

Appeal Decision

Inquiry opened 24 October 2017

Accompanied site visit made on 3 November 2017

by M C J Nunn BA BPL LLB LLM BCL MRTPI

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

Decision date: 14 March 2018

Ref: APP/R1845/W/17/3173741

Land off The Lakes Road, Bewdley, Worcestershire, DY12 2BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gladman Developments Ltd against Wyre Forest District Council.
 - The application Ref: 16/0550/OUTL is dated 9 September 2016.
 - The development is described as "outline planning permission for up to 195 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space, and children's play area, surface water flood mitigation and attenuation, vehicular access point from The Lakes Road and associated ancillary works. All matters to be reserved with the exception of the main site access off The Lakes Road".
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The Inquiry opened on 24 October 2017, and sat on 25, 26, 27 & 31 October, and 1 & 2 November 2017. In addition to my accompanied site visit on 3 November 2017, I made unaccompanied visits to the site and its surroundings on other occasions, before, during and after the Inquiry. Housing Land Supply issues were discussed as part of a 'Round Table Session'.
3. The application is made in outline with all matters except access reserved for subsequent determination. An illustrative Development Framework Plan (Ref 7166-L-02 Rev P) has been provided showing how the development might be accommodated.
4. Two planning obligations, both dated 8 November 2017, have been submitted. I deal with these in the body of my decision.
5. The Council failed to determine the application within the prescribed period. The Council's Committee Report of 20 June 2017 advises that, had it determined the application, it would have refused permission for six reasons¹.

¹ Committee Report [CD 5.1] and Minutes [CD 5.2]

6. One of the Council's putative refusal grounds related to air quality, and specifically the effect on the Welch Gate Air Quality Management Area (AQMA). Following further negotiations, the Council has confirmed that it is satisfied with the measures proposed in one of the planning obligations and has withdrawn its objections in terms of the effect on air quality².

Main Issues

7. The main issues are:
- i. the effect of the proposal on the character and appearance of the area, including the landscape;
 - ii. the effect on the significance of heritage assets, including the Bewdley Conservation Area and statutorily listed buildings; and
 - iii. whether the Council can demonstrate a five year supply of deliverable housing sites; if it cannot, whether the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme; or whether specific policies indicate development should be restricted.

Reasons

Planning Policy Context

8. The relevant legislation³ requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan comprises the Core Strategy (CS), adopted 2010, which plans for the period between 2006-2026; and the Site Allocations and Policies Local Plan (SAPLP), adopted 2013, which contains development management policies for the district and allocates sites for particular uses. The Council refers, in its putative refusal grounds, to Policies DS01, DS03 and CP12 of the CS, and Policies SAL.DPL1, SAL.UP6 of the SAPLP.
9. The National Planning Policy Framework ('the Framework') sets out the Government's up-to-date planning policies and is a material consideration in planning decisions. The Framework does not change the statutory status of the development plan for decision making. Importantly, however, the Framework advises at Paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. Paragraph 14 of the Framework is also clear that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 14 also notes that specific policies of the Framework may indicate development should be restricted.
10. Policy DS01 (Development Locations) of the CS sets a housing requirement of 4000 dwellings over the plan period, and identifies Bewdley as a 'Market Town' within the settlement hierarchy. It states that limited opportunities for development to meet local needs will be identified on brownfield sites. DS03 (Market Towns) of the CS states, amongst other things, that Bewdley's

² Council's Closing Submissions, Paragraph 2 [Inquiry Document (ID) 38]

³ Section 38(6) of the 2004 Act

contribution towards the District's housing needs will be limited primarily to the provision of affordable housing to meet local needs on allocated sites. A mixed use scheme is identified in the town centre. Policy SAL.DPL1 (Sites for Residential Development) of the SAPLP is concerned with delivering the housing requirement of Policy DS01 of the CS and restricts development to identified locations, and within Bewdley, to small windfall sites for 5 or less dwellings on previously developed land within areas allocated primarily for residential development. The appellant acknowledges that the appeal proposal does not fall within these policy criteria.

11. The CS was adopted against a housing evidence base derived from the now revoked West Midlands Regional Spatial Strategy that does not reflect the up-to-date full objectively assessed need that Paragraph 47 of the Framework requires. The SAPLP was also adopted on the basis of the housing requirement figure within the CS. The Council accepts that the housing policies are not up-to-date. This diminishes the weight that can be attached to any conflict with Policies DS01 and DS03 of the CS and SAL.DPL1 of the SAPLP insofar as they relate to housing land supply. It is also sufficient, in itself, to engage the so called 'tilted balance' of Paragraph 14 in favour of granting permission. However, the Council contends there are specific policies in this instance which indicate that development should be restricted: namely Paragraph 134 of the Framework, dealing with heritage assets, and Paragraph 109, concerned with valued landscapes. I shall return to these matters in due course.
12. Policy CP12 (Landscape Character) of the CS requires new development to protect and where possible enhance the unique character of the landscape. Where appropriate to landscape character, small scale development meeting the needs of the rural economy, outdoor recreation, or to support the delivery of services for the local community will be supported, subject to meeting all other relevant criteria with the development plan. The appellant's view is that Policy CP12 of the CS is inconsistent with the Framework for various reasons: it is not criteria based, it lacks a hierarchical approach requiring that protection is commensurate with landscape status, and it arbitrarily restricts proposals to 'small scale development' that meet certain criteria. I accept that the thrust of the Framework has moved away from a 'blanket protection' of the countryside, to a more hierarchical approach of consideration of landscape value, and that it places no restriction on the size of development.
13. That said, the Framework refers to the planning system performing various roles, including an environmental one. This involves contributing to protecting and enhancing the natural, built and historic environment⁴, as well as amongst other things, taking account of the different roles and character of different areas, and recognising the intrinsic character and beauty of the countryside⁵. The Framework specifically states planning should contribute to conserving and enhancing the natural environment⁶. So whilst certain aspects of Policy CP12 do not reflect up to date guidance, the requirement 'to protect and where possible enhance the unique character of the landscape' is not in fundamental conflict with the underlying aims of the Framework, and so it can be afforded some weight.

⁴ Paragraph 7

⁵ Paragraph 17

⁶ Paragraph 17

14. Policy SAL.UP6 (Safeguarding the Historic Environment) of the SAPLP requires that proposals affecting heritage assets, including their setting, should demonstrate how these assets will be protected, conserved and, where appropriate, enhanced. It sets out criteria to be considered for development proposals affecting heritage assets. The policy does not accurately reflect the approach to heritage assets in the Framework⁷ in terms of distinguishing between designated and non-designated heritage assets, or in terms of assessing harm or assessing public benefits. Furthermore, the approach in respect of conservation areas in the second part of the policy does not reflect either the relevant tests in the Framework or the relevant planning legislation⁸. This diminishes the weight that can be attached to any conflict with this policy.

Emerging Policy

15. A new plan is currently being prepared. A *Local Plan Review: Preferred Options Document (2016-2034)*⁹ was published in June 2017 for consultation to enable residents, local businesses and other stakeholders to express their views. It explains that two options of the spatial strategy have been put forward for consultation because of 'the difficult choices that will have to be made'¹⁰. The Council has not relied on any emerging policies in its putative reasons for refusal, although the Statement of Common Ground lists a number of emerging policies relevant to the appeal¹¹. The emerging plan is scheduled for adoption in February 2019. However, it is still subject to various outstanding objections, and its policies may be subject to change. It is still a considerable way from adoption. In these circumstances, I cannot give its policies significant weight in this appeal.
16. Bewdley has been designated as a Neighbourhood Area and work is underway by the Town Council to produce a Neighbourhood Plan. Although consultation events have taken place, a formal plan has not yet been produced for consultation. As things stand, there is no draft Neighbourhood Plan to take into account at this stage.

