The Planning Inspectorate

Appeal Decision

Inquiry held on 11-13 & 17-19 March 2015

Site visit made on 20 March 2015

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 1 June 2015

Appeal Ref: APP/H1840/A/14/2222679
Land off Tewkesbury Road, Bredon, Worcestershire GL20 7EH

- 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 Gladman Developments Ltd against the decision of Wychavon District Council.
- The application Ref W/13/02148/OU, dated 11 October 2013, was refused by notice dated 26 June 2014.
- The development proposed is residential development of up to 98 units with associated roads and sewers, green infrastructure and access.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal relates to an outline application, with all matters of detail reserved other than means of access. The proposal was amended following the original submission by way of a reduction in the number of units proposed from up to 107 to up to 98, and provision of a footpath link from College Road. The Council reached its decision based on the amended scheme, and I take the same approach.

3. At the inquiry the appellant submitted a unilateral undertaking containing planning obligations pursuant to section 106 of the Act, which I consider below.

4. Bredon, Bredon's Norton & Westmancote Parish Council was accorded the status of a Rule 6(6) party for the inquiry.

Main Issues

5. The main issues are:

   a) the development plan position and the degree to which the proposal is supported by the housing land supply situation in the District;

   b) the effect the proposal would have on heritage assets in the vicinity;

   c) the weight to be given to other matters raised against and for the proposal;

   d) the overall balance and whether the proposal amounts to sustainable development.

Reasons

Development plan and housing land supply

6. The 5.2ha site lies to the south west of the village of Bredon and is currently in agricultural use. Saved policy GD1 of the Wychavon District Local Plan 2006 sets out a location strategy for new development. This provides that most new development will be accommodated within the main built-up areas of Droitwich Spa, Evesham and Pershore, with some in the villages; in all cases it will be within defined development boundaries and/or on allocated sites. This site is contiguous with but outside the development boundary for Bredon as shown in the Plan, and is not an allocated site. The proposal for residential development of the site is therefore contrary to policy GD1, and is not in accordance with the development plan because of the fundamental nature of this policy conflict. A finding in favour of the proposal is thus dependent on other material considerations to override the development plan. There is no dispute on this matter.

7. The National Planning Policy Framework sets out a presumption in favour of sustainable development. Paragraph 14 indicates that, for decision-taking, this means, where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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; or specific policies in the Framework indicate development should be restricted.

8. The appellant advances an argument that the development plan is absent in this case. This is based on the end date of the Local Plan of 2011, with this date also expressly referred to in the terms of policy GD1. The contention is that there is therefore no plan for the relevant period. However, the Local Plan was extended by way of a saving direction issued in 2009, which included policy GD1. It consequently provides a continuing statutory basis to guide development in the area, and thus the development plan is not absent. In view of the clear conflict with policy GD1, the development plan cannot be said to be silent on the proposal.

9. Policy SR1 on housing land supply deals with land for the construction of 7,450 dwellings between April 1996 and March 2011, including by way of identification of allocated sites. There is disagreement on whether this policy is relevant, but even if it is regarded as such there is no dispute that it is out-of-date given that the housing requirement it is based on is no longer current. Policy SR1 therefore provides no guide for consideration of the proposal.

10. In terms of whether policy GD1 is out-of-date, the Framework sets out an aim in paragraph 47 to boost significantly the supply of housing. According to the Framework, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy GD1 is agreed to be such a policy given its potential broad effect of restraining housing development.

11. The Framework requires that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. They should identify and update annually a supply of specific deliverable sites sufficient to

provide five years worth of housing against their housing requirements, with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Framework indicates that the buffer should be increased to 20% where there has been a record of persistent under delivery of housing.

12. With the housing requirement provided for in the Local Plan by policy SR1 only extending to 2011, there is currently no development plan housing requirement figure for the District. The emerging South Worcestershire Development Plan (SWDP), which will jointly cover Wychavon together with the neighbouring areas of Malvern Hills District and the City of Worcester, was submitted for examination on 28 May 2013. At the reconvened Stage 1 Examination in March 2014 the examining Inspector published his further Interim Conclusions. These provided a requirement figure for the SWDP of 28,370 dwellings over the period 2006-2030, with a figure of 9,950 for Wychavon. The Council in September 2014 accepted this figure as being the objectively assessed housing need (OAHN) for the District. There is evidence before me on how the requirement for Wychavon in the eventually adopted plan is likely to differ from this figure, which I deal with below, but the parties agree on it as being the OAHN. The figure has been accepted as such in several recent appeal cases in the District[1]. Based on the evidence, it is the best available figure, and I adopt it in the consideration of whether the District has a five-year housing land supply.

13. The five-year position is agreed to be calculated as at April 2014, with a target of 2,075 dwellings (5 x 415). To be added to this is an undersupply against the target over 2006-2014 of 567 dwellings. The authority is agreed to be a '20% buffer' one, which is warranted by the evidence on performance. I consider that this should be applied to the five-year target plus the undersupply in order to reflect the need to bring forward sites to deal with both the base requirement and the backlog, despite the citing of a case where the Secretary of State excluded the latter from the calculation[2]. This gives a five-year capacity requirement of 3,170 dwellings (634 per annum). Under construction at 1 April 2014 were 416 units.

