5.43. A Travel Plan also accompanies the planning application which sets out measures and incentives to encourage increased travel to and from the site via more sustainable modes.
- 5.44. Overall, suitable access can be achieved and the impact on the local roads will not be severe in accordance with the requirements of the NPPF.
- 5.45. This is further evidenced by the conclusions of the Inspector at paragraph 52 of the appeal decision relating to previous proposals at the site which were for a greater number of dwellings than now proposed. The Inspector specifically stated: "The evidence before me indicates that the highway could acceptably accommodate the additional traffic and neither matter would result in a situation that would justify withholding planning permission."
- 5.46. In terms of pedestrian accessibility, the illustrative layout continues to indicate a footpath/cycle link through the site with an access point close to the roundabout at the south edge of the site near the A422. This would provide for a more attractive route from The Forest as well as the site when walking or cycling into Droitwich than the current route alongside the A422. At paragraph 47 of the appeal decision for the previous proposals, the Inspector states that the site's proximity to Droitwich and proposed increased accessibility were a modest benefit of the proposed development, which is considered equally applicable to the current application proposals.

Flood Risk and Drainage

- 5.47. The application is supported by a Flood Risk Assessment, a Water Management Strategy and a Sustainable Drainage Strategy which have been prepared by BWB Consultants.
- 5.48. The proposed built development is located within Flood Zone 1, lowest risk of flooding therefore the sequential and exceptions tests are not relevant to this application. A small part of the application site is located in Flood Zone 3 however, no built development is proposed in this area.
- 5.49. In summary, the FRA concludes that the scheme would not place prospective residents at risk of flooding. Furthermore, by ensuring suitable management of the surface water runoff discharging from the site, there will be no increase in flood risk to the wider catchment area in line with Policy SWDP 28 and Paragraph 167 of the NPPF.
- 5.50. The Sustainable Drainage Strategy and Water Management Statement identifies that SUDs will be utilised, and that water pollution and consumption will be minimised. The Sustainable Drainage Statement demonstrates the drainage design for the development the hierarchy of discharge, runoff rate and volume criterion will comply with Policy. In brief, the development will continue to discharge surface water to the Elmbridge Brook at the equivalent greenfield QBAR rate. Attenuated surface water storage will be provided with capacity for the 1 in 100-year storm with an allowance for climate change.
- 5.51. It is proposed to drain foul water from the development separately to surface water. Foul water will be drained into the existing foul water sewer located on site. The local surface operator has confirmed capacity for the proposed development.
- 5.52. Overall, it is therefore considered that the proposals accord with Policies SWDP 28 and 29, and paragraph 167 of the NPPF.

Ecology and Arboriculture

- 5.53. Policy SWDP 22 relates to the requirement to conserve and enhance biodiversity and requires development biodiversity and geodiversity interest, as well as to conserve on-site biodiversity corridors and networks. The NPPF also recommends for new development to achieve a biodiversity net gain (BNG).
- 5.54. The site is not subject to ecological designation. An Ecological Appraisal accompanies the application which identifies the survey work that has been undertaken at the site. The survey work provided demonstrates that the development proposal would not compromise the favourable condition of species or habitats of principle importance subject to the undertaking of recommended on-site

mitigation which could be secured by planning condition. Opportunities for significant biodiversity enhancement have also been identified through the retention of hedgerows, trees, and woodland; alongside the enhancement of the existing and new species-rich wildflower grasslands; and extensive new landscape planting in open spaces; significant ecological net gains can be achieved on-site which again could be secured by planning condition.

- 5.55. Overall, the Ecological Appraisal confirms that through the implementation of the safeguards and recommendations set out within the report the proposals would accord with planning policy with regard to nature conservation at all administrative levels. In addition, it is considered that the recommendations outlined would create a significant net enhancement to biodiversity post development.
- 5.56. The Arboricultural Survey Report produced by Barton Hyett Associates identified two category A trees within the site. Both are to be preserved/protected in accordance with Policy SWDP22 and Paragraph 131 of the NPPF. The Ecological Assessment produced by Ecology Solutions also found that three trees on-site have moderate bat potential. These trees are to be retained and safeguarded and post-development a sensitive lighting scheme could be implemented if necessary. To provide bats with foraging and roosting opportunities hedgerows will be retained; new trees will be planted; grasslands will incorporate species-rich grasslands and a SuDS feature; and bat boxes will be provided. Birds will also be supported through retention of hedgerows and trees, and the erection of bird boxes.
- 5.57. Furthermore, the Ecological Appraisal confirms that the proposed drainage strategy alongside careful construction in respect of pollution control/dust as part of the development proposals will negate any potential effect to nearby designated sites.
- 5.58. The proposal is therefore compliant with Policy SWDP 22 and paragraph 118 of the NPPF.

Design and Residential amenity

- 5.59. The application proposals are submitted in outline with all matters of detailed housing design and layout to be dealt with at reserved matters stage. However, it is considered that the proposals shown on the illustrative masterplan demonstrate how a suitable design and layout could be achieved at the site to accommodate the erection of up to 102 dwellings. As identified earlier, the illustrative masterplan also shows how 40% Green Infrastructure can also be achieved at the site in line with policy requirements. Furthermore, it is considered that the proposals will effectively integrate with its surroundings, as detailed in the LVA supporting this application.

5.60. Clark Saunders Acoustics have also prepared an updated Noise Impact Assessment to support the application which identifies appropriate mitigation measures for the site layout and internal housing layouts, which will be incorporated into the proposal at the reserved matters stage to ensure the development would not be subject to unacceptable noise pollution.

5.61. It is therefore considered that the proposals accord with Policy SWDP 21.

Air Quality

5.62. Policy SWDP 31 requires that development proposals are designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, on, inter alia, Air Quality Management Areas (AQMA).

5.63. The application is accompanied by an Air Quality Assessment prepared by AQ Consultants which has considered the impacts of the proposed development on local air quality in terms of emissions from road traffic generated by the completed and occupied development. It has also identified the air quality conditions that future residents will experience.

5.64. The assessment has demonstrated that pollutant concentrations will be well below the objectives at all existing receptors in 2024, with or without the proposed development, and that the emissions from the additional traffic generated by the proposed development will have a negligible impact on air quality conditions at all existing receptors along the local road network.

5.65. Air quality conditions for future residents of the proposed development have been shown to be acceptable, with concentrations well below the air quality objectives at the worst-case locations assessed.

5.66. The overall operational air quality effects of the proposed development are therefore judged to be 'not significant'.

5.67. In conclusion, it is judged that the proposed development is consistent with Paragraph 185 of the NPPF, being appropriate for its location both in terms of its effects on the local air quality environment and the air quality conditions for future residents. In this regard, it is also compliant with the SWDP, avoiding significant adverse impacts from pollution on human health and wellbeing, or on an AQMA. This report also provides an appropriate air quality assessment in line with the requirements of the emerging SWDP Review Policy SWDPR 36 on air quality.