Character and Appearance - Landscape

17. The irregularly shaped appeal site forms an expansive group of sloping fields abutting the urban edge of the settlement of Bewdley. The fields are defined by hedgerows and the undulating topography generally falls towards the base of the valley. The site's south western boundary is defined by Dry Mill Lane and its south eastern boundary by The Lakes Road. To the south is residential development. Further to the west lies the Wyre Forest Nature Reserve and Site of Special Scientific Interest. A public footpath (BW518) runs across the site from Dry Mill Lane to Dowles Road. Further to the east at the bottom of the valley, outside the site, flows the River Severn. There is a play area, accessed from the junction of Tudor Road and Lyttleton Road on the south eastern boundary.
18. The appeal site lies within the 'Wyre Forest Plateau Regional Character Area', and at a more local level, the 'Forest Smallholdings and Dwellings' Character

⁷ Section 12

⁸ Planning (Listed Buildings and Conservation Areas) Act 1990

⁹ CD 8.1

¹⁰ Paragraph 1.7 [CD 8.1]

¹¹ Paragraph 3.1.3

Type, which occurs solely around the fringes of Wyre Forest. It is described as characterised by a small scale pattern of hedged pastures and orchards assarted¹² from woodland with an intimate spatial character¹³. The description also refers to an intricate network of narrow, interlocking lanes and wayside dwellings. Advice on management is given in an Advice Sheet¹⁴ which mentions that the area's 'rustic charm' can be easily destroyed and the aim should be to conserve through appropriate planning controls and design guidance.

19. The appellant's assessment is that the site is considered to be of 'medium/high' landscape value¹⁵, although it is noted that it is not protected by any specific national or local landscape designation, nor has it ever been¹⁶. Nor is it subject to any ecological or other environmental designation. The appellant acknowledges that the site is in good condition, but says there are no rare features within the site and it is typical of the area. Whilst there is a public footpath across the site, with attractive long distance views across the valley, it is an area of farmland on the edge of the settlement. It cannot be regarded as an intrinsically sensitive site, being influenced by the existing edge of Bewdley along its boundary to the south east and south west. It does not contain any demonstrable physical characteristics that would elevate the site above that of general countryside.
20. Applying the principles of the *Guidelines for Landscape and Visual Impact Assessment, Third Edition* (GLVIA3)¹⁷ the appellant concludes that in terms of the site itself, there would be a 'major/moderate adverse' effect on the landscape on completion of the scheme, reducing to 'moderate/adverse' once the associated planting and green infrastructure has matured¹⁸. In wider views, it is concluded that landscape effects would be quite localised with the development ultimately forming an extension to the existing residential edge of Bewdley. Effects for the wider landscape area are said to be 'moderate/minor adverse' on completion, reducing to 'minor adverse' once planting and landscaping has matured¹⁹.
21. Whatever character 'label' is attached, the character of the site and surroundings is clear from site inspection. From my own observations, I consider that the site and its wider surroundings form part of a very attractive valley landscape, with a gently rolling topography. Composed of fields, and punctuated and peppered by intermittent deciduous tree cover and hedgerows, a pleasing, intimate yet open character results. The local landscape remains intact and unspoilt, and its elements are in good condition. Indeed, the predominant impression when walking along Footpath BW518, away from Dry Mill Lane, is of entering an attractive, open and rural landscape, with excellent long range views across the River Severn Valley, to the Wyre Forest, and in the far distance, the Clent Hills. The urban edge of Bewdley, and specifically the properties in Dry Mill Lane and The Lakes Road, play a minimal role and do not

¹² i.e. cleared from the forest

¹³ Landscape Character Assessment, pp 58-59 [CD 7.1]

¹⁴ Advice Sheet – Smallholdings & Dwellings [CD 9.19]

¹⁵ Mr Nye's Proof, Paragraphs 3.24 & 6.2

¹⁶ For example, an Area of Great Landscape Value, designated in the Worcestershire County Structure Plan

¹⁷ ID 20

¹⁸ Mr Nye's Proof, Paragraph 5.10

¹⁹ Mr Nye's Proof, Paragraph 5.6

dominate the site to any great extent. Nor does the existing residential development undermine the site's tranquillity to any degree. Indeed, the impression I formed on my site inspections was of being in a peaceful and tranquil rural location.

22. Whilst the fields themselves comprising the site have no formal recreational use, they nonetheless provide an important setting and context for the footpath, which is well used and popular with local people. The footpath is promoted by the Tourist Information Centre as part of two circular walks²⁰. It is also mentioned in an historic 1926 'Official Guide to Bewdley' which notes that 'from its very elevated position, you have indeed a lovely view of the wooded and magnificent valley of the Severn beneath'²¹. I acknowledge that this guide was written many years ago, and there has been significant new development in Bewdley that has inevitably changed the experience. However, the panoramic views of the landscape from the footpath still remain intact.
23. The proposed coverage of the fields with new housing either side of the footpath means views from it would be compromised. The intrusion of urban built form would fundamentally alter users' experiences of this important section of the footpath. Rather than walking through a series of open fields that form part of a much wider rural landscape, and from which there are panoramic views, it would in effect become a walk through a housing estate. Most users are likely to find their experience and enjoyment of the footpath seriously impaired by such changes to the landscape. I acknowledge the illustrative plans show a 'green corridor' either side of the footpath. New pathways are also proposed through and around the site, linking into the existing public footpath, along with an extensive area of public open space²². Whilst these features would create some degree of permeability across the site, they do not alter my fundamental concerns regarding the harmful effect of the development.
24. Turning to views in the wider landscape, I observed the site from various points, in longer range views from the opposite side of the valley, including from the public bridleway (KF525) south of Hall's Farm and the public footpath at Crundalls Farm. From these vantage points, although seen at a distance and within the context of a larger panorama, there are nonetheless clear views towards the site. In fact, the site is conspicuous, covering a wide expanse of gently sloping land that contributes to the wider rural landscape and setting of Bewdley. The development would be seen as significantly expanding the urban edge of Bewdley. The visual intrusion of built development over this significant swathe of rural land, sloping down the valley side, would harm this attractive landscape.
25. The appeal site is promoted on the basis that it should be regarded as essentially an area adjacent to, and read in the context of, the built development of Bewdley. However, the site is not well-contained, and there are extensive views of it from the wider landscape, including from the other side of the valley. The proposal would not mark a natural rounding off of the settlement, nor would it be adequately assimilated with it. Rather, it would

²⁰ CD 12.7, Appendix 1

²¹ CD 12.7 Appendix 2

²² Mr Nye's Proof, Appendix 4 & 5

project significantly into the open countryside, destroying its existing open, rural character. The appeal site forms an important part of a series of undulating fields that merge with the wider sweep of rural land beyond the built-up confines of Bewdley.