14. As calculated against these figures, there are differences in the quantification of the five-year supply. The Council assesses it at 5.5 years based on a total supply of 3,485 units. This is a reduction from the level of 5.96 years contained in its July 2014 Housing Land Supply report (and repeated in the progress report of October 2014), with the adjustment arising from its own recent review of the identified sites and their likely deliverability. The appellant assesses the supply at 4.28 years based on 2,715 units. The discrepancy in the figures reflects disagreements in relation to: expected delivery from certain sites; allowance for windfalls; application of a discount/lapse rate. I deal with these in turn.

Site delivery

15. The areas in dispute relating to individual sites were discussed in a round table session of the inquiry. The figures put forward by the Council include the review referred to above, which led to reductions in the expected delivery from a number of sites. The parties make references to the conclusions reached on

[1] APP/H1840/A/14/2217607; APP/H1840/A/14/2215896; APP/H1840/A/14/2222708
[2] APP/R0660/A/13/2209335

some of the sites by Inspectors in two recent appeal decisions: Land between Springfield Lane and Averill Close, Broadway (ref APP/H1840/14/2215896) and Land off Cheltenham Road, Bredon (ref APP/H1840/A/14/2217607). For brevity, I refer to these as the Broadway and Cheltenham Road decisions respectively.

Sites with planning permission or allocated

16. Land between Roman Way and Copcut Lane, Salwarpe (reference 10/02896). Of the 740 dwellings with outline permission, the Council includes 293 in the five-year supply. There is agreement that 100 extra care apartments forming part of the approval could be delivered over this period, but the appellant argues for the inclusion of 68 fewer units from the rest of the development. The short term nature of the permission and attached conditions could be factors that have led to the submission of reserved matters details rather than there being a direct intention to commence development, and reasonable doubts are raised about the future involvement of William Davis as developer. However, the most recent information provided to the Council indicates that implementation will involve more than one builder. Notwithstanding the potential inhibiting effects of other developments in Droitwich, in the same way as the Broadway and Cheltenham Road Inspectors I regard the Council's assumptions on deliverability as not unrealistic. However, the recent developer information suggests the completion of 180 units (plus the 100 extra care units) within the five years rather than the 193 units assumed by the Council, and therefore I reduce the total by 13 accordingly.

17. Garage, High Street Pershore (ref SWDP 46/1). There is as yet no permission or application on this Local Plan site, but I share the views of the Broadway and Cheltenham Road Inspectors that the inclusion of the allocated 20 units is not unreasonable in the context of the Council's continuing pre-application discussions.

18. Garage Court, Pershore (ref SWDP 46/4). The owner has indicated that no application is intended to be submitted on this site until 2017/18 at the earliest. However, the Council has justifiable confidence in the timescale for development thereafter given its knowledge of the RSL developer and their previous performance. Again as with the Broadway and Cheltenham Road Inspectors, I accept the Council's inclusion of 13 units.

Emerging South Worcestershire Development Plan Allocated Sites

19. Sites north of Pershore (ref SWDP 47/1). This area of land allocated in the emerging Plan comprises two sites (A and B). With respect to site A, on 6 November 2014 there was a resolution by the Council to grant planning permission, thereby overcoming some of the uncertainty noted by the Broadway Inspector. Although the Cheltenham Road Inspector agreed the Council's figure of 184 units for the combined sites, I accept the appellant's argument put to me that the proximity of Persimmon Homes Pershore developments makes the assumed completion of 56 units for each of years 4 and 5 seem optimistic. I therefore agree with a reduction on this to 35 for those years in line with appellant's rate, thus deleting 42 units in total.

20. Further sites north of Pershore (refs SWDP 47/1 and W14/00219/OU). Persimmon Homes now control these two sites. The Council argues that the suggested delivery rates put forward by the developer are too low based on the

evidence of rates achieved by Persimmon in its development at Evesham. However, I prefer the most recent more detailed advice given by Persimmon, with the discrepancy in rates explained by the differences in the local markets and the likely effects of competition. This gives a total five-year figure for the two sites of 180 out of the approved 436 units, which is 102 units less than the Council's figure.

21. Land west of Leamington Road, Broadway (reference SWDP 59/18). A scheme for 125 dwellings is the subject of a currently un-determined appeal. Proposals on the site are agreed to be locally controversial, but an application for 58 dwellings in line with the emerging Plan allocation has now been submitted. As with the Broadway and Cheltenham Road Inspectors, I see no firm reason why delivery of this number of units is not feasible despite objections made to the scheme.

22. Other SWDP sites. I share the views of the other Inspectors that these smaller emerging plan sites should not be counted since they are only draft allocations with no firm prospects of permissions, other than Land off Broadway Lane adj Grey Lyn, Fladbury (ref SWDP 60/17) on which there is a resolution to approve a scheme for 18 units. I discount 36 units from the Council's figure.