Planning Balance

- 5.68. It has been identified earlier in this Statement that there is some conflict with development plan policy in respect of the site's location outside of the settlement boundary. It has also been identified above that there are some limited and localised landscape impacts that would arise from the proposals, albeit that it is not considered this means the proposals conflict with Policy SWDP 25.
- 5.69. Given the above, it falls to be considered whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
- 5.70. As identified earlier, it has also been set out that Wychavon District Council is currently unable to demonstrate a 5 year housing land supply which represents a significant material consideration in relation to the determination of the application proposals.
- 5.71. In this circumstance, according to Paragraph 11 d) of the NPPF the most important policies relevant to the determination of the application are out of date and permission should be granted unless:
- iv. *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*
 - v. *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*
- 5.72. Paragraph 202 of the NPPF requires heritage harm to be weighed against the public benefits of the scheme. As identified earlier, it has been identified that there is no heritage harm arising from the proposals. Nevertheless, even if it was to be considered that there was less than substantial harm to heritage assets as a result of the proposals, contrary to the conclusions of Cotswold Archaeology, it is considered that there are substantial benefits of the application proposals which are sufficient to outweigh that heritage harm. It is therefore considered that the balancing exercise under paragraph 202 of the NPPF is therefore favourable to the proposal even in the scenario that the Council disagrees there is no harm to heritage assets.
- 5.73. Given the above, it is clear that under limb (i) of the test at NPPF paragraph 11 d), there are no protective policies which provide a clear reason for refusing the development proposed. This section therefore summarises the benefits and harms associated to the development and the level of weight which may be attributed to them in the planning balance.
- 5.74. In summary, the benefits to be weighed in the balance are:

- i. Social benefits arising from the boosting the supply of housing;
- ii. Social benefits arising from the provision of affordable housing;
- iii. Social and environmental benefits arising from the provision and improvement to public open space;
- iv. Economic benefits, including the creation of construction jobs and the improved vitality and viability of the local area from an increase in residents;
- v. Environmental benefits as a result of biodiversity enhancements;
- vi. Environmental benefits as a result of the sustainable location of the site in proximity to Droitwich;
- vii. Environmental benefits associated with the proposed landscape enhancements arising from the proposals;

5.75. The aforementioned benefits were also agreed by the Inspector in respect of the previous proposals at the site, as referred to in Section 2 of this Statement.

Benefits

Contribution to 5 year housing land supply/significantly boosting supply of housing

5.76. In the context of the need to significantly boost the supply of housing as set out in the NPPF and the council's lack of a five-year housing land supply, the benefits of providing market housing should be given substantial weight.

5.77. This is supported by a number of appeal decisions which give a high level of weight to the provision of dwellings in such circumstances. Indeed, the Inspector considering the previous appeal attributed substantial weight to the provision of market and affordable housing when considering the previous proposals at the site. This was despite the fact the Inspector considered the Development Plan had delivered what was required in terms of housing and affordable housing at the time the appeal was determined, and that it was considered the Council was moving forward with a timely review of the Plan at that time. These circumstances have now changed in that the Council cannot demonstrate a 5YHLS and the preparation of the SWDPR has been significantly delayed, further demonstrating that substantial weight should still be applied to the delivery of new homes.

Provision of affordable housing

5.78. The proposal will provide 40% of affordable homes. This is considered to be a very significant benefit of the proposals when taking into account that there is also a demonstrable and ongoing need for affordable housing in the district as set out in Section 4 of this Statement and with reference to the council's latest SHMA and SWDP objectives.

5.79. The benefits of providing affordable housing should therefore also be given substantial weight.

Provision and improvements to Public Open Space and Green Infrastructure

- 5.80. 40% of the site is proposed as public open space and green infrastructure in accordance with the requirements of SWDP 5. Ecological habitats will also be enhanced, and a natural play area provided to the south. Formal and informal paths will be integrated, improving the accessibility of the POS.
- 5.81. The provision of POS as part of the proposals will also provide a number of social and environmental benefits, including:
- Helping to enhance quality of life, through improving mental and physical health;
 - Promoting community cohesion and reduce isolation;
 - Providing opportunities for active lifestyles;
 - Providing walkable routes through the site and to Hampton Lovett and Droitwich;
 - Enhancements to biodiversity; and
 - Reducing flood risk;
- 5.82. The above is supported by Paragraph 98 of the NPPF, which reiterates the importance of having access to a network of high quality open spaces, for the health and well-being of communities, and the wider benefits for nature it can deliver, noting that high quality open space can also support efforts to address climate change.
- 5.83. This provision is therefore considered to be a benefit of the proposals that can be attributed moderate weight, as per the conclusions of the Inspector at paragraph 48 of the previous appeal decision relating to the site.

Economic benefits, including the creation of construction jobs and the improved vitality and viability of the local area from an increase in residents

- 5.84. Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, this includes *“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”*.
- 5.85. The proposal will contribute to addressing this objective by providing market and affordable housing which is deliverable, and which would bring value to the local economy in the form of local construction jobs for the medium term and in the long terms through an increase in expendable income in the area. The Home Builders Federation Housing Calculator also identifies that building

130 homes can support the employment of 316 people. The proposals would also generate the New Homes Bonus.

- 5.86. Noting that Paragraph 81 of the NPPF states that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”* It is therefore suggested that significant weight can be attributed to the collective economic benefits of the proposals. This point has been agreed in other recent appeal decisions elsewhere, including an appeal in Calne, Wiltshire in November 2021 (Appeal Ref: APP/Y3940/W/21/3275477) where the Inspector stated at paragraph 74:

*“There would be economic benefits associated with the additional spending from the new housing, along with temporary construction spend. It is agreed between both parties that **this should be afforded significant weight, as detailed by paragraph 81 of the Framework.**”*
(emphasis added)

Enhancements to biodiversity

- 5.87. The application scheme continues to propose significant areas of open space and land to be managed for ecological benefit, which would support bats, as well as providing for recreational access. It will also result in a BNG of 20%, which is in excess of that which was to be provided as part of the previous appeal proposals.
- 5.88. The Inspector concluded that the previous proposals would *“represent a significant benefit to the local habitat”* and therefore accorded this moderate weight in the planning balance (see paragraph 50). However, given the proposals are now providing a 20% BNG, it is considered that the ecological enhancements described in this Statement and the accompanying ecological reports should be attributed substantial weight. This is in line with a recent Secretary of State decision relating to Land off Pump Lane, Rainham, Kent (APP/A2280/W/20/3259868) where it was agreed that the provision of at least a 20% BNG, to be secured by condition, was a benefit that attracted substantial weight in the planning balance.

Sustainable location in proximity to Droitwich

- 5.89. The application site is clearly sustainably located on the edge of Droitwich. Droitwich contains a number of services and facilities including a shopping centre, supermarkets, a hospital, Primary and Secondary Schools, a Leisure Centre, eateries, public houses and office space.
- 5.90. The proposed illustrative layout also continues to indicate a footpath/cycle link through the Site, with an access point close to the roundabout at the south edge of the site near the A422, as per the previous appeal proposals at the site. In this regard, the Inspector confirmed that this footpath would provide for a more attractive route from The Forest as well as the appeal site when walking or cycling

into Droitwich than the current route alongside the A422 which would be of benefit to existing and future residents. The proximity to Droitwich and increased accessibility are a modest benefit of the proposed development.

- 5.91. In line with the conclusions of the Inspector in relation to the previous proposals for the site (see paragraph 48), it is therefore considered that the proximity to Droitwich and increased accessibility represent a benefit of the proposed development which can be attributed modest weight.

Proposed landscape enhancements

- 5.92. It has been set out earlier that landscape enhancements would be provided as part of the proposals which would be a benefit of the scheme. Albeit, as noted by the Inspector considering the previous proposals at the site, these enhancements would be required in part to screen and mitigate the impact of the appeal proposal, thereby limiting the weight to be attributed to this.
- 5.93. It is therefore considered the landscape enhancements are a benefit of the proposals that can be attributed limited weight.