26. The scheme proposes additional structural planting along the boundaries, and within the site to supplement the existing vegetation, hedgerows and trees to minimise the impact of new housing. However, I am not convinced that these measures, even once established over time, would be fully effective in altering the perception of urban development behind the vegetative screening. In the winter months when deciduous trees lose their leaves and vegetation dies down, the houses would inevitably be more obvious. Moreover, because of the site's sloping topography and position on the side of the valley, any landscaping, no matter how extensive, would not be particularly effective in screening or mitigating the impact of the development in longer range views from the opposite side of the valley. And whilst it is proposed to retain as much of the existing hedgerow as possible, sections of it will be removed to facilitate access within the site²³.
27. There was disagreement as to whether the site should be classified as a 'valued landscape' in terms of the Framework²⁴. The appellant mentions that valued landscapes should show some demonstrable physical attribute that takes them beyond mere countryside²⁵, and that the site does not demonstrate the characteristics identified in Box 5.1 of GLVIA3²⁶ that can assist in the identification of such areas. The appellant also notes this is a relatively recent contention of the Council, and highlights that the putative reason for refusal refers to the permanent urbanisation and irrevocable change to an '*important*' landscape rather than a '*valued*' one. I am not convinced that much turns on the difference in terminology because, according to the Oxford English Dictionary's definition, '*important*' can mean '*of great significance or value*'.
28. There is no definition within the Framework as to what a 'valued landscape' actually means. GLVIA3 is clear that the fact that an area of landscape is not designated nationally or locally does not mean it does not have any value²⁷. In my judgement, this site forms an intrinsic part of a landscape which is of significant value in the locality and wider area. As noted, a well used footpath runs across the site from which there are panoramic views and the landscape's attractive characteristics can be readily observed. The footpath's importance in terms of how the area is appreciated is acknowledged in published documents, including by the Tourist Information Centre, and in an historic guide book for Bewdley. There are also sweeping vistas of the site from the other side of the valley. The historic hedgerows remain largely intact and the site displays the character of 'assarted enclosure', a historic resource comprising less than 2% of the district²⁸. Whilst the area is not formally designated in landscape terms, it does not follow that the site is without merit or value. Nor does the absence of a formal designation prevent the scheme having a harmful effect. I consider

²³ Statement of Common Ground, Paragraph 4.4.4

²⁴ Paragraph 109

²⁵ CD 11.7

²⁶ ID 20

²⁷ Paragraph 5.26

²⁸ CD 12.5. page 82

that this site has significant local value, and is capable of being defined as a valued landscape.

29. A question then arises as to whether a 'valued landscape' is a restrictive policy in terms of Footnote 9 of Paragraph 14 of the Framework, which in turn has implications as to whether the 'tilted balance' should apply. I have been provided with various appeal decisions concluding that valued landscapes should be considered a restrictive policy²⁹ and those taking a contrary view³⁰. Paragraph 109 does not indicate any particular approach or methodology as to how 'valued landscape' status should be weighed in the planning balance.
30. Footnote 9 does not provide an exhaustive list but merely provides examples³¹. However, the examples given include sites protected under the Birds and Habitats Directive, those designated as Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, Heritage Coasts, National Parks (or the Broads Authority), designated heritage assets, and locations at risk from flooding or coastal erosion. It is notable that these examples all relate to statutorily protected or formally or specifically designated sites, assets or interests. This is not the case for this landscape.
31. In the absence of any substantive legal judgement on the point, and taking account of the above, I do not consider that a valued landscape, of itself, necessarily to be an example of a policy which cuts across the underlying presumption in favour of development. Rather, I am of the view it requires me to consider any harm as part of the normal planning balance. Therefore, I do not consider the tilted balance of Paragraph 14 should be displaced on this basis.
32. I am aware that the County Council's acting Landscape Officer did not raise an 'outright' objection to the scheme, but was not able to support the application 'in its current form'³². However, assessments in respect of impacts on the character and appearance of landscapes inevitably involve qualitative matters of judgement, and are rarely clear cut. From my own observations, and the evidence at the Inquiry, I am satisfied that the Council's objections on landscape grounds are justified. I take the view that the appellant's evidence has underestimated the impact of the proposal, as well as undervaluing the overall sensitivity and value of this site.
33. The site was assessed for the purposes of a Housing and Economic Land Availability Assessment (HELAA)³³. Although the appellant states that the site was considered by the panel to be suitable for the delivery of housing, the HELAA commented that only a small amount of development may be possible on the southern part of the land, closest to the urban area, subject to land being allocated through the Local Plan³⁴. Importantly, the HELAA does not identify as suitable for development the much larger expanse of land proposed in this scheme. The fact that it identified a much smaller area as a candidate for further comparative assessment during the plan-making process is not a reason to justify the appeal development.

²⁹ ID 1

³⁰ ID 2

³¹ The footnote is prefaced by the words 'for example'

³² CD 4.1, pages 3-5

³³ CD 9.6

³⁴ CD 9.6, page 20

34. To sum up, I conclude that the encroachment of new development on to this large undeveloped swathe of open land would have very significant and adverse effects for the rural landscape. The site is close to various sensitive recreational 'receptors', particularly the Footpath BW518 that crosses the site, and it is visible in longer range views from viewpoints across the valley. The development would cause a significant incursion into the open countryside and seriously harm the rural character of the locality. As such, the proposal would conflict with Policy CP12 of the CS. It would also conflict with the Framework which requires the planning system to contribute to protecting and enhancing the natural environment³⁵, as well as recognising the intrinsic character of the countryside³⁶. It would not protect and enhance a valued landscape³⁷. All these factors weigh very heavily against the proposals.

Effect on the significance of heritage assets

35. The Bewdley Conservation Area³⁸, comprising a large proportion of the town centre, is of considerable significance in terms of its architectural and historic interest. It contains many statutorily listed buildings, including the River Bridge (Grade I) and St Annes Church (Grade II*) and various buildings in the High Street and in Wribbenhall facing the River. The town sits largely within the valley bottom, and is split into two parts either side of the central Severn River, connected by the bridge. There are many building types, including timber framed buildings from the late medieval period to the 17th Century, and properties from the Georgian, Victorian and Edwardian periods. The Conservation Area Character Appraisal notes that the rural setting of the town is an important component of its character. It states that it is important to conserve the rural setting of the town and Conservation Area, and to recognise the interrelationship between the Conservation Area and overall setting³⁹.
36. The appeal site neither falls within the Conservation Area nor directly abuts it. The Framework defines the setting of a heritage asset as the surroundings in which it is experienced and its extent is not fixed⁴⁰. The Council has suggested two main aspects to assessing effect of development on the significance of the Conservation Area⁴¹. First, how the development of the appeal site would affect the relationship between the Conservation Area and its wider context, as perceived from various points outside it; and second, how the development would affect existing views from within the conservation area towards the site.
37. In terms of the first aspect, I acknowledge that the appeal site makes some contribution to the setting and significance of the Conservation Area because it forms part of the rural hinterland surrounding the town. This relationship can be seen from various points outside the conservation area where the appeal site and conservation area are visible together. For example, the site is prominent in views from the Bridleway KF525 to the south of Halls Farm, and from Crundalls Farm. However, in many of these longer range views where both the town and appeal site are visible together, the viewer is simply

³⁵ Paragraph 7

³⁶ Paragraph 17

³⁷ Paragraph 109

³⁸ CD 9.18

³⁹ CD 9.17

⁴⁰ Glossary

⁴¹ Mr Bassett's Proof, paragraph 3.18

observing Bewdley (and its associated Conservation Area) as an urban settlement within the wider countryside, along with more recent residential development on its outskirts.