23. The result of my above findings is a total reduction of 193 units from the Council's figure, giving a supply of sites not started of 2,779 rather than 2,972 units.

Discount/lapse rate

24. It is common ground that a discount should be applied to this calculated un-started supply figure. The appellant advocates a level of 10% for this, referring to an allowance for permissions that lapse and a need for realism on likely implementation as evident through the Council's track record of delays and reduced delivery. A 10% figure has been applied in previous decisions, including cases determined by the Secretary of State in Wychavon[3]. However, this figure appears to be of the nature of a rule of thumb rather than derived from specific research, with that quoted by Roger Tym being of some vintage and carried out for a different purpose. The Council's preferred discount rate of 5% is above the calculated recent lapse rate for planning permissions (which has averaged 2.5%) and has been accepted by the SWDP Examiner based on such specific evidence. A discount to be applied to all of the identified capacity is more than just a rate for the lapse of existing permissions, and the Council's paring down of its own earlier individual site figures should be regarded as enhanced realism rather than application of a discount. Nevertheless, I consider that fair reliance can be placed on the site assessment figures as modified by my findings set out above. In the circumstances and based on the evidence before me, I consider that the application of a 5% discount rate is reasonable, and I note that this was also accepted by the Cheltenham Road Inspector. A 5% reduction from 2,779 gives a supply of 2,640 units.

Windfalls

25. The Council seeks to add a windfall allowance of 246 units to the five-year supply figure. This is based on a performance record since 2006 of 82 dwellings per annum for small site windfalls and excluding greenfield and

[3] APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426; APP/H1840/A/13/2202364

garden land sites, and discounting the first two years to avoid double-counting commitments. The Council has identified a number of factors which indicate that some reliance can be placed on windfalls continuing to come forward, covering the likely limited impact of the Community Infrastructure Levy, rural exception site initiatives, an empty home programme and permitted development rights changes. Whether this amounts to compelling evidence is in dispute, with the appellant suggesting that an urban capacity study would provide a firmer quantitative basis for assessing future reliability. Nevertheless the SDWP Examiner has accepted the principle of a windfall allowance, and based on the evidence it would be unrealistic to exclude all windfalls. However, I consider that the degree of robustness of the evidence relating to likely future performance supports an allowance at only half the figure suggested by the Council, and therefore I reduce this to 123 units.

Five-year land supply position

26. As adjusted I reach a five-year supply figure of 2,763 units, to which 416 dwellings under construction at 1 April 2014 are to be added, giving a total supply of 3,179 units. With an annual supply requirement of 634 units, this equates to 5.01 years supply.

27. While this finding that there is a five-year supply is extremely marginal, it is based on an assessment of the evidence before me. I note that in other recent appeals Inspectors have reached slightly different detailed figures, but again reflecting the evidence put to them. In each case the conclusions have been that a five-year supply exists (5.3 years in the Broadway and Cheltenham Road appeals, with the former Inspector referring to the calculations as tight). Therefore in that respect my findings are consistent with these.[4]

28. As part of the preparation of the SDWP a housing requirement figure for Wychavon is being put forward which is higher than the agreed OAHN referred to above. This reflects the apparent difficulty the other authorities covered by the emerging plan have in accommodating their individual OAHNs solely within their areas. The putative figure for Wychavon is at a level of 10,600 units (excluding the Wider Worcester Area) or 11,500 units (including the WWA). These figures have reached the stage of modifications proposed by the Councils. Some weight can be given to these higher figures, especially since it appears that no examination participant is advocating a requirement for Wychavon of below 10,600 units.

29. Nevertheless, it remains the case (as set out by the Inspectors in the other recent appeals) that the eventual requirement involving a redistribution of need is a matter that can only properly be concluded on following full consideration through the development plan process. This has not moved on sufficiently to warrant a different view now being taken. While the above analysis indicates that there would not at present be a sufficient five-year land supply to meet the higher figures, it is also agreed that the OAHN at this stage is the appropriate basis for assessing this. Moreover, there is some evidence of an improving position since April 2014 with further potential housing sites cited by the Council, although an absence of updated completions data precludes any firm conclusions based on this. Overall, and having regard to the Framework's aim to boost housing supply, some weight can be given to the emerging figures in that a housing supply above the level of the OAHN would contribute to

[4] The other case being APP/H1840/A/14/2222708 Land South of Pershore Road, Evesham

meeting wider strategic housing needs. Also important is that there is clear evidence on a need for affordable housing, which carries significant weight as a particular element of need.

30. Notwithstanding this, policy GD1 is not out-of-date by reason of the five-year housing land supply position pursuant to paragraph 49 of the Framework.