Adverse Impacts

- 5.94. The adverse impacts to be weighed in the planning balance are:
- i. Conflict with SWDP and SWDPR due to the site's location outside of the settlement boundary; and
 - ii. Impact on landscape character.

Conflict with the SWDP and SWDPR due to the site's location outside of the settlement boundary

- 5.95. Whilst it is acknowledged that there is some conflict with Policy SWDP 2 due to the site's location outside the settlement boundary, that conflict should be substantially tempered due to the Council's inability to demonstrate a 5YHLS. Furthermore, the harm arising is considered to be modest given the site's sustainable location in proximity to Droitwich (the most sustainable settlement in the district) and its accessibility to nearby services and facilities mean that there is some compliance with the overarching spatial strategy outlined at Policy SWDP 2 in this regard. In addition, it has been demonstrated earlier that the site's development would not give rise to significant landscape impact as a result of the reduced development proposals.
- 5.96. Given that the above, it is considered that the conflict with the development plan policies relating to the supply of housing should attract only no more than moderate weight. In respect of the emerging

SWDPR, it has also been identified earlier that no more than limited weight can be attributed to it at this stage given its stage of preparation.

Impact on landscape character

- 5.97. The appeal decision relating to the previous proposals at the site identified that the proposals would cause harm to the landscape character and appearance.
- 5.98. However, the application proposals have now been revised taking into account the considerations of the Inspector in relation to the previous proposals. As set out earlier, this has resulted in a significant reduction to the amount of proposed development, as well as a reduction in the red line site area, meaning that the land to the north is now proposed to remain as agricultural pastureland.
- 5.99. The LVA concludes that overall, there will be a limited impact on the landscape. The site character will change from open greenfield land to residential development. These changes will be localised, only impacting views from the forest, Doverdale Park, and the PRow. Screening will mitigate against impact on the wider landscape. It goes on to state that the change in land use of the site will *“read as an extension to the existing residential development at Doverdale Park and would not be in discordance with the local patterns of development. The location of the built form, allowing for the retention of open landscape to the north and south of the proposed residential dwellings, appears to respect the local character”*.
- 5.100. Therefore, it is considered that the impact on the landscape character is limited and cannot be said to significantly and demonstrably outweigh the significant benefits of the proposals, as set out above.
- 5.101. Furthermore, even if it were to be considered that the proposals would conflict with Policy SWDP 25, it is suggested that this policy would form one of the most important policies for determining the application and given the Council’s 5YHLS position, it should therefore be attributed reduced weight.

Conclusion on the planning balance

- 5.102. Overall, it is considered that the cumulative benefits of the appeal proposal including the delivery of housing in the light of housing supply shortfall, the delivery of affordable housing, the sustainable location of the site in proximity to Droitwich, biodiversity enhancements and economic benefits arising during construction and once the development is occupied, should collectively be attributed significant weight.
- 5.103. Conversely, the only adverse impacts arising from the proposals relate to the conflict with the development plan policies for housing due to the site’s location outside of the settlement boundary,

which attracts no more than moderate weight, due to the Council's HLS position, and the limited and localised impact on landscape character.

- 5.104. As such, it is therefore considered that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits of the proposals. As such, the presumption in favour of sustainable development applies and paragraph 11 of the NPPF advises that planning permission should be granted.

6. CONCLUSION

- 6.1. This Planning Statement has been prepared on behalf of Beechcroft Land Ltd and the Trustees to support a revised outline planning application for the development of up to 102 dwellings on land to the north of Droitwich Spa, Worcestershire. The application seeks approval of the means of access only, with all other matters reserved for future consideration.
- 6.2. It has been identified that the Council is currently unable to demonstrate a 5 year housing land supply and that the presumption in favour of sustainable development, as set out at Paragraph 11d of the NPPF, is engaged so that 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 taken as a whole.
- 6.3. This Statement has demonstrated that the application proposals are sustainably located and accord with relevant planning policy in respect of design, landscape, ecology, transport and access, flood risk, air quality, noise and drainage.
- 6.4. Whilst there is some conflict with Policy SWDP 2 as a result of the site's location outside the settlement boundary, it has been identified that the weight to be attributed to this conflict in the planning balance is diminished for the reasons set out within this Statement.
- 6.5. It has also been identified that the only site-specific impact arising from the proposals relates to some limited and localised impact to the landscape character as a result of the change from open greenfield land to residential development. However, the impact on the landscape character is limited and cannot be said to significantly and demonstrably outweigh the significant benefits of the proposals.
- 6.6. Overall, it is considered that the cumulative benefits of the appeal proposal including the delivery of housing in the light of housing supply shortfall, the delivery of affordable housing, the sustainable location of the site in proximity to Droitwich, biodiversity enhancements and economic benefits arising during construction and once the development is occupied, should collectively be attributed significant weight.
- 6.7. Conversely, the only adverse impacts arising from the proposals relate to the conflict with the development plan policies for housing due to the site's location outside of the settlement boundary, which attracts no more than moderate weight due to the Council's HLS position, and the limited and localised impact on landscape character.

6.8. As such, it is therefore considered that the adverse impacts of the proposal do not significantly and demonstrably outweigh the benefits of the proposals. As such, the presumption in favour of sustainable development applies and paragraph 11 of the NPPF advises that planning permission should be granted.

Appeal Decision

Inquiry opened on 8 October 2019

Site visit made on 15 October 2019

by Zoë H R Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 28th January 2020

Appeal Ref: APP/H1840/W/18/3218814 Land to the North of Droitwich Spa

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Beechcroft Land Ltd & Henry Bouskell c/o Trustees of the Wimbush Droitwich Settlement against the decision of Wychavon District Council.
 - The application Ref: 17/01631/OUT, dated 4 August 2017, was refused by notice dated 18 June 2018.
 - The development proposed is described as an outline planning application for the erection of up to 144 dwellings (including 50% affordable), access and associated works. Matters relating to Appearance, Landscaping, Layout and Scale are reserved for future consideration.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Inquiry opened on the 8 October 2019 and sat on the 8-11 October and 15 October. The accompanied site visit took place on the 15 October.
3. The appeal site address set out in the header above is taken from the application form. The description on the form which accompanies this address provides greater detail, namely 'Site between Berry Hill Industrial Estate, Hampton Lovett Industrial Estate and 'The Forest', Hampton Lovett' and the address given on the Council's Decision Notice is 'Land to the East of Kidderminster Road, Hampton Lovett'.
4. Prior to the determination of the planning application the description of development was amended, on 20 March 2018, to that set out in the header above. This was the basis upon which the Council determined the scheme and so shall I.
5. As part of the appeal process the reasons for refusal were reconsidered and progress made to resolve issues. As a consequence, the Council withdrew from defending reasons for refusal no 3, relating to archaeology, and no 4, relating to ecology, and accepted that no 5, relating to financial contributions could be overcome.
6. A Section 106 Obligation (s.106) was provided in draft form at the Inquiry. Two weeks were allowed, after the close of the Inquiry, for execution of this legal agreement. The signed document was executed and submitted to the

Planning Inspectorate on 24 October 2019. The s.106 provides for on-site affordable housing (50% of the dwellings to be built) and their occupation and delivery; on-site public open space and the public space contribution (including a formula for calculating that contribution); and, an off-site formal sport contribution.

7. After the Inquiry had closed the Council drew attention to the fact that South Worcestershire Development Plan Review Preferred Options document had been made public. Both main parties were given the opportunity to comment upon that matter and I have had regard to their resulting comments within the appeal decision.