38. I have already found that the proposed expansion of development into open countryside would have a seriously harmful effect on the rural landscape. However, whilst the appeal scheme would enlarge the expanse of more recent development on the edge of the town, I am not convinced the overall perception of the Conservation Area itself within the wider landscape would be fundamentally altered by the appeal development. Hence, in terms of the degree of direct harm to the significance of the Conservation Area itself, and its relationship with the wider landscape context, the effect would be limited.
39. In terms of the second aspect, the appeal site is visible from certain points within the Conservation Area, including from the Severn Valley Railway Station (from the footbridge and viaduct), and from the River Bridge and Quayside in Wribbenhall. I acknowledge that the appeal site makes some contribution to the setting and significance of the Conservation Area because it forms part of the rural hinterland that is visible in views from these points within the Conservation Area. However, the appeal site represents a very small component in the overall vistas from these viewpoints. I consider that the development would have a limited effect on existing views from within the Conservation Area towards the site.
40. The Council has raised concerns regarding light spillage from the development, arguing that it would erode the ability to appreciate the Conservation Area in its setting. However, there is already a significant swathe of residential development between the Conservation Area and the appeal site, including the 20th Century housing in Woodthorpe Drive. Any additional lighting must be viewed in this context and I do not consider the effect on the Conservation Area would be especially marked in this respect.
41. In terms of statutorily listed buildings affected by the development, the Council has identified only Severn Heights on Dowles Road (Grade II). The listing description identifies this as a timber framed building with rendered infill walls and a tiled roof. It dates from the 17th Century with early 19th Century additions, and some late 20th Century alterations. The appeal site forms part of the wider setting of this listed building, and its undeveloped rural character reinforces the building's sense of isolation in the countryside. To that extent, it contributes to its significance.
42. The appeal scheme would result in residential development moving closer to this listed building. However, the setting of this building would not be affected to a significant degree by the scheme because of the steeply sloping topography towards the valley bottom, the heavily wooded enclosure the house experiences, and the very limited inter-visibility between the appeal site and listed building. Furthermore, the lower field closest to Severn Heights is proposed to be retained undeveloped as an amenity area, thereby minimising the impact on the listed building's setting.
43. Both the appellant and the Council agree that the overall degree of harm to heritage assets would be less than substantial in terms of the Framework, and I share that view. But there is a clear difference of opinion between the parties

as to how the harm should be categorised. The appellant argues that the proposal would have only a negligible degree of harm to the significance of the Conservation Area itself and the statutorily listed Severn Heights⁴². Thus the appellant contends the harm to heritage assets should be at the bottom end of the 'less than substantial harm' spectrum. The Council, by contrast, argues the harm lies on a significantly higher point on the spectrum.

44. To my mind, the proposal would result in some very limited harm to the setting of the Conservation Area. In respect of the listed building, the relevant legislation requires that where considering whether to grant permission for development that affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting⁴³. I have found the proposal would result in some impact to the setting of Severn Heights and, to that extent, would therefore fail to preserve its setting, contrary to the relevant legislation. However, the effect on its setting would be very marginal.
45. Overall, for the reasons above, I consider that the level of harm to heritage assets should be placed at the lower end of the spectrum. In accordance with the Framework, the harm to heritage assets, albeit less than substantial, needs to be weighed against the public benefits of the proposal.

Housing Land Supply

46. The Council maintains it has a 5.69 year supply of housing⁴⁴, whereas the appellant says it is only 1.24 years⁴⁵. This difference arises because of various areas of disagreement: first, the housing requirement figure that should be used. The Council contends 300 dwellings per annum (dpa), whereas the appellant prefers 332 dpa; second, the appropriate 'buffer' - whether 5% or 20%, depending on the extent of any shortfall; and third, the extent of the supply, including whether the sites relied on by the Council are deliverable, and whether certain types of 'C2' units (residential institutions) are to be included in the calculations in terms of past completions and future supply.

Requirement figure

47. Policy DS01 (Development Locations) requires 4,000 dwellings to be provided over the plan period. The Council acknowledges that this requirement figure no longer represents the Objectively Assessed Housing Needs for the district (OAHN)⁴⁶, and is therefore out of date. However, there is disagreement as to what the OAHN should be for the purposes of this appeal. Amion Consultants were appointed by the Council to produce an OAHN for the Council as part of the evidence base for the emerging Local Plan.
48. The Amion Report⁴⁷ (April 2017) identifies a range between 199-332 dpa. The appellant favours the figure of 332 dpa at the top of the range based on, amongst other things, the significant need for affordable housing, the worsening affordability of housing in the area, and household formation suppression that has resulted from a lack of supply against need over the past

⁴² Mr Clemons Proof, Paragraphs 7.12 & 7.14

⁴³ S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁴⁴ Council's Closing Submissions [ID 38] & HLS Update Note [ID 34]

⁴⁵ Appellant's Closing Submissions, Paragraph 6.8

⁴⁶ Mr Round's Proof, Paragraph 14

⁴⁷ CD 9.1

10 years⁴⁸. The higher figure would also help 'boost significantly' the supply of housing in accordance with the Framework.

49. The requirement range identified in the Report results primarily because of different assumptions concerning a number of key variables: migration, unattributed population change, household formation rates, and economic activity. The Report, having regard to various factors, recommends a figure of 300 dpa⁴⁹ and rejects the higher figure of 332 dpa. Importantly, this judgement was entirely Amion's rather than the Council's. The Council explained at the Inquiry⁵⁰ that the recommended figure was based on a careful analysis of the data and the most appropriate scenarios with regard to migration, and other judgements, including in terms of headship rates, market signals such as house prices, relative affordability and vacancy rates, and economic forecasts. For example, in respect of migration, the Report favours a long term trend approach based on the actual results of the 2011 census as a 'reality check' (PG-Long-term), rather than one based wholly on projections (PG-Long-term- X)⁵¹. Thus it was explained that the 332 dpa scenario (PG-Long-term-X) is based on forecasts that are not wholly reliable.

50. Establishing the future need for housing is not an exact science and no single approach will provide a definitive answer⁵². Professional judgements have to be made on technical evidence which may permit a range of possible outcomes. Moreover, and importantly, it is my firm view that any future housing requirement figure will need to be discussed, fully analysed and tested through the local plan examination process, with the opportunity for a full range of stakeholders and participants to comment. It is established case law that it is not part of my remit, in determining a planning appeal, to conduct an examination into the housing land requirements of the emerging local plan. Indeed, to do so may prejudice the findings of the Local Plan Inspector. In these circumstances, and for this specific appeal only, I have no good reason to discount the recommendations of the Amion Report, which appears to be based on thorough, robust and sound analysis. Therefore, I consider the 300 dpa figure to be appropriate, which equates to a dwelling requirement of 5,400 for the period 2016 to 2034.

Appropriate buffer

51. The next stage is to consider the appropriate buffer. Policy DS05 of the CS is concerned with the phasing and implementation of the 4,000 dwellings for the period covering 2006-2026, derived from Policy DS01. Although this figure is accepted as out of date, it does nonetheless provide a yardstick by which to measure past performance. Policy DS05 identifies an explicit stepped delivery over the five year phasing periods to ensure delivery over the plan period, as follows: 2006/07 to 2010/11 – 240 dwellings per annum; 2011/12 to 2015/16 – 326 dwellings per annum; 2016/17 to 2020/21 – 196 dwellings per annum; and 2021/22 to 2025/26 – 94 dwellings per annum. The Council has met its

⁴⁸ As per the evidence of Mr Venning and Mr Donagh

⁴⁹ Paragraph 5.3

⁵⁰ Evidence of Mr Bullock

⁵¹ Council's Closing Submissions, Paragraph 35

⁵² Paragraph: 014 Reference ID: 2a-014-20140306

stepped trajectory in only 3 years in the period from 2006 to 2016 resulting in a deficit of 301 units⁵³.