31. I turn to whether the policy is out-of-date for other reasons. The sequential approach of the policy, and the thrust of protection for the countryside, is generally in accordance with sustainable development objectives of the Framework. Nevertheless, it is evident that the policy does not accommodate all up-to-date development needs, in that meeting local housing needs has involved the granting of permissions on sites in breach of the policy. In addition, it is notable that the Council's refusal of the appeal application did not rely on any reference to policy GD1. At the inquiry it took the position that the proposal would amount to sustainable development other than as a result of its effect on heritage assets, which forms the next issue. Despite the finding that the Council currently has a five-year housing land supply, it appears to be common ground between the appellant and the Council that conflict with policy GD1 alone in this particular case would not be a reason to resist the proposal, in that this would be outweighed by the merits of a sustainable development. I now go on to consider whether the proposal does represent sustainable development, including firstly by considering the heritage impact.

Heritage Assets

32. There is no dispute that the site lies within the settings of St Giles Church and the Tithe Barn, both of which are Grade I listed buildings. The duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged. Both of these buildings lie within the Bredon Conservation Area. The boundary of this runs some 60m to the north of the site. Although the site is outside the Area there is also agreement that it is within the Area's setting, and there is a policy requirement to have regard to the effect of the proposal on the character and appearance of the Area.

33. St Giles Church was erected in around 1180. The early fabric includes a Norman nave, central tower, west tower arch, northwest porch, and west and south door arches. A number of later additions of interest were made to the building, and some restoration was undertaken in the mid-19th century. The Church is within a churchyard which has several separately listed features. Around this is a group of individual historic buildings which are also listed, including the Rectory and its stables, Manor House, Priors Gardens, the Old Mansion and Church Cottages. The piece of open land immediately to the south of the Church is often occupied by sheep.

34. Nearby to the west is the Tithe Barn, which is a Scheduled Ancient Monument as well as a listed building. This is a massive stone aisled structure with buttressed walls and a steep open timber roof covered with stone slates. It was erected in the 1340s for the Bishops of Worcester, and used as a manorial barn to store crops produced on the demesne. The Barn has been owned by the National Trust since 1951, and was restored after a fire in 1980. It is within a farmyard setting, and to the south is the listed Manor Farmhouse. To the north, west and southwest are fields which were historically 'flooding meadows', with the land dropping to the River Avon.

35. The Church and the Barn and the other historic buildings referred to above are at the western end of the Bredon Conservation Area. The Area was originally designated in 1969, with some subsequent boundary changes and a Council Appraisal issued in 2008. It covers the older part of the settlement lying to the west of the railway line which cuts north-south across the village. This encompasses the medieval manorial village which has ancient origins and a surviving long-established pattern of lanes and streets, with remnants of original plots in the vicinity of the Church. The Area also has a significant number of historic buildings dating from the 17th and 18th centuries.

36. In its northwest part the Area takes in some open land and a stretch of the River Avon with its meadow and 19th century dock and wharf features. The west-east High Street runs along the southern part of the Area. At its western end the High Street turns sharply to the south at Chains Corner, leaving the Area and continuing as Tewkesbury Road. This is a traditional approach to the edge of the village, with access links from the High Street to the manorial cluster of the Church and Barn. Much of the historic core of the Area is unaltered by modern development, and as well as many historic buildings there are long-established open spaces and elements of working farms within its boundary.

37. Abutting the Area is a considerable amount of post-19th century development. This is especially the case to the east of the railway line, but there is also some to the south of the High Street and to the north of the historic core. Beyond the built development is agricultural land, with the distinctive landscape features of the River Avon to the west and Bredon Hill to the east of the village. There are long distance views of the Church spire across open countryside. A strong presence in the vicinity is the M5 motorway, which runs north-south to the west of the village and is elevated where it crosses the River Avon with its adjacent meadows and Tewkesbury Road. As well as the physical road structure there are substantial visual and noise effects of moving vehicles associated with the proximity of the motorway. For travellers on the motorway, especially going southwards, wide views of the village encompassing the Church, Barn and the surrounding landscape are possible.

38. The main significance of the Conservation Area arises from its long settlement history with early monastic origins and development as a manorial rural faming community, which is still apparent in its layout and surviving buildings. There are both many individual buildings and spaces which are of interest.

39. Within the built context of the village, the Church and Barn are heritage assets which are of international significance. The Church has evidential and historic value deriving from the survival of early fabric, its legible relationship to surrounding buildings, and to the River and agricultural land that supported the settlement and the functioning of an historic manor. In aesthetic terms, the Church is a building of beauty, and in particular its tower with the slim spire is an attractive feature in widespread views. It is an important visual landmark that has been inspirational in art, literature and music (as detailed in the evidence of the Council and others), giving the Church a communal artistic value as a symbol of the English countryside and marking the presence of the village. This identity is attractive to visitors as well as important to the local community due to the architectural and artistic interest.

40. In the case of the Barn, considerable evidential and historic value arises from its fabric despite the fire damage. It is a surviving presence that is evocative of the role that the structure had in the agricultural life of the medieval manor and its contribution to community life since the 1340s. In aesthetic and communal terms, the large gabled elevations and the roofscape of the building are impressive and distinctive historic architectural features.