Main Issues

8. The main issues in this case are the effect of the proposed development on:
 - (a) the character and appearance of the local area having particular regard to landscape; and,
 - (b) heritage assets, particularly the setting of the grade I listed Church of St Mary.

Whilst the main parties agreed that there would be no harm to the setting of the grade II listed buildings associated with the Church, namely the Pakington Memorial and the lychgate, as well as other historic properties of the settlement, including The Old Rectory (grade II) and Hampton Farmhouse (grade II), I am mindful of my statutory duty to consider those other listed buildings and of the comments of others in respect of them.

It is also necessary to consider local policy, including the weight to be given to and implications of, emerging policy, and national policy and how it should be applied, as well as considering other matters, including any benefits of the scheme, in order to arrive at a planning balance.

Reasons

Character and Appearance

9. The appeal site is situated outside the settlement boundary of Droitwich, which is defined in Policy SWDP 2 of the South Worcestershire Development Plan (SWDP) 2016 (the Development Plan). In terms of this policy, the appeal site is therefore located in open countryside. An emerging Development Plan, the SWDP Review, is in its early stages with the Preferred Options being made public not long after the end of the Inquiry. The appeal site is not proposed to be allocated for development. However, I am mindful that the emerging plan is at a very early stage in its preparation and so can be afforded little weight. The wider implications of this emerging Plan are considered later in this Decision.
10. Policy SWDP 25 of the adopted plan requires that development proposals and their associated landscaping scheme must demonstrate that they take into account the latest landscape character assessment and its guidelines. It seeks that proposed development is appropriate to, and integrates with, the character of the landscape setting. It also seeks that they conserve and, where appropriate, enhance the primary characteristics defined in character

assessments and any important features and take opportunities to enhance the landscape.

11. The appeal site is located within the Severn and Avon Vales National Character Area (NCA). This NCA identifies that the northern part of this area falls into two distinct landscape character types. The appeal site is located within an area of ancient landscape of dispersed settlements with numerous open commons, reflecting needs of droving routes, and small pasture fields.
12. At a more local level the Landscapes of Worcestershire have been identified. The appeal site falls within the Principal Timbered Farmlands. This is described as being of a small to medium scale wooded, agricultural, landscape filtered by views through trees. The tree planting is described as irregularly shaped, with winding lanes, wayside dwellings and farmsteads. The primary characteristics are field hedgerow boundaries and particularly hedge trees and ancient woodland. Secondary characteristics include the organic enclosure pattern, small-scale landscapes with vegetation filtered views and brick and timber buildings. The tertiary characteristics are the mixed farming land use and dispersed settlement pattern. The illustrative plan shows this type of development, woodland and field pattern.
13. The site is located to the north of Droitwich. The proposed development would be beyond the strategic gap which is situated between the edge of Droitwich and the appeal site. Whilst part of a wider land parcel, the scheme would be designed to avoid that strategic gap area. I saw that the topography of the strategic gap, including a curving valley of lower land, creates a well-defined area of land, including woodland, and so retains a strong sense of separation from the town of Droitwich.
14. The Hampton Lovett industrial estate is located near to the appeal site, to the west of the A422. However, it is well screened by dense tree planting. Thus, although it is not countryside, it does not intrude significantly upon the appearance of the appeal site. I appreciate that in winter months when the deciduous trees are not in leaf, this area is likely to be more visually apparent, particularly given the use of external lighting. Nonetheless, I consider that the character of this industrial estate, whether or not it is part of the settlement of Hampton Lovett, does not prevent the appeal site from being perceived as countryside.
15. Doverdale Park is a site which is used for the siting of static mobile homes. The permanent use of this site is not disputed and the mobile homes are clearly treated as such by their occupiers. These mobile homes are set out in a grid pattern with defined plots. This visual block form and intensity of use creates its own character within the countryside. Whilst it is a detractor from the adjoining pasture, it is the type of use that can be found in rural locations and sometimes the most scenic of places. It is the result of the reuse of land, it seems of agricultural origin, as the site of the Hampton Lovett Workers' Hostel, presumed to be for agricultural workers, before later use as a Civil Defence Training School. In my view it clearly forms part of the current character of Hampton Lovett but a very specific and well-defined element of it. However, it is not characteristic of the landscape character type.
16. The other dwellings within Hampton Lovett are mostly concentrated along The Forest, essentially a straight, narrow, private road running east/west between the A422 and the Church of St Mary's. This linear development of some 6

dwellings, is on the northern side of The Forest, with fencing delineating the opposite side and forming part of the site boundary (appellant's Photomontage FM2 and FM3). There are also a few dwellings concentrated near to the entrance to The Forest alongside the A422, but as shown on Photomontage FM1 (provided by the appellant) this side of the A422 retains a rural appearance. In addition, to the dwellings on The Forest, there are more isolated dwellings. These include Forest End, a wayside dwelling situated alongside the A422 close to a roundabout. All of these dwellings are situated with roadside frontage, albeit The Forest, as a vehicular route, terminates just after the Church at the railway line. The character of dwellings alongside ways, or roads, is part of the landscape character for this area.

17. The Old Rectory, which has a functional and visual link to the Church, and The Farmhouse (both listed grade II) are located to the north of the site in an elevated position. These dwellings are typical of the dispersed element of settlement and landscape character.
18. The railway line (Worcester to Kidderminster) is a well-defined feature of the area around the site, being built up to cross the valley landscape with embankments where necessary so that it is pronounced in some views and less so in others. Compared to the Church this is a modern landscape feature. Nonetheless, it is not a new feature of the landscape. This development is a functional one but includes attractively engineered brick-built tunnels under the track facilitating pedestrian access on the public right of way which runs along The Forest.
19. The site is, thus, bordered in part by the low-key road and low-density linear housing of The Forest, the A422, Doverdale Park, the railway line and the land of the Strategic Gap. The site itself is relatively flat pastureland, and part of a larger field area sloping down to the valley and strategic gap. Beyond the railway line there is wooded land and then rising land of larger fields to both the east and north.
20. The character of the appeal site is of agricultural land, with woodland planting and hedgerows. While the railway separates this land from the wider expanse of farmland, it is not an uncharacteristic feature of open countryside, indeed main railway lines cross such landscapes. The built form of settlement is of dispersed housing and wayside housing. Whilst the mobile home park creates a different built form, and is part of the immediate area, the mobile homes are physically low structures. The housing proposed might screen those mobile homes, which detract from the agricultural pastureland, from some directions. However, an estate of modern suburban dwellings would appear even more uncharacteristic, being at odds with those mobile homes, the agricultural land, the dispersed dwellings and the linear housing along The Forest and other wayside dwellings.
21. I saw that there were relatively limited views of the site when approached from the road and footpath network. Nonetheless, there would be views of the proposed housing, albeit with screening or set within foreground and background planting, which would still be likely even after enhanced planting had become established. In particular, there would be views from the east of the site, the length of The Forest, and from the A422. There would also be views from passing trains, albeit these are likely to be of relatively short duration. The impacts on walkers along The Forest/Monarch's Way would be

more significant than for many other users of this landscape. This is because the dwellings along The Forest to the Church and the open space towards Doverdale Park, and beyond it, provide a low-key transition between the countryside and urban fringe development of the industrial estates at this side of Droitwich. The proposed development, even with some areas of public open space, would result in a suburban character between the railway line and A422. This would detract from the enjoyment of the route for those taking longer walks along The Monarch's Way/public right of way network and for those using the more immediate area between the main road and the Church as an opportunity to get away from the urban area for short recreational breaks.

