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# Appeal Decision

Site visit made on 3 May 2016

**by Jonathan Bore MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 12 May 2016**

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**Appeal Ref: APP/J1860/W/16/3144943**

**Land north of Drake Street, to the rear of Myrtle Cottage, Welland**

- 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 Braemar Property Developments Ltd against the decision of Malvern Hills District Council.
  - The application Ref 15/00609, dated 30 April 2015, was refused by notice dated 7 December 2015.
  - The development proposed is a residential development for 41 new dwellings, of which 40% will be affordable units.
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## Decision

1. The appeal is dismissed.

## Matter of clarification

2. The scheme is in outline with all matters reserved except for access.

## Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the locality.

## Reasons

4. Welland is classed as a Category 1 village in the South Worcestershire Development Plan (the SWDP) with a range of facilities, but the site lies some distance beyond the development boundary for Welland. Policy SWDP 2 of the adopted South Worcestershire Development Plan resists most forms of development, including market housing, outside development boundaries.
  5. The development of the former Lawn Farm site, allowed on appeal (ref no APP/J1860/A/13/2197037), along with the development at Spring Meadows, will change the character of the southern side of Drake Street, but the northern side where the site lies is much more rural and open. The loose scatter of individual houses on this side of the road stops well short of the site and gives way to open fields. The site itself is an undeveloped field with a rural character surrounded with old hedges and trees, fields and woodland. It is an attractive piece of countryside in its own right and affords views of the green hills and woods to the north and east. In this context, even allowing for the developments on the southern side of the road, the scheme would appear as an incongruous piece of housing a long way to the east of the main part of the village, sited in the open countryside. Notwithstanding the conclusions of the
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submitted landscape impact assessment and the location of the site outside the AONB, the proposal would represent a harmful intrusion of built development into the landscape. Moreover, seen in conjunction with the other developments currently under way, it would create the appearance of an uncoordinated agglomeration of large scale development along Drake Street. The scheme would thus harm the character and appearance of the locality.

6. At the date of the appeal there was a significant shortfall in the 5 year housing land supply and the Lawn Farm appeal was allowed against this background. However, following the recent adoption of the SWDP, the Council states that there is now a 5 year supply of housing land for this area. There is no updated monitoring report as yet, and the appellants argue that there is a continuing shortfall, setting out a list of expired permissions, a schedule of appeal decisions and a time-series of completions. However, the list of expired permissions does not contain enough information to enable an overall assessment of current site availability, the appeal decisions pre-date the adoption of the SWDP, and the information on completions falls short of demonstrating under-provision over a reasonable part of the economic cycle. Given the existence of a newly adopted plan which was subject to thorough examination, I consider it probable that a 5 year supply does exist, but even if there were a large continuing shortfall, the harm that this scheme would cause to the rural character of the locality and the intrusion into open countryside would be so harmful as to override the benefits of additional housing provision.
7. Affordable housing would be provided through a s106 obligation, in accordance with Policy SWDP 15, as would contributions towards highways and education improvements, but these matters do not alter my conclusions.
8. The Council raises concerns about the protection of bats and great crested newts. There is no convincing evidence to indicate that, were this site suitable for development, suitable mitigation measures could not be designed in respect of protected species. The Drake Street Meadow Nature Reserve, formerly in a rural position, would have new housing development on two sides but insufficient evidence has been submitted to conclude that it would be harmed.
9. The emerging Welland Neighbourhood Plan has just been subject to consultation; it is therefore at a relatively early stage of development and thus carries little weight. It indicates that development should follow the strategy set out in Policy SWDP 2 so it makes no difference to my conclusions.

## **Conclusion**

10. The conflict with the environmental aspects of sustainable development as described above would significantly outweigh the benefits in terms of economic activity, the support to village facilities, and the supply of housing including affordable housing. The scheme would not amount to sustainable development and would not comply with Policies SWDP 2 which seeks to safeguard the open countryside or SWDP 25 which aims to ensure that development is appropriate to, and integrates with, its landscape setting. I have considered all the other matters raised but none are of such weight as to alter the balance of my conclusions. For all the above reasons, the appeal is dismissed.

*Jonathan Bore*

Inspector

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