41. The immediate settings of the Church and Barn make strong positive contributions to their individual significance by way of both the association with an historic core of traditional village buildings and enhancement of their aesthetic qualities. This extends to the slightly wider setting provided by the Conservation Area, with its concentration of historic buildings and inward projection of open space and farmsteads providing visual and experiential reinforcement of the traditional rural community linkages of the buildings. The morphology of the village and its approach around Chains Corner retain a legible historic relationship in these respects.

42. More widely again, key elements of the settings of the buildings coincide with that of the Conservation Area itself. Newer housing on the Area's fringes has a somewhat negative effect, diluting the influence of the historic core on the overall feel of the village settlement and separating the core from the surrounding countryside with which it has traditional functional links. Nevertheless, due to the proximity of agricultural land the sense of a small settlement within a rural landscape remains. This aspect of setting contributes positively to the significance of all three assets by way of routes to and from the village passing through countryside with which they are traditionally connected and helping to define the village form. This is notwithstanding that the detailed nature of the agrarian landscape has changed with varying cultivation practices over the centuries, with orchards being a distinctive feature of the more recent period.

43. In visual terms there are some views that take in built fabric combined with an agricultural landscape that reinforce this relationship. Such views that include the Barn are restricted to those across meadows from the west, but views of this nature are more widespread for the Church with its prominent spire. The latter are important in the context of the established value of the Church as symbolic of an idyllic village set within a surrounding countryside, and the relative nearness of agricultural land is a positive factor in its significance in this respect.

44. The presence of the motorway is essentially a negative feature in the settings of the assets by way of the obtrusive physical structure, movements and noise that are discordant with the village landscape. Nevertheless, the motorway also has what is generally agreed to be a positive effect in terms of the ability to experience the assets by way of providing elevated views in which their physical qualities and relationship to the wider landscape can be perceived. With the volume of vehicles passing along the motorway, this has doubtless made their significance apparent in a more extensive way than would otherwise be the case, as well as being familiar to and valued by regular travellers. This aspect of the setting therefore adds to the appreciation of the assets.

45. I turn now to the role of the site in these aspects of setting. The northern edge of the site is a short distance to the south of Chains Corner. Lying between it and the older buildings on the south side of the High Street is the cul de sac

development around College Road, which is outside the Conservation Area. Approaching Bredon from the southwest along Tewkesbury Road, there are long distance views of the Church spire before reaching the motorway overpass. Close to this the overpass interrupts such views and is the dominant visual feature. After passing underneath the motorway the open agricultural land to the right (east) provides a significant countryside buffer before arriving at the south edge of the settlement. Although pedestrian use of this route is limited and the roadside hedge restricts views, the undeveloped nature of the land is apparent to those both arriving at and departing the village.

46. A substantial part of this swathe of land is the open field of the appeal site immediately past the vacant property of Wyche Elm. This building is an isolated element of built form and does not materially impinge on the countryside feel. This feel is also only partly negated by the presence of telegraph wires and poles, a gas main maker, road signage and vehicle noise. Views can be gained across the site of the Church spire. Appearing immediately in front of this are the modern College Road houses, but these are a relatively low feature on the horizon and the undeveloped field of the site in the foreground contributes an openness to the vista.

47. There is no evidence of art and literature associated with the Church that specifically involves the site. However, as part of the setting of the Church the site contributes towards both the existing views of it and the countryside surroundings that are part of its significance, and the appreciation of these aspects. There is no inter-visibility between the site and the Barn, but the site is likely to have in the past been used to grow crops stored in the Barn. As part of its rural setting the site contributes to and enhances the appreciation of its significance as an historic rural farming structure. In these respects, and in that these listed buildings are important elements of the Conservation Area, the site also contributes positively to the Area's significance as part of the setting on the historic approach route.

48. The layout of the scheme could preserve a view of the Church spire from Tewkesbury Road by way of a set back of building development away from the road and a landscaped edge alongside this. However, the length of road over which this view would be experienced would be curtailed, and from some positions the Church would be seen with new foreground modern building development despite the proposed new hedge along the southern boundary of the site. In addition, from the road buildings on the site would be visible above (and most probably through) the hedge, particularly with the upward gradient, and a new vehicular access opening would be created in the hedge with a necessary visibility display. The outcome would be an unmistakably urban development in place of what is currently experienced as an agricultural field. The curtailment of views and urbanisation of this important approach would materially detract from the contribution made to the significance of the Church, Barn and Conservation Area by this part of their settings. There would be a diminished sense of countryside on this edge of the settlement, reducing the compactness of the village and the current identity of its traditional core approached and left around the bend on the southern access route. The negative effect would exceed and exacerbate the impact of the existing modern development (including the motorway) on this edge of the Area.