22. Whilst the site is close to the urban fringe, it is situated beyond the settlement gap. Notwithstanding Doverdale Park, and indeed the well-screened industrial estate to the west side of the A422, development in this location would have a harmful visual impact upon the open countryside and upon the character of the settlement of Hampton Lovett. I do not consider this to be appropriate to, or to integrate with, the character of the landscape setting and so I conclude that in this respect the proposal fails to accord with Policy SWDP 25.
23. Even if the primary characteristics set out on the Landscapes of Worcestershire Landscape Information Sheet for Principal Timbered Farmlands, those being the hedgerows, including hedgerow trees, and ancient wooded character, are conserved and enhanced in any landscaping scheme, I do not consider that this results in compliance with Policy SWDP 25 taken in totality. Rather, I consider that the proposed development, as a whole, would be harmful to the open countryside, landscape character, and upon the character of the settlement of Hampton Lovett. In this respect, as well as being located outside the settlement boundary for Droitwich, contrary to Policy SWDP 2, there would be a failure to accord with the development plan and this would not simply be a 'technical failure' by being outside of the development boundary as put forward by the appellant.

Listed Buildings

24. Policies SWDP 6 and 24, taken together, seek to conserve and enhance the significance of heritage assets, including that gained from their settings.

The Church of St Mary

25. The key heritage asset in this appeal is the Church of St Mary, a grade I listed building. It is a church dating from the C12, with C14-16 alterations and work of restoration in the mid C19. It is constructed of ashlar stone under a plain clay tile roof. The nave, of two bays, is the oldest part of the building, with a C14 chancel and C16 tower and porch. Later remodelling and restoration is particularly evident in the fenestration and roof. Internal fittings and features include the font, comprising a C14 base and C19 bowl, and the chest tomb of Sir John Pakington; indeed, the Pakingtons, who were responsible for much of the alteration and restoration, are evident in other memorials, including a reclining effigy of Sir John. There are also fragments of armorial glass dating to 1561. The interior, therefore, provides a wealth of historic features which demonstrate high quality materials and craft skills, display aesthetic and social and cultural values as well as being, in part, of great age. The exterior of the building is also important; it displays high quality architecture and changes through the ages. It has community significance as a building of ecclesiastical design and prominence and as a place to mourn those buried there and a place

- to enjoy other religious services, such as weddings or celebrating harvest festivals; the ecclesiastic relationship, and thus historical significance to the community, is not limited to that within the building.
26. The appellant's heritage witness places great weight upon the medieval fabric of the building also stating that only the churchyard and the potential surviving buried archaeological remains of the former medieval settlement contribute to the Church's heritage significance. However, I do not agree. The Church is the listed building, and whilst its great age is particularly important, its later elements are also of significance and value, as is its wider setting.
27. The National Planning Policy Framework (the Framework) Glossary defines significance for heritage policy as being 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.¹
28. The associated buildings and structures such as the lychgate, Pakington Memorial, The Old Rectory, and the buildings on The Forest are not integral to the building itself, but they contribute significance to it by adding to understanding of the history of the building, its associations, values and relationships. For instance, the outdoor memorial to Lady Pakington (1841) whilst much later than the internal memorial to Sir John Pakington (1551) contributes to the significance of the church demonstrating the long family association. (The Pakingtons had moved from Hampton Lovett to the nearby Westwood Park after the Civil War.) The railway line provides for a passage under the rail tracks along the route to The Old Rectory. This provides evidential value that contributes to the understanding and significance of the Church in respect of its importance within its community at that time and its interrelationships with other buildings in the landscape.
29. Turning to the appeal site, it is an area of open pastureland to the south of the Church. Whilst it does not have a fixed functional, ownership or financial link to the building, the open pastureland provides a clear rural setting and strong sense of separation from the town of Droitwich which has been the case for hundreds of years. It provides for a sense of calmness even if it is not particularly tranquil. This setting therefore reinforces understanding of the historic role of the Church in providing for a rural community over a sustained period and this contributes to the significance of the asset. Additionally it provides for aesthetic interest that is derived from glimpsed views along The Forest of the Church seen with a woodland backdrop and with a pastureland context.

The Effect of the Proposed Development on The Church of St Mary

30. It is agreed that there would be no harm to the fabric of the building or to its immediate setting provided by the churchyard. Whilst much of the significance of this heritage asset is derived from its built fabric, internal features, memorials and associations, the wider setting including the appeal site contributes to the significance of this asset as I have described. In this respect, my view coincides with that of the Council's witness, the WYG Heritage Assessment, which the appellant submitted with the planning application for

¹ It also adds detail about World Heritage Sites which does not apply here.

the appeal scheme, and the comments of Historic England, even if they have not provided specific evidence in this appeal.²

31. At present, the comparatively tall height of the church tower compared with the rest of the church and nearby dwellings is partly masked, other than in winter months, by existing large trees adjacent to and within the churchyard. Even had that not been the case, the proposed dwellings, whilst reducing openness to the south of the church, would not seek to compete with the monumentality of the church tower, or indeed the wayfinding function this provides. This is because existing key routes upon which it provides a way-finding role would not have views interrupted by the proposed development site, and because the dwellings would be set back from that route and not be as tall as the tower.
32. The potential to reinstate part of the former footpath crossing the site from the front entrance of the Church towards Droitwich would be of some benefit to historic understanding. However, this route has already been lost and would not be able to provide for historic connections limiting the weight to this benefit. The fact that the route would be through suburban housing would also limit any benefit derived from its provision.
33. The key issue is therefore the effect of developing on the pastureland itself. Whilst it is intended to provide open space on the area closest to the Church, the loss of that pastureland would have an adverse effect upon the setting of the Church and thus would harm its significance, albeit this is a limited part of its significance as a whole. In the terms of the Framework, this amounts to less than substantial harm however, it is still of considerable importance and weight. As such, it is harm which should be weighed against the public benefits of the proposed development.

Other Listed Buildings

34. Within the churchyard, the Pakington Memorial, to Lady Pakington, dating from c.1841 is listed grade II. Its main significance is as a monument. It is positioned adjacent to the footpath to the Church, between the church and lychgate. In this location, sheltered by the Church, within its well-defined churchyard, its setting within this ecclesiastical boundary contributes to its significance. However, that setting is an intimate one which does not extend to the appeal site. As such, I concur with the main parties that whilst the proposed housing could be seen in combination with the monument this would not result in harm to this particular listed building.
35. The lychgate is also listed in its own right. It acts as a key gateway between the secular and sacred land, lychgates originally being the gateway place where a priest would meet a corpse being received for burial. This lychgate is of mid C19 date, of timber construction on an ashlar plinth under a plain, clay, tiled roof. The timber and iron work include ornamental elements. Its setting is primarily related to the Church and churchyard and the access road to them. These features clearly add to the understanding and significance of the lychgate as a listed building. The appeal site, being of open pastureland, provides an aesthetic context and sense of place which identifies this as a rural

² Historic England's comment that if the Council accepts the scheme it should take the opportunity to enhance and better reveal the significance of the Church does not undermine its position that there would be harm; rather it seems to me that the comment is a pragmatic one which seeks to best protect the Church should the Council have decided to support the scheme.

church lychgate. However, given the scale of the structure, and the proposed retention of open space at this point the proposed development would have a negligible impact upon the significance of the lychgate in its own right.