52. The Council's view is that, whilst Policy DS05 seeks to 'front load' delivery of sites, it does not constitute a formal 'requirement' for each five year period. Rather, according to the Council, the phased figures of the Policy are merely 'aspirational'. It mentions that the target for annual monitoring purposes has always been 200 dpa and, using this figure, the Council has exceeded its target in the period 2006-2016⁵⁴. It also draws attention to Paragraph 4.2 of the SAPLP which states that in order to meet the housing target of the CS, "*an indicative annual average of 200 net additional dwellings will be required during the plan period*". The Council's most recent Housing Land Supply Report of September 2017 (HLS Report) notes that, although for four of the years in this period completions were below the requirement of 200 dwellings, the cumulative difference in delivery was always positive and the average annual delivery over this period was 254 dwellings against a requirement of 200⁵⁵.
53. In my view, on any ordinary reading of Policy DS05, the completions should be measured against the clearly expressed stepped trajectory. The Policy unequivocally states that the Plan "*will deliver the following average annual net additions of dwellings within the District across the five year phasing periods*". This seems to be more than mere aspiration. Moreover, the reasoned justification to the Policy notes that "*the trajectory demonstrates that a higher build rate will be required for the first ten year period up until 2016*"⁵⁶. The Monitoring and Implementation Framework tables⁵⁷ within the CS also confirm the stepped trajectory of Policy DS05.
54. The Council is already behind in the revised OAHN requirement since 2016 against the higher 300 dwelling target, recording an under-delivery of 34 units for 2016-17 and 78 dwellings for the first five months of 2017/18⁵⁸. This, together with the failure to meet the stepped trajectory requirement of Policy DS05 leads me to conclude that there has been persistent under-delivery, and that a 20% buffer is appropriate in order to provide a realistic prospect of achieving the planned housing supply.

Supply

55. This raises the issue of the inclusion of C2 within the completion figures. The HLS report expressly notes that C2 uses (such as nursing and care homes) have been excluded from the housing requirement figure, as it is catered for separately, and therefore should not be counted as part of the housing completions⁵⁹. However, the Council has sought to distinguish between two types of 'care' accommodation: first, institutions with bed spaces, which are always accepted to be C2 use; and second, self contained dwellings in which older people live independently with or without the need for care, and where there is debate as to whether they should be regarded as C2.

⁵³ Mr Tait's Proof, Table at page 15

⁵⁴ Core Strategy requirement of 4,000 divided by the 20 year plan period (2006-2016)

⁵⁵ CD 9.4, Paragraph 3.3

⁵⁶ Paragraph 5.64

⁵⁷ Pages 97 onwards

⁵⁸ CD 9.4, Paragraph 3.3

⁵⁹ CD 9.4, paragraph 2.4

56. The Council argues the key question is whether a particular scheme is for institutional bed spaces or for self-contained dwellings and not to 'fixate' on whether it is described as C2 or not in an application or permission. In other words, if a scheme comprises self contained dwellings, that should be counted within the five year supply. On this basis, the Council argues that the former British Sugar Site, Kidderminster⁶⁰ (112 units) should be included in their completions and Land at Tan Lane, Stourport⁶¹ (60 units) in future supply.
57. Much time could be spent debating different approaches to definitions, and how individual schemes should be classified. In terms of the British Sugar Site, although the plans appear to show independent units, the permission clearly describes '*Residential units of extra care (Class C2)*' and '*Residential Units for Adults with Learning Difficulties Extra Care (Class C2)*'. In respect of Tan Lane, although the Council says the units are Class C3 and the plans appear to show individual apartments, a condition of the permission clearly states that '*at no time shall any unit be occupied as a single dwelling (C3) independent of the extra care facility*'⁶². Taking a straightforward approach, it seems to me that these schemes cannot properly be classified as ordinary dwellinghouses falling within Class C3. For the purposes of this appeal, I find these units should therefore be excluded from the calculations.
58. There was considerable disagreement as to whether there was a realistic prospect of sites being deliverable within the five year period. A schedule of disputed sites was produced setting out the parties' respective cases⁶³. In essence, the appellant seeks to remove sites altogether or shift them beyond the five year period for delivery on the basis that many have a history of non-delivery, with various constraints requiring resolution before development can proceed. This results in a supply figure of 570 units. The Council's more optimistic view results in a supply figure of 1927 units⁶⁴. Given the contradictory evidence supplied on these sites, and my limited knowledge of them, it is difficult to reach a definitive view. However, I set out the consequences for overall housing supply for each side's position below.

Overall conclusions on housing land supply

59. I have found that the Amion Report's recommended figure of 300 units should be used as the annual requirement, and that a 20% buffer is appropriate. In terms of supply, I have removed the disputed 'C2' units from the calculations. However, the exact supply figure is more difficult to discern because of the contradictory evidence of the parties concerning individual sites. Even on the most optimistic basis, and accepting the Council's preferred supply figure of 1927 units, it can only show a 4.69 year supply. Using the appellant's heavily discounted supply figure of 570 units (and also assuming an annual requirement of 300 units and a 20% buffer) a supply of just 1.39 years exists⁶⁵. If the appellant's preferred annual figure of 332 units is used against this lower supply figure (and again adopting the 20% buffer) it reduces further

⁶⁰ ID35

⁶¹ ID36

⁶² Condition 4 of 2015/0173

⁶³ ID22

⁶⁴ ID34

⁶⁵ ID 34

to 1.24 years. It is clear that, on any of these scenarios, the Council cannot demonstrate a five year supply of housing.

Planning Obligations

60. The appellant has completed two planning obligations, one by agreement and one by unilateral undertaking (UU), both dated 8 November 2017⁶⁶. The UU secures the provision of affordable housing at a rate of 30%, in accordance with the Council's policy requirement. Based on 195 dwellings, this would equate to up to 59 affordable units. It also secures provision of open space, by requiring an open space scheme to be submitted to the Council, and the open space to be transferred to a management company. It secures provision of a sustainable urban drainage system (SUDS). It secures financial contributions towards primary school education at St Annes CE Primary School and Bewdley Primary School (based on different rates depending on dwelling size). It also secures a sum towards policing (£11,058) and towards improving public transport by providing a new bus stop on The Lakes Road (£10,000), and solar powered real time bus information (£2,000).
61. The other obligation by agreement relates to air quality mitigation and comprises a financial contribution of £950,000 for the provision of six Euro VI buses to serve routes through Welch Gate. These new lower emission buses would replace the existing higher emitting buses. Such measures would mitigate the impact of the development on the Welch Gate AQMA. Indeed, the appellant's evidence is that these measures would actually result in beneficial air quality effects in the AQMA.
62. The obligation also includes £66,000 for a 'PEMS'⁶⁷ monitoring fee to test nitrogen emissions from the new buses. The appellant has presented cogent evidence that the PEMS monitoring fee is unnecessary⁶⁸. I accept that there is nothing to suggest that the buses will not perform as predicted, and that the buses themselves are equipped with appropriate diagnostics to indicate the performance of the emissions control system. I therefore conclude that, were I minded to allow the appeal, this element of the agreement should be struck out.
63. I have no reason to believe that the formulae and charges used by the Council to calculate the various contributions are other than soundly based. In this regard, the Council has produced a detailed Compliance Statement⁶⁹ which demonstrates how the obligations meet the relevant tests in the Framework⁷⁰ and the Community Infrastructure Levy Regulations⁷¹. The level of provision of affordable housing would comply with the Council's policy requirement. The Compliance Statement also sets out how the primary school education contribution has been calculated, and confirms it would be spent in schools close to the development. It also explains the necessity for the police contribution and how monies would be spent, and that the contributions for the bus shelter and information is necessary to maximise sustainable modes of transport.