49. A footpath leads from the west edge of the Area at Chains Corner towards the motorway. From here there is a view towards the edge of the settlement in

which both of the listed buildings and the site can be seen together. Although the site is well to the right hand side of the buildings, it currently appears as rising agricultural land beyond the edge of the settlement. As illustrated by the appellant's proposed viewpoint 4, this would change to the visible presence of modern housing development as an extension of the built form of the village on this edge. The effect would be to diminish the visual connection between agricultural land and the assets as contributed to by the site, pushing the rural hinterland further out and thereby increasing the perceived extent of the village and reducing its small-scale rural settlement character. This would again detract from the significance of the assets as enhanced by their settings.

50. The view from the motorway in this similar direction is from an elevated position which changes as vehicles pass along it. The site remains to one side of the assets as seen from these changing positions. However, the effect of the proposal would be similar to that experienced from the footpath, with only partial screening of the assets by vegetation. Again this would erode the apparent degree of rurality and compactness of the settlement in its countryside surroundings and the contribution this makes to the character, associations and appreciation of the assets.

51. The appellant does not dispute the significance of the heritage assets but seeks to trivialise the impact the proposal would have on the experience of these and the ability to appreciate their significance. This is largely by downplaying the likely effect on a potential visitor's understanding and enjoyment of the artistic inspiration of the Church, and citing the lack of visual connection between the site and the Barn as experienced on Tewksbury Road. However, the proposal would give rise to a permanent change in the surroundings of the assets over a relatively large area and in proximity to them, with the negative effects I have outlined above on the contribution made to the assets' significance by their settings. In these respects I largely agree with the assessment put forward by English Heritage, and consider that there would be harm to the significance of the assets which although not amounting to substantial harm would be well above a degree that is inconsequential. This is without taking into account the view from the Church tower which is identified by the Parish Council but not cited by English Heritage.

52. Policy ENV12 requires proposals for development affecting the setting of Conservation Areas to preserve or enhance their character or appearance. Policy ENV14 requires that proposals for development will only be permitted where they would preserve the setting of a listed building. The appeal proposal does not comply with these policies. Their requirements do not reflect the balancing approach of the Framework towards harm to the significance of heritage assets that takes into account public benefits, but I carry this out below.

Other Matters

Landscape impact

53. The appellant has undertaken a specialist landscape and visual impact assessment of the proposal. This concludes that it could be accommodated without harm to the visual setting and landscape character. There is no contrary expert evidence, and the Council raises no specific landscape objection to the proposal that is separate from the heritage considerations.

54. As presently an open field beyond the existing developed area the proposal would clearly change its nature. However, through the detailed design of the scheme including appropriate mitigation planting, the appearance of the development could be satisfactorily assimilated in the surroundings. The roadside hedgerow structure would be preserved except for the new access gap, and the proposed reinstated hedgerow line along the south edge of the site would be a landscape benefit. There would no material effect on wider views of Bredon Hill, nor any serious impact on views of the Cotswold Escarpment lying to the east given distance and the limited perspective over which the development would form a minor foreground element. There would also remain a reasonable gap between Bredon and Bredon's Hardwick to the south of the M5, with the proposal not creating or exacerbating a degree of merger that would be seriously harmful in landscape terms.

55. The Village Design Statement of 2011 is referred to by the Parish Council in terms of its identification of key views and the site's character as an open space at the entrance to the village. However, the value of the site in this respect derives primarily from its contribution to heritage settings as analysed above rather than any intrinsic quality in terms of landscape character or features. With respect to the effect the proposal would have in extending the envelope of an existing nucleated village, that is a matter reflected in Bredon's development boundary pursuant to policy GD1 and the conflict with this policy that I have identified. Policy ENV1 deals with landscape character and the need to have regard to this. I agree with the Council that there is no conflict with this policy that is additional to the in-principle objection arising from the general constraint on development in the countryside under policy GD1 or from the heritage impact. Without these objections, the proposal would therefore otherwise be acceptable in landscape terms, and I regard the appellant's landscape assessment as appropriate in this respect.

Noise and air quality

56. The site is subject to road traffic noise. A noise assessment was submitted with the application, and the appellant provided further information on noise impact and the proposed means of dealing with this as part of the development following the refusal of permission. This led the Council to withdraw its reason for refusal relating to potential impact of noise on future residents and the visual effect of measures to mitigate this (such as walls and fences). The common ground position between the appellant and the Council is that these aspects could be satisfactorily resolved through the reserved matters process.

57. The Parish Council disagrees with this position, and produced its own specialist noise evidence. There are technical disagreements relating to existing daytime noise levels within the site, including having regard to its topography. I find no compelling reason to prefer the Parish Council's modelled figures based on measurements taken outside the site to the appellant's on-site measurements. Although the latter were taken over only a limited period, they appear to be fairly representative of the worst case location, on which the proposed mitigation is based, and correlate with other results for this location. Taking account of noise mitigation that could be provided by way of the screening effects of building layout as well as boundary treatment and window detailing, it appears that a satisfactory internal living environment could be achieved in the development without a need for unduly high barriers.