36. The Old Rectory, dating from c.1800, is a three-storey building, with later additions. It is located on a high point in the landscape above St Mary's Church, to which it has a historical functional link. The footpath between The Old Rectory and the Church includes a tunnel beneath the railway line and is of historic interest. The wider setting of the surrounding agricultural land and proximity to Hampton Farmhouse, the Church and dwellings of The Forest all contribute to the understanding and significance of The Old Rectory. The siting of the proposed housing to the south of The Forest would prevent there being harm to the relationship between the Church and The Old Rectory, or to the relatively isolated, rural, location of The Old Rectory. Nor would there be harm to Hampton Farmhouse, a three-storey red brick house, situated within its agricultural setting.

Conclusion on Heritage Assets

37. I conclude that there would be harm to the Church of St Mary. In terms of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposed development would fail to preserve the setting of the Church of St Mary and I should have special regard to the desirability of preserving that setting when arriving at the decision. In terms of the Framework, that harm would be less than substantial. Nonetheless, the harm to that listed building is a matter of considerable importance and weight for the planning balance. Moreover, it would result in conflict with Policies SWDP 6 and 24.

Other Matters

38. It was agreed at the Inquiry that there is a five year supply of housing land (at the 2019 appeal base date)³. In this circumstance, paragraph 11 d) the Framework does not apply.
39. That does not mean that benefits of the proposal, including the provision of market and affordable housing, are not material considerations.
40. The Government seeks to significantly boost the supply of homes. This is a matter for both plan making and decision taking, but it is not at all costs.
41. As noted, the five year housing land supply is currently being met without factoring in oversupply in previous years. On that basis, taking no account of oversupply, the appellant accepts that the housing land supply position, on a base date of 2019⁴ identifies that there would be a 168 dwelling surplus. The appellant considers this is too close for comfort. It is also accepted that the five year supply may soon fall into deficit but that is not currently the case. I acknowledge that four appeal decisions have been provided which do not consider that oversupply should be considered as part of the housing land supply equation⁵. In this case I am not looking at a circumstance where the required supply is not being provided so there is no need to consider whether undersupply should be included within the calculations for the purposes of

³ This is accepted in Mr Brown's Rebuttal Proof ID 3

⁴ As set out in Mr Robert's PoE Appendix 2

⁵ APP/G1630/W/17/3184272 Land South of Oakridge, Highnam CD 7.6a and CD 7.6b (SoS); APP/J0405/W/16/3158833 Wendover (Mr Brown's Rebuttal Appendix); ID 11 APP/F4410/W/16/3158500 Westminster Drive, Doncaster; ID 14 APP/Z2830/W/18/3206346 Rothersthorpe

deciding how Framework paragraph 11 should be applied. However, in looking forward, there is nothing within the Framework or National Planning Practice Guidance (PPG) which clarifies this matter. The PPG only explains that where areas deliver more completions than required, the additional supply can be used to offset any shortfalls against requirements from previous years. In looking at future supply, it will be a matter for other Inspectors, and the Local Plan process will ultimately determine the housing requirement going forward, and that may, or may not, include any oversupply when looking at future supply requirements in the context of other Development Plan matters.

42. The main parties agreed that the need for greater housing numbers in the emerging Development Plan is likely to mean that greenfield sites will need to be released for development. However, that does not make this site acceptable. Rather, the proposal needs assessing on its own merits having regard to the current Development Plan and all other material considerations. The fact that future housing is likely to utilise greenfield sites in this local authority area is not a matter to which I attach significant weight in this appeal, as the use of such sites is likely in many locations as housing requirements increase.
43. In any event, the extent of supply and factors around supply can be material to decision making and, in this case, it is evident that the Council has been robust in its housing delivery which demonstrates that efforts are being made to do its part in boosting housing supply. This is not just the case for open market housing. The affordable housing delivery for Wychavon between 2011-2019 has been set out by the Council⁶ and identifies that the net affordable housing completions amount to 1,979 units, which against the Worcestershire SHMA⁷ illustrates a surplus of 297 units and against the Council's Housing Background Paper⁸ a surplus of 407 units. Whilst further provision and choice of affordable housing is desirable, particularly in areas where the affordability ratios are high as is the case here, and where demand for affordable housing is strong, the Council is meeting its targets in this area.
44. Whilst the appellant points to the national need to provide 300,000 new homes⁹ it cannot be correct to imply that they could be located anywhere. Rather, it needs to be in the context of the needs of housing markets, infrastructure and other planning constraints and opportunities.
45. I agree with the Inspector in the Badsey appeal¹⁰ that housing and affordable housing provision are benefits to be given substantial weight. However, as in that appeal, this does not amount to over-riding weight, rather it is a matter for the planning balance.
46. The scheme has been submitted in outline with matters of detailed housing design to be dealt with at a later stage. There is nothing before me to indicate that a suitable level of detailed design would not be achieved. Good design is a matter of good planning and would be expected in any event, so this matter is neutral in the planning balance. However, that does not mean Policy SWDP 21 would be complied with. That policy clearly explains that development will need to integrate effectively with its surroundings, which it would not. Nor, in

⁶ ID 1

⁷ CD 4.14

⁸ CD 4.17

⁹ ID 16

¹⁰ CD 7.16 APP/H1840/W/17/3192134

terms of criterion v., would the distinct identity and character of the settlement be safeguarded. It seems to me that this policy is intended to come into play where development of a site is in general terms acceptable and that is not the case here.

47. The site is within reasonable proximity to Droitwich, which is also accessible by bus. Droitwich itself provides main services and facilities and has a train station giving access to wider destinations. As such, the site is reasonably located in terms of accessibility. The proposed illustrative layout indicates a footpath/cycle link through the site with an access point close to the roundabout at the south edge of the site near the A422. This would provide for a more attractive route from The Forest as well as the appeal site when walking or cycling into Droitwich than the current route alongside the A422. Although it would be more circuitous for existing residents, it would, nonetheless be of benefit to them. The proximity to Droitwich and increased accessibility are a modest benefit of the proposed development.
48. Whilst landscape enhancement would be a benefit of the scheme it would be required, in part, to screen and to mitigate the harm of the appeal proposal, which limits the weight to accord it. The improvements to public open space in this location would be a benefit. However, I am mindful that there is a reasonable public rights of way network which facilitates public access to the countryside including circular walks. The requirement for open space derives from the proposed development. I therefore attach modest weight to this benefit.
49. The increase in population in Hampton Lovett could increase the vitality and viability of the community. I appreciate there are some local views that the existing community is active, and functions well, and so does not need enhancing. It seems to me that there would be a likelihood of increasing the community size, mix and diversity so increasing its vitality and viability. This benefit though is a modest one where the existing community appears to be actively engaged and vibrant.
50. Construction jobs would generate some local economic benefits. However, these are likely to be short-lived and would depend upon the employment approach of the developer. As such, I afford this benefit limited weight.
51. I understand that many of the residents of the mobile home site are concerned that the proposed development would harm their residential amenity, particularly in respect of outlook, privacy, noise and disturbance, and are also concerned about fire safety. The appeal scheme is in outline only, therefore particular inter-relationships would be matters for the detailed scheme. However, I am satisfied that there would be adequate space to provide for a scheme which would meet normal requirements for privacy, outlook and daylight. I note that there is no right to a private view. The type of activity anticipated from residential development, whether a mobile home or permanent dwelling, is such that noise and disturbance between the existing and proposed site use would not be unacceptable in principle. Concerns relating to building safety would be a matter for Building Regulations, including relating to fire safety. As such, this matter is neutral in the planning balance.
52. Local residents are concerned about the impact of additional traffic on the highway network and associated pollution. The evidence before me indicates that the highway could acceptably accommodate the additional traffic and

neither matter would result in a situation that would justify withholding planning permission. Indeed, it is a matter of common ground between the main parties that this is the case. The ability to accommodate additional traffic would be a normal requirement of new development proposals and this matter is, in my view, neutral in the planning balance.