⁶⁶ ID 23

⁶⁷ Portable Emissions Measurement System

⁶⁸ Evidence of Professor Laxen

⁶⁹ ID 40

⁷⁰ Paragraph 204

⁷¹ Regulation 122 & 123

64. The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of both the obligations, excluding the PEMS contribution, are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework and the Community Infrastructure Levy Regulations. In terms of the air quality measures, these would not only mitigate adverse impacts, but result in beneficial impacts within the AQMA, conveying benefits to the wider population. Overall, I am satisfied that the planning obligations (minus the PEMS contribution) accord with the Framework and relevant regulations, and I have taken them into account in my deliberations.

Overall Conclusions and Planning Balance

65. The relevant legislation requires that the appeal be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework states that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by the economic, social and environmental dimensions and the interrelated roles they perform. The Council accepts that the housing policies are not up-to-date and that this is sufficient, of itself, to engage Paragraph 14 of the Framework.
66. Paragraph 14 of the Framework explains how the presumption in favour of sustainable development applies. Where the development plan is absent, silent, or the relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Alternatively, specific policies in the Framework may indicate development should be restricted. Although I have found that valued landscapes do not fall within that latter category, the Framework is clear those relating to heritage assets do. Hence the 'public benefits' test of Paragraph 134 relating to heritage assets is engaged in this case.
67. There is no doubt that additional housing arising from this scheme would be a weighty public benefit for the area. It would introduce much needed private and affordable housing for local people. It would boost the supply of housing in accordance with the Framework, contributing up to 195 dwellings, of which up to 59 would be affordable. It would bring about additional housing choice and competition in the housing market. The contribution of the site to both market and affordable housing requirements of the district is a matter of considerable importance. As such, I accord these benefits substantial weight in the planning balance.
68. The scheme would generate other economic and social benefits⁷². It would create investment in the locality and increase spending in shops and services⁷³. It would result in jobs during the construction phase and, according to the appellant, result in construction spending of around £19.03 million. The new homes bonus would bring additional resources to the Council⁷⁴. I acknowledge that the site is in a reasonably sustainable location, within range of the shops,

⁷² As detailed in CD 1.16

⁷³ Household expenditure from the development is estimated by the appellant to be around £6.84 million per year

⁷⁴ Estimated to be around £1.8 million over the 6 years following completion of development

services, schools and the other facilities of Bewdley. There is a convenience store adjacent to the site, on the corner of The Lakes Road and Dry Mill Lane. There are bus services available in the locality and, at a greater distance, a railway station at Kidderminster. A range of employment opportunities exist in Bewdley and Kidderminster. I agree that, in all these respects, the scheme would comply with the economic and social dimensions of sustainability.

69. Some environmental benefits would also occur. There is the potential for biodiversity enhancement through additional planting and provision of green infrastructure⁷⁵ as well as the provision of a large SUDS. A substantial area of public open space is also proposed⁷⁶. Of particular significance is the mitigation scheme for the Welch Gate AQMA to be secured by the UU. This involves replacing the existing high emitting buses that currently pass through the AQMA with new buses that emit substantially less pollution. The evidence suggests that the mitigation will more than offset the increase in emissions associated with the scheme, and will result in beneficial impacts within the AQMA, as well as the wider area. This should assist the achievement of the annual mean nitrogen dioxide objective and contribute to the Council's Air Quality Action Plan. I accord the potential improvements to air quality significant and positive weight in the planning balance.
70. As noted above, Paragraph 134 of the Framework requires the harm to the significance of heritage assets to be balanced against the public benefits of the scheme. In addition, Paragraph 132 requires that, when considering the impact of a proposed development on the significance of heritage assets, great weight should be given to their conservation. However, for the reasons explained, I consider that the level of harm to heritage assets would be limited and should be placed at the lower end of the 'less than substantial' spectrum. In this case, I find that any harm to heritage assets would be outweighed by the scheme's public benefits. As a consequence, I find that the so called 'tilted balance' of Paragraph 14 of the Framework is not displaced in this instance.
71. Importantly, the Council cannot demonstrate a five year supply of housing. At best, the Council can only demonstrate a 4.69 year supply. Adopting the appellant's discounted supply schedule, based on the same assumptions, the five year supply reduces to 1.39 years. On the appellant's preferred basis, it is only 1.24 years⁷⁷. That latter figure is a very serious shortfall and attracts substantial weight in favour of granting permission for the proposals. However, the absence of a five year supply cannot override all other considerations. Moreover, there is no compelling reason why the additional development required to assist in making up the 5 year deficit has to be sited at this particular location.
72. In this case, I have serious concerns in respect of the very significant and adverse effects for the rural landscape. I have found the scheme would cause very serious material harm to the character and appearance of the area, and specifically to this valued landscape. This would conflict with Policy CP12 of the CS. It would also be contrary to the requirements of the Framework to contribute to protecting and enhancing the natural environment⁷⁸, recognising

⁷⁵ Ecology Statement of Common Ground

⁷⁶ Approximately 38% of the site, Proof of Evidence of Mr Lane, page 65

⁷⁷ Based on 332 units per annum

⁷⁸ Paragraph 7

the intrinsic character and beauty of the countryside⁷⁹ and protecting and enhancing valued landscapes⁸⁰. Consequently, I consider that the proposal would have very serious and harmful consequences in terms of the environmental dimension of sustainability with regards to the impact on landscape character. As such, I do not consider the scheme as a whole can be regarded as a sustainable form of development.

73. I have carefully weighed the significant shortage in housing supply in the balance as well as other benefits that would arise from the scheme. I have considered the contribution of the proposals towards addressing the undersupply of housing, both market and affordable. However, in this case, I consider that the adverse impacts of granting permission, specifically the very serious material harm to the rural character of the locality and incursion of development into the countryside would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole. I reach this view even on the basis of the appellant's preferred housing supply figure. For the reasons given above, I conclude that the appeal should be dismissed.