58. With respect to daytime noise for external areas, the appellant applies a standard of 55dB LAeq (16 hour), which the evidence indicates could be achieved. This is a level referred to in BS 8233:2014 as an upper guideline value which would be acceptable in noisier environments, in contrast to a level of 50dB LAeq (16 hour) which is stated as being desirable not to exceed. With the prevailing road noise the site can be regarded as within a noisier environment, but this is somewhat at odds with the essentially rural nature of the location. Therefore, although acceptable living conditions could be created both internally and externally, such that with mitigation there would be no breach of policy GD2 on development control, the site is not especially favourable for residential development in terms of the external environment.

59. The appellant's technical evidence indicates that air quality within the development would be acceptable.

Sustainability of the location

60. The Council raises no objection to the scale of the proposal in terms of the ability of the village to absorb it, but this is a matter of concern to the Parish Council and other third parties. There has been previous steady population growth in this village, and this is expected to continue with new commitments. However, the percentage growth is not in itself a significant factor against the proposal in the context that, on a District-wide basis, the village is assessed in the evidence supporting the emerging plan as a reasonably sustainable location for development (Category 1 village) in terms of access to services, facilities and public transport.

61. The Village Design Statement seeks to restrict the amount of new development in Bredon, but this document was adopted by the Council in 2011 only as a Local Information Source, and it carries minimal weight in policy terms. There is local evidence of congestion within the historic core of the village, and of residents using the car to access this. However, the site is reasonably well located in terms of walking access to the facilities in this part of the village (and footway improvements are proposed in conjunction with the scheme), although further from those at the east end. Having regard to the catchment area of the village primary school, it appears from the current information that additional pupils arising from the development could be accommodated within this, and there is also some evidence of capacity in other local facilities. On-site open space and green infrastructure would be provided as part of the scheme. Although the appellant's evidence does not establish that in the absence of the proposal the village would not continue to thrive as a community, social benefits could result from incoming residents including having regard to the existing population age profile.

62. Nevertheless, the Parish Council points out there has been some recent reduction in local bus services, which do not provide an especially good service for commuters, and there are restrictions on which hospitals can be accessed by bus. The village only has one shop. It is therefore likely that residents of the development would have the fairly high reliance on private car transport that is typical of more rural areas. This does not rule out the proposal on the basis of sustainability in travel terms, but warrants a degree of moderation of the potential benefits of new housing in this particular location.

63. Although the proposal would generate additional traffic, there is no firm evidence to establish that this would give rise to severe harmful effects with respect to highway movements or safety.

64. The site comprises an area of what is categorised as the best and most versatile agricultural land. This applies generally to greenfield land around Bredon, but is nevertheless to be balanced against the positive aspects of the sustainability of the village location for new housing. It is a moderate negative factor against the proposal.

Minerals working

65. The site is near to a sand and gravel deposit identified in the Hereford and Worcester Minerals Local Plan 1997 and the emerging Worcestershire Minerals Local Plan. The Parish Council raises the potential effect that the proposal would have in sterilising mineral reserves as a concern. The site does not overlie any identified deposit, but the development would lie within a zone potentially affected by extraction through noise and dust. However, it is likely that the working of parts of this potential resource would already be compromised by the proximity of Bredon. This is a point acknowledged by the County Council as Minerals Planning Authority, and it raises no objection to the proposal. The potential effect, including the loss of post-extraction uses, is therefore not a material economic disbenefit of the proposal.

Benefits of the proposal

66. As noted above, the provision of additional housing is in line with national planning policy, and is an economic and social benefit. This is an important positive aspect of the proposal even with an identified five-year housing land supply, including having regard to the emerging higher requirement figure. Specifically, the provision of a significant number of affordable dwellings (at 40% of the units), secured by a planning obligation, is a matter that carries substantial weight given the evidence of pressing need for such housing.

67. As well as this new housing, the development would bring a number of economic benefits that are undisputed by the Council, encompassing investment and jobs and support for local facilities. These are also of social value. The benefits carry reasonable weight.

68. In environmental terms, the proposal would provide for public open space and landscaping, and pedestrian links. These are benefits of moderate weight.

Overall Balance and whether Sustainable Development

69. The proposal does not accord with the development plan as a result of the conflict with policy GD1.

70. A five-year housing land supply exists, and the policy is not out-of-date on this basis. However, the Framework sets out a presumption in favour of sustainable development. Weighed against the conflict with the policy are a number of significant benefits that cover the economic, social and environmental aspects of sustainable development.

71. However, the proposal would result in harm to the significance of two Grade I listed buildings by reason of adverse effects on their settings. Although less than substantial, this harm carries considerable importance and weight due to

the statutory duty to have regard to the desirability of preserving their settings. Great weight also attaches to this harm under the terms of the policies of the Framework, with the weight increased due to the status of these heritage assets. There would also be less than substantial harm to the significance of the Bredon Conservation Area as a result of the effect on its setting.