53. Whilst there would be provision of a sustainable drainage scheme for the site, this would be needed because of the proposed development and would essentially be for the benefit of the occupiers of the scheme. Thus, I do not attach weight to this matter in the planning balance.
54. Local residents clearly enjoy the wildlife they see within the site and surrounding area. The ecological survey work provided for the scheme concluded that the site was of low ecological value. Bat species were identified during that survey work, but the scheme would not impact upon roosts and have negligible impact on hedgerow foraging routes. The appeal scheme proposes significant areas of open space and land to be managed for ecological benefit, which would support bats, as well as providing for recreational access. On the evidence before me I am satisfied that subject to suitable conditions, the effect of the scheme on local ecology would be acceptable, indeed there would be a net biodiversity gain. This would represent a significant benefit to the local habitat, and I accord it moderate weight in the planning balance.

Accord or otherwise with the Development Plan and the Planning Balance

55. The starting point in determining this appeal is the Development Plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 makes it clear that 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.
56. It is a well acknowledged situation that development plan policies can pull in different directions¹¹. Moreover, it is necessary to consider whether the proposal accords with the development plan as a whole. I have concluded that there would be a failure to comply with Policies SWDP 2, 6 and 24. Policy SWDP 1 is an overarching policy which seeks to be positive. Indeed, it sets out at (c) that 'where applications do not accord with policies in the SWDP, the Local Authority will seek to work with a view to mitigating adverse impacts and identifying sustainable solutions where possible'. This does not mean that it will always be possible to overcome objections. Equally, there may be circumstances where material considerations alter the planning balance¹².
57. In this case, the policy conflict is clear, and I do not consider that the proposal would accord with the Development Plan taken as a whole. The Act makes it clear that this is the starting point and the Framework, at paragraph 15, reiterates that the planning system should be genuinely plan-led.
58. I also note that the Development Plan has delivered what has been required in terms of housing and affordable housing. Furthermore, the Council is moving forward with a timely review. As such, the plan-led system is shown to be achieving what has been envisaged for the area following an Examination process.

¹¹ As made plain in *Tesco Store Ltd v Dundee City Council*

¹² Numerous caselaw points were submitted (CD8.3; ID 24) to which I have had regard

59. It is therefore necessary to consider whether any material considerations indicate that the appeal should be allowed¹³. I have set out the benefits of the scheme above alongside the weight I afford them, namely, the provision of housing, including affordable housing, proximity to Droitwich, provision of public open space, landscape enhancement, the creation of construction jobs, improved vitality and viability to the local area from an increase in residents and net biodiversity gain.
60. I consider that, despite those benefits, the harm to the character and appearance of the area, including the landscape harm, and the harm to the setting of the Church of St Mary, is such that the appeal should fail.

Conclusion

61. For the reasons set out above and having had regard to all other matters raised I conclude that the appeal should be dismissed.

Zoë H R Hill

Inspector

¹³ This reflects the approach by my colleague in APP/H1840/W/17/3188250 Allesborough Farm Pershore (ID12)

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss Sarah Clover

She called¹⁴:

Mrs Eileen Marshall BSc (Sp Hons) DipLA MA MCIHort	Landscape Witness
Mr Richard Broadhead BA (Hons) MSc	Heritage Witness
Mr Timothy Roberts MRTPI	Housing Land Supply Witness
Mrs Emma Worley BA (Hons) Dip EP MRTPI	Planning Witness

FOR THE APPELLANT:

Mr Charles Banner QC assisted by Mr Alistair Mills

He called:

Mr Robert Sutton MCIfA	Heritage Witness
Mrs Fiona McKenzie MA (Cantab), MA CMLI, AIEMA A.Abor.A	Landscape Witness
Mr Steven Brown BSc Hons Dip TP MRTPI	Housing Land Supply Witness
Mr Guy Wakefield MRTPI BA (Hons)	Planning Witness

INTERESTED PERSONS:

Mr Crow Hampton Lovett and Westwood Parish Council
Mrs C Ellson-Evans Secretary to the Doverdale Park Residents' Association
Mr Lawrenson
Mr Whiting

INQUIRY DOCUMENTS

ID 1 Rebuttal Tim Roberts (Council - Housing)
ID 2 Rebuttal Robert Sutton (Appellant - Heritage)
ID 3 Rebuttal Steven Brown (Appellant - Housing)
ID 4 Rebuttal Guy Wakefield (Appellant - Planning)
ID 5 Written Submission Mr Crow - Parish Council
ID 6 Written Submission Stephen Harris Keepers Cottage
ID 7 Opening Appellant
ID 8 Opening Council

¹⁴ Ms Heather Peachy and Mr Teal assisted with matters relating to conditions

- ID 9 Email Submission Julian Pope 30 September 2019
- ID 10 Email Submission Christine Ellson-Evans 4 October 2019
- ID 11 Appeal Decision APP/F4410/W/16/3158500 Westminster Drive Doncaster
- ID 12 Appeal Decision APP/H1840/W/17/3188250 Allesborough Farm Pershore
- ID 13 Appeal Decision APP/G2815/A/13/2209113 St Christopher's Drive Oundle
- ID 14 Appeal Decision APP/Z2830/W/18/3206346 Rothersthorpe
- ID 15 Written Submission and two newsletters Peter Lawrenson
- ID 16 National Planning Policy Guidance 2012 Extract Paragraph 49 and Consultation Response
- ID 17 Written Submission David Whiting
- ID 18 Written Submission Mr Hartley on behalf of Church Council of Hampton Lovett
- ID 19 Extract from South Worcestershire DP (Policy 39) and Supplementary Planning Document
- ID 20 Section 106 Agreement (unsigned)
- ID 21 Playing Pitch Strategy
- ID 22 Closing on behalf of Interested Parties (Mr Lawrenson)
- ID 23 Council's Closing
- ID 24 Appellant's Caselaw, submitted with Closing
- ID 25 Appellant's Closing

PLANS

- PLAN A The Application Plans – Site Location Plan¹⁵
- PLAN B The Site Visit Plan

CORE DOCUMENTS

- CD 1 Application Documents
- CD 1.1 Application Form
- CD 1.2 Site Location Plan
- CD 1.3 Illustrative Site Plan, as amended 20 March, 2018 2014/K729/15(F)
- CD 1.4 Illustrative Site Plan Showing Constraints 2014/K729/16(-)
- CD 1.5 Topographic Surveys
- CD 1.6 Covering Letter
- CD 1.7 Design and Access Statement
- CD 1.8 Planning Statement
- CD 1.9 Landscape and Visual Impact Assessment
- CD 1.10 Transport Assessment
- CD 1.11 Travel Plan
- CD 1.12 Water Management Statement
- CD 1.13 Noise Impact Assessment
- CD 1.14 Built Heritage Report
- CD 1.15 FRA and Foul Utilities Assessment
- CD 1.16 Energy Statement

¹⁵ This was accompanied by a number of documents and an Illustrative Site Plan (amended) all as set out in the Core Documents below