Matthew C J Nunn

INSPECTOR

⁷⁹ Paragraph 17

⁸⁰ Paragraph 109

APPEARANCES

FOR THE COUNCIL:

Mr Hugh Richards	Of Counsel, instructed by Wyre Forest District Council
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He called

Peter Bassett	Conservation Officer, Wyre Forest District Council
Neil Furber	Principal Landscape Architect, Pleydell Smithyman
Dr Mark Broomfield	Specialist Consultant, Ricardo Energy & Environment
Dr Michael Bullock	Director of arc4
Helen Smith	Spatial Planning Manager, Wyre Forest District Council
Paul Round	Development Manager, Wyre Forest District Council

FOR THE APPELLANT:

Mr Paul Cairns	Of Queens Counsel, instructed by Gladman Developments Ltd
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He called

Keith Nye	Director, FPCR Environment & Design Ltd
Jason Clemons	Director, WYG
George Venning	Director, Bailey Venning Associates
James Donagh	Director, Barton Wilmore LLP
Jason Tait	Director, Planning Prospects Ltd
Mark Clements	Director, PRIME Transport Planning
Professor Duncan Laxen	Managing Director, Air Quality Consultants
Laurie Lane	Planning Director, Gladman Developments Ltd

INTERESTED PERSONS

Ms M Brittain	Local resident
Mr B Maloy	Local resident

Mr G Roberts	Local resident
Mrs L Stanczyszyn	Local resident
Mr I Machin	Local resident
Mr M Moreton	Local resident
Mrs S Preedy	Local resident
Mr R Stanczyszyn	Local resident
Mr P Edmundson	Town Councillor
Mrs C Edginton-White	Town Councillor
Mr Davenport	Local resident
Mr D Laberty	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Appeal decision APP/Z1510/W/17/3172575, Land off Wethersfield Road, Finchingfield, Essex CM7 4NS
2. Appeal decision APP/J0405/W/16/3158833, Land north of Aylesbury Road, Wendover, Buckinghamshire
3. Opening Statement on behalf of Gladman Developments Ltd
4. Opening Statement on behalf of Wyre Forest District Council
5. Statement of Mrs M Brittain
6. Statement of Mr B Maloy
7. Statement of Mr G Roberts
8. Statement of Mrs L Stanczyszyn
9. Statement of Mr I Machin
10. Statement of Mr M Moreton
11. Statement of Mr R Preedy & Mrs S Preedy
12. Statement of Mr R Stanczyszyn
13. Statement of Calne Edginton-White (Councillor, Planning Committee) & Nick Farress (Town Clerk), Bewdley Town Council
14. Statement (Poem) of Mrs Avril
15. Statement of Councillor P Edmundson, Bewdley Town Council
16. Panoramic View of Mr Bassett
17. Email trail of Adam Mindykowski, Neil Furber and Paul Round
18. Email trail of Lucy Flanagan, Ben Horovitz, Neil Furber
19. Inspector's Interim Conclusions, South Worcestershire Development Plan (March 2014)
20. Extract of Guidelines for Landscape and Visual Impact Assessment, Third Edition
21. Appeal decision APP/A2280/W/15/3012034, Land North of Moor Street, Rainham
22. Schedule of disputed large housing sites
23. Planning Obligation by Agreement dated 8 November 2017 (including 'Blue Pencil' Note), and Unilateral Undertaking dated 8 November 2017
24. List of Draft Conditions
25. Report on Examination into Wyre Forest Site Allocations and Policies Local Plan & Kidderminster Central Area Action Plan (May 2013)

26. Graph showing change in NO₂ levels with/without scheme and mitigation
27. Horsefair Kidderminster AQMA showing bus route
28. Air Quality Update 2017, Worcestershire Regulatory Services
29. Missing Survey Sheets, Mr Furber's Appendix 2
30. Site Visit Route & Viewpoints
31. Note on Socio-Economic Calculations
32. Planning Obligation Note: Unilateral Undertaking
33. Planning Obligation Note: Air Quality Mitigation
34. Housing Land Supply Inquiry Update Note, 30 October 2017
35. Planning permission, Former British Sugar Site
36. Planning permission, Tan Lane
37. Appeal decision APP/G2435/W/15/3005052, Land South of Greenhill Road, Coalville, Leicestershire
38. Closing Submissions on behalf of the Local Planning Authority
39. Closing Submissions on behalf of Gladman Developments Ltd
40. CIL Compliance Statement, Wyre Forest District Council

Core Documents List

CD1 Planning Application Documents

- 1.1 Application Covering Letter and Application Form
- 1.2 Location Plan (including Application Red Line) (Drawing No. 7166-L-01 Rev C)
- 1.3 Development Framework Plan (Drawing No. 7166-L-02 Rev P)
- 1.4 Design & Access Statement
- 1.5 Landscape and Visual Assessment
- 1.6 Transport Assessment
- 1.7 Travel Plan
- 1.8 Ecological Appraisal
- 1.8a Great Crested Newt Survey Report
- 1.8b Reptile Survey
- 1.8c Confidential Badger Survey
- 1.9 Arboricultural Report
- 1.10 Flood Risk Assessment
- 1.11 Air Quality Assessment
- 1.12 Noise Assessment
- 1.13 Heritage Assessment
- 1.14 Archaeological Assessment
- 1.15 Statement of Community Involvement
- 1.16 Socio-Economic Impact Assessment
- 1.17 Planning Statement
- 1.18 Site Access (Drawing No. P16016-003-C)
- 1.19 Foul Drainage Analysis
- 1.20 Draft S106 Heads of Terms

CD2 Additional & Amended Reports submitted after validation

- 2.1 Breeding Bird Survey Report
- 2.2 Bat Survey Report
- 2.3 Flood Risk Assessment Rev A (December 2016)
- 2.4 Flood Risk Assessment Rev B (January 2017)
- 2.5 Supplementary Ecology Report (February 2017)
- 2.6 Visitor Survey Results Table
- 2.7 Air Quality Assessment Addendum (February 2017)
- 2.8 Highways Technical Note 01 (17 February 2017)
- 2.9 Wyre Forest: Housing Need Statement (October 2016)
- 2.10 Traffic Modelling Outputs (mini-roundabout junction)
- 2.11 Potential Junction Improvements Plan (mini-roundabout) (Welch Gate/Dog Lane/Load Street Junction) (drawing No. P16016-004)
- 2.12 Potential Junction Improvements Plan (priority arrangement) (Welch Gate/Dog Lane/Load Street Junction) (drawing No. P16016-005)
- 2.13 Traffic Modelling Outputs (priority junction)

CD3 Correspondence

- 3.0 Local Planning Authority
- 3.1 Highways Authority

CD4 Consultation Responses

- 4.1 WCC Policy (20 October 2016)
- 4.2 WCC Highways (25 October 2016)
- 4.3 WFDC Policy (2 November 2016)
- 4.4 WFDC Policy RLA Appendix 2 (2 November 2016)
- 4.5 WFDC Conservation (19 October 2016)
- 4.6 WCC Air Quality
- 4.7 WCC Environmental Health (21 September 2016)

- 4.8 Historic England (26 September 2016)
- 4.9 CPRE (27 September 2016)
- 4.10 WFDC Disability Action (28 September 2016)
- 4.11 LLFA North Worcestershire Water Management
- 4.12 Bewdley Town Council
- 4.13 Ramblers Association
- 4.14 Adrian Scruby - Historic
- 4.15 Alison Barnes - Education
- 4.16 Alvan Kingston - Arboricultural Comment
- 4.17 Andrew Morgan - Police
- 4.18 Bewdley Civic Society
- 4.19 Gillian Driver - Natural England
- 4.20 Kate Bailey - Affordable
- 4.21 Michelle Lowe - Noise
- 4.22 Paul Allen - Countryside Officer
- 4.23 Peter Aston - Designing out Crime
- 4.24 Severn Trent Water
- 4.25 Steve Bloomfield - Wildlife Trust Conservation officer
- 4.26 LLFA - observations Highfield House
- 4.27 LLFA - Objection removed email
- 4.28 AQMA - Neil Kirby - Following SH request
- 4.29 AQMA - Neil Kirby
- 4.30 Gillian Driver - NE Response
- 4.31 Paul Allen - Countryside Officer
- 4.32 Steve Hawley - County Highways comments
- 4.33 CH2M Bewdley Welch Gate Junction Assessment TN (FINAL)
- 4.34 Steve Bloomfield - Wildlife Trust - Updated comments
- 4.35 Bewdley Housing Survey Report v1
- 4.36 Confirmation from Bewdley that they accept the survey Dec 2016
- 4.37 Bewdley TP - Consultation AQMA Report