72. This heritage harm is to be weighed against the public benefits of the proposal. With the effect on these designated heritage assets, and the relevant restrictive policies of the Framework, footnote 9 to paragraph 14 of the Framework applies, and the pre-weighted (or tilted) balance set out in the second bullet of this paragraph is not engaged. In balancing the benefits of the proposal against the heritage harm, I take into account the extent of the housing land supply that exists in the District, that there is no demonstrated requirement for additional housing to this extent to be provided at Bredon, and that there are some disadvantages to the particular location involving noise, additional car travel and loss of agricultural land. In view of the weight carried by the heritage harm, this harm is the overriding factor, and is not outweighed by the benefits of the proposal. Due to this environmental harm, the proposal also does not represent sustainable development having regard to the policies in the Framework taken as a whole.

73. I have had regard to the submitted planning obligations dealing with infrastructure provision and the comments made on the legal and policy status of these. The conclusion I have reached on the proposal is not one that could be altered by the mitigation measures sought by the Council that the obligations address, and there is no need for me to make findings on these matters.

Conclusion

74. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

T G Phillimore

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Clover of Counsel	Instructed by Ian Marshall, Head of Legal and Support Services, Wychavon District Council
She called:	
Katriona Byrne BA(Hons) MA	Inspector of Historic Buildings and Areas, English Heritage
Timothy Roberts BA(Hons) MRTPI	Consultant to DLP Consulting Group Ltd
Jonathan Edwards BSc(Hons) DipTP MRTPI	Development Manager (Planning), Wychavon District Council

FOR THE APPELLANT:

Martin Carter of Counsel	Instructed by Kevin Waters, Gladman Developments Ltd
He called:	
Jason Tait BA(Hons) DipTP MRTPI	Director, Planning Prospects Ltd
Robert Hindle BSc(Hons) MRICS	Director, Rural Solutions Limited
Ben Wright BA(Hons) DipLA CMLI	Director, Aspect Landscape Planning Ltd
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David Beardmore MSc MA DipLD(Dist) DipLArch(Dist) DipUD DipBldgCons FRTPI CMLI IHBC	Principal, Beardmore Urban
Kevin Waters MSc BSc(Hons) MRICS MRTPI	Planning and Development Manager, Gladman Developments Ltd

FOR BREDON, BREDON'S NORTON & WESTMANCOTE PARISH COUNCIL:

Nina Pindham of Council	Instructed by Bredon Parish Council
She called:	
Rhys Scrivener MSc MIOA	Director, KR Associates (UK) Ltd
Councillor Alison Palmer	Councillor, Bredon, Bredon's Norton & Westmancote Parish Council

INTERESTED PERSONS:

Councillor Adrian Darby OBE	Member of Wychavon District Council
Shona Robb	Local resident
Mike Hodgson	Local resident
Phil Handy	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1 Councillor Palmer's corrected Appendix 12
2 Mr Waters' Appendices 11 & 12
3 Email from J & M Marshment dated 10 March 2015
4 Drawing no. F0064-002-002B
5 Agreed consolidated list of matters of dispute in respect of housing land supply
6 Appeal decision APP/R0335/A/14/2219888
7 Judgment [2015] EWHC 539 (Admin)
8 Evesham Area Schools catchment data and known children data
9 Appellant's aerial photo of sports provision at Bredon Playing Fields
10 Appellant's existing and proposed viewpoint 4 views
11 Appeal decision APP/T3725/A/14/2222868
12 Appellant's opening statement
13 Council's opening statement
14 Bredon Parish Council's opening statement
15 Council's site photographs
16 Statement by Councillor Adrian Darby
17 South Worcestershire Development Plan Examination hearing documents
18 Wychavon site deliverability information request April 2015 extracts
19 Email from Persimmon Homes dated 4 March 2015
20 Extract from BS 8233:2014
21 Bredon Village Design Statement September 2011
22 Appeal decision APP/H1840/A/14/2222708
23 Email from Bredon Parish Council to South Worcestershire Development Plan programme officer dated 23 February 2015
24 Letter from Harriett Baldwin MP dated 12 March 2015 with attached correspondence
25 Email from Roger Powell dated 14 March 2015
26 Council's submissions on law with attachments
27 Drawing no. C13375 005
28 Mr Scrivener's document extracts
29 Draft conditions
30 Appellant's emails with South Worcestershire Development Plan programme officer dated 16 March 2015
31 Email from Rob Sly dated 17 March 2015
32 Bredon Parish Council's photograph of view from St Giles Church Tower
33 Judgment [2013] EWHC 473 (Admin)
34 M5 Motorway Database extract
35 Draft unilateral undertaking
36 Appellant's note of planning obligation compliance with attachments
37 Shona Robb's statement
38 Mike Hodgson's statement
39 Phil Handy's statement
40 Worcester Transport Strategy extract

41 Worcestershire County Council's justification statement for transport contributions
42 Sport England contribution calculator
43 Suggested condition on lighting
44 Bredon Parish Council's closing submissions
45 Council's closing submissions
46 Appellant's closing submissions
47 Email from Ian Miles dated 18 March 2015
48 Suggested site visit itinerary
49 Unilateral undertaking dated 19 March 2015