CD 1.17	Ecological Assessment
CD 1.18	Contaminated Land Report
CD 1.19	Archaeological Desk Based Assessment
CD 1.20	Arboricultural Report
CD 1.21	Air Quality Assessment
CD 1.22	Agricultural Land Considerations
CD 1.23	Proposed Footway – Option One
CD 1.24	Proposed Ghost Island Site Access Junction
CD 2	Local Decision Documents
CD 2.1	Officer’s Delegated Report
CD 2.2	Decision Notice
CD 3	Consultation Responses
CD 3.1	Policy Officer
CD 3.2	Archaeology Officer
CD 3.3	Drainage Officer
CD 3.4	WCC PRoW Team
CD 3.5	Worcester Regulatory Services Noise
CD 3.6	Hampton Lovett and Westwood Parish Council
CD3.7	Landscape & Natural Heritage Officer (Biodiversity)
CD 3.8	Landscape Officer
CD 3.9	Network Rail
CD 3.10	Lead Local Flood Authority
CD 3.11	Severn Trent
CD 3.12	Community Development Manager
CD 3.13	WCC Highways (Response 1)
CD 3.14	WCC Highways (Response 2)
CD 3.15	Worcester Regulatory Services Air Quality
CD 3.16	Worcester Regulatory Services Contamination Response 1
CD 3.17	Worcester Regulatory Services Contamination Response 2
CD 3.18	Historic England
CD 3.19	Worcestershire Wildlife Trust
CD 3.20	Housing Officer
CD 3.21	Hampton Lovett and Westwood Parish Response 2
CD 4	Planning Documents
CD 4.1	South Worcestershire Development Plan
CD 4.2	National Planning Policy Framework
CD 4.3	SWDP Review Issues and Options
CD 4.4	Laying the Foundations: A Housing Strategy for England
CD 4.5	Ministerial Statement Planning for Growth (March 2011)
CD 4.6	Ministerial Statement Housing and Growth (6 September 2012)
CD 4.7	The Housing White Paper: Fixing our Broken Housing Market
CD 4.8	Treasury Fixing the Foundations: Creating a More Prosperous Nation
CD 4.9	The House of Commons Committee of Public Accounts (19 June 2019)
CD 4.10	South Worcestershire Design Guide SPD (March 2018)
CD 4.11	Developer Contributions SPD (July 2018)
CD 4.12	Affordable Housing SPD (October 2016)
CD 4.13	Wychavon Fiver Year Housing Land Supply Report July 2018
CD 4.14	Worcestershire Strategic Housing Market Assessment GVA (February 2012) and Appendix 6
CD 4.15	Strategic Housing and Employment Land Availability Assessment
CD 4.16	Housing Delivery Test 2018 Measures
CD 4.17	The Economic Footprint of UK House Building (March 2015)

- CD 4.18a Wychavon Five Year Housing Land Supply Report September 2019
- CD 4.18b Wychavon Wider Worcester Area Five Year Housing Land Supply Report
- CD 4.18c WDC Planning Committee Report (19 September 2019): Wychavon and Wider Worcester Area (Wychavon) Five Year Housing Land Supply Report 2019
- CD 4.19 Tim Roberts Review: Wychavon Wychavon Five Year Housing Land Report September 2019
- CD 4.20 NPPG extracts
- CD 4.21 SWDP Review Preferred Options (not available)
- CD 4.22 Wychavon AMR Dec 2018
- CD 4.23 Housing Background Paper Addendum Sept 2015
- CD 4.24 Email from LPA enclosing information on housing needs register (27 June 2019)
- CD 5 Landscape Documents
- CD 5.1 National Character Area profile 106: Severn and Avon Vales (Natural England 2014)
- CD 5.2 Extracts from Worcestershire Landscape Character Assessment
- CD 5.3 Worcestershire Green Infrastructure Strategy 2013-2018
- CD 5.4 Guidelines for Landscape and Visual Impact Assessment Third Edition (Landscape Institute of Environmental Management & Assessment 2013) Hard copy only
- CD 5.5 European Landscape Convention 2000 (Council of Europe)
- CD 6 Heritage Documents
- CD 6.1 Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (Historic England 2008)
- CD 6.2 Historic Environment Good Practice Advice in Planning: 2: Managing Decision Making in the Historic Environment (Historic England 2015)
- CD 6.3 Historic Environment Good Practice Advice in Planning: 3: The Setting of Heritage Assets (Historic England 2017)
- CD 6.4 Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990
- CD 6.5 Listing Selection Guide: Places of Worship (Historic England 2017)
- CD 7 Appeal Decisions (as submitted as Core Documents – additional Appeal Decisions were appended to Proofs of Evidence and submitted as Inquiry Documents)
- CD 7.1 Land at Money Hill, North West Leicestershire (APP/G2435/A/14/2228806)
- CD 7.2 Land rear of Canonbury Street, Berkley, Gloucestershire (APP/C1625/W/15/3133335)
- CD 7.3 Land on east side of Green Road, Woolpit, Suffolk (APP/W3520/W/18/3194926)
- CD 7.4 Longdene House, Hedgehog Lane, Haslemere (APP/W/R3650/16/3165974)
- CD 7.5 Land to the west of Cody Road, Waterbeach, Cambridge (APP/W0530//13/2207961)
- CD 7.6a&b Land south of Oakridge, Highnam SoS Decision and Inspectors Report
- CD 7.7 Land to the north and south of Flitch Way, Pods Brook Road, Braintree (APP/Z1510/W/18/3197293)
- CD 7.8 Land off Watery Lane, Curborough, Lichfield, (APP/K3415/A/14/2224354)

- CD 7.9 Land at Southminster Road, Burnham-on-Crouch (APP/X1545/W/15/3009772)
- CD 7.10 Land at Sibford Road, Hook Norton, Banbury (APP/C3105/A/14/2226552)
- CD 7.11 Land to the east of Broad Marston Road, Mickleton (APP/F1610/A/14/2228762)
- CD 7.12 Land to the north of Dark Lane, Alrewas, Burton on Trent (APP/K3415/A/14/2225799)
- CD 7.13 Land at Deerlands Road, Wingerworth (APP/R1038/W/17/3192255)
- CD 7.14 Land at Satchell Lane, Hamble-le-Rice (APP/W1715/W/18/3194846)
- CD 7.15 CABI International, Nosworthy Way, Mongewell, Wallingford, Oxfordshire (APP/Q3115/W/16/3165351)
- CD 7.16 3 Bretforton Road, Badsey, Evesham (APP/H1840/W/17/3192134)
- CD 8 Judgements and Consent Orders
- CD 8.1 Tewkesbury Borough Council v Secretary of State for Communities and Local Government & Others [2019] EWHC 1775 (Admin) 8 July 2019)
- CD 8.2 Eastleigh Borough Council v Secretary of State for Communities and Local Government [2019] EWHC 1862 (Admin)
- CD 8.3 City of Edinburgh City Council v Secretary of State for Scotland [1997] 1 WLR 1447
- CD 8.4 Tesco Store Ltd v Dundee City Council [2012] PTSR 983
- CD 8.5 Cherwell District Council v Secretary of State for Communities and Local Government [2016] EWHC 9Admin)
- CD 9.0 Appeal Documents
- CD 9.1 Appellant's Statement of Case
- CD 9.2 Wychavon District Council's Statement of Case
- CD 9.3 Statement of Common Ground
- CD 9.4 Archaeological Evaluation Report
- CD 9.5 Briefing Note: Bat Survey
- CD 10 Miscellaneous
- CD 10.1 Officers Delegated Report W/14/00521/CU