CD5 Committee Report

- 5.1 Committee Report
- 5.2 Committee Meeting Minutes

CD6 The Development Plan

- 6.1 WFDC Core Strategy (2006-2026) adopted December 2010
- 6.2 WFDC Proposals Map (Bewdley extract)
- 6.3 WFDC Site Allocations and Policies Local Plan (2006 – 2026) adopted July 2013
- 6.4 Inspector's Report WFDC Core Strategy (dated 19 October 2010) (extracts)
- 6.5 Regional Spatial Strategy Panel Report (extracts)

CD7 Supplementary Planning Documents

- 7.1 Worcestershire County Council Landscape Character Assessment Supplementary Guidance (October 2011)
- 7.2 Affordable Housing SPD (July 2014)
- 7.3 Design Guidance SPD (June 2015)
- 7.4 Planning Obligations SPD (September 2016)

CD8 Emerging Development Plan

- 8.1 Local Plan Review – Preferred Options document (June 2017)
- 8.2 Wyre Forest District Council Preferred Option Document, June 2017: Gladman Development's Representations
- 8.3 Local Plan Issues and Options Paper (September 2015) (extracts)

CD9 Evidence Base for Emerging Development Plan

- 9.1 WFDC Local Plan Review: Amion Consulting OAHN Report (April 2017)
- 9.2 WFDC Bewdley Housing Survey Report (June 2016)
- 9.3 Bewdley Town Council Letter (Housing Needs)
- 9.4 5YHLS report – Wyre Forest District Council Five Year Housing Land Supply Report at 1st September 2017
- 9.5 WFDC Appendices to 5 Year Housing Land Supply Report - September 2017
- 9.6 Housing and Economic Land Availability Assessment and Appendices (HELAA) October 2016 (extracts)
- 9.7 Settlement Hierarchy Technical Paper (October 2009)
- 9.8 Core Strategy Final Sustainability Appraisal Report (January 2010) (extracts)
- 9.9 Housing and Economic Land Availability Assessment (2016) (Bewdley extracts)
- 9.10 Green Belt Strategic Analysis (September 2016) (extracts)
- 9.11 Worcestershire's Local Transport Plan 2006 / 2011 (LTP 2) (extracts)
- 9.12 Worcestershire Local Transport Plan 3: Transport Strategy (extracts)
- 9.13 Worcestershire Local Transport Plan 3: Transport and Air Quality Policy (extracts)
- 9.14 Air Quality Action Plan (June 2013) (extracts)
- 9.15 Air Quality Action Plan Progress Report for Worcestershire April 2015 – March 2016 (September 2016) (extracts)
- 9.16 Historic Environment Technical Paper (2012) (extracts)
- 9.17 Conservation Area Character Appraisal (Jan 2015)
- 9.18 Conservation Area Boundary Plan, WFDC
- 9.19 Landscape Type Advice Sheet: Forest small holdings and dwellings
- 9.20 Landscape Type Advice Sheet: Principal timbered farmlands

CD10 Appeal Decisions

- 10.1 Site at Land off Barford Road, Bloxham APP/C3105/A/13/2189896
- 10.2 Land at Rosery Cottage and 171 Evendons Lane, Wokingham APP/X0360/A/13/2198994
- 10.3 Little Tarnbrick Farm, Blackpool Road, Kirkham, Preston APP/M2325/A/13/2196027
- 10.4 Land off Bath Road, Leonard Stanley APP/C1625/A/13/2207324
- 10.5 Land adjoining Hay House, Tibberton, Newport, Shropshire APP/C3240/W/15/3003907
- 10.6 Land and Buildings Off Watery Lane, Curborough, Lichfield APP/K3415/A/14/2224354
- 10.8 Land off Milltown Way, Leek, Staffordshire APP/B3438/W/15/3005261
- 10.9 Enabling works to allow implementation of full runway alternation during easterly operations at Heathrow Airport APP/R5510/A/14/2225774
- 10.10 Land at Land West of Horcott Road, Fairford APP/F1610/W/16/3157854
- 10.11 Land north of Gloucester Road, Tutshill, Chepstow APP/P1615/W/15/3003662

CD11 Court of Appeal and High Court Judgments

- 11.1 Bedford Borough Council v SSCLG and Nuon UK Ltd [2013] EWHC 2847 (Admin), 26 July 2013
- 11.2 St Albans City and District Council v Hunston Properties Limited and SSCLG [2013] EWCA Civ 1610, 12 December 2013
- 11.3 Hunston properties Ltd v SSCLG and St Albans City and District Council [2013] EWHC 2678 (Admin), 05 September 2013
- 11.4 Gallagher Homes Limited and Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin), 30 April 2014
- 11.5 Crane v SSCLG and Harborough District Council [2015] EWHC 425 (Admin), 23 February 2015

- 11.6 Phides Estates V SSCLG and Shepway DC and David Plumstead [2015] EWHC 827 (Admin), 26 March 2015
- 11.7 Stroud District Council v SSCLG and Gladman Developments Limited [2015] EWHC 488 (Admin), 6 February 2015
- 11.8 Colman V SSCLG and North Devon DC and REW Npower [2012] EWHC 1138 (Admin)
- 11.9 Forest of Dean District Council v SSCLG and Gladman Developments Limited [2016] EWHC 2429 (Admin), 4 October 2016
- 11.10 R(on the application of Graham Williams) v Powys County Council [2017] EWCA Civ 427, 9 June 2017
- 11.11 Steer v SSCLG and Catesby Estates Ltd and Amber Valley Borough Council [2017] EWHC 1456 (Admin), 22 June 2017
- 11.12 Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates; Partnership LLP and Cheshire East Borough Council [2017] UKSC 37 (Admin), 10 May 2017
- 11.13 Barwood Strategic Land v East Staffordshire Borough Council and SSCLG [2017] EWCA Civ 893, 30 June 2017
- 11.15 Gladman Developments Ltd v Daventry District Council and SSCLG [2016] EWCA Civ 1146, 23 November 2016
- 11.16 The Queen (on the application of) Emily Shirley And Michael Rundell v SSCLG [2017] EWHC 2306 (Admin), 15 September 2017
- 11.17 Daventry District Council v SSCLG and Gladman Developments Ltd [2015] EWHC 3459 (Admin), 2 December 2015
- 11.18 R(Leckhampton Green Land Action Group Ltd) v Tewkesbury Borough Council [2017] EWHC 198 (Admin), 9 February 2017
- 11.19 Oadby & Wigston Borough Council v SSCLG and Bloor Homes Limited [2016] EWCA Civ 1040, 27 October 2016

CD12 Landscape Documents

- 12.1 Worcestershire County Structure Plan (1996 - 2011) Areas of Great Landscape Value – chapter 5
- 12.2 Photography and photomontage in Landscape and Visual Impact Assessment. Advice note 01/11 (The Landscape Institute, 2011)
- 12.3 An Approach to Landscape Character Assessment (Christine Tudor, Natural England) 2014
- 12.4 Worcestershire County Landscape Character Assessment Technical Handbook (2013)
- 12.5 Worcestershire Historic Landscape Characterisation (2012)
- 12.6 Hedgerow Regulations – a guide to the law and good practice (1997)
- 12.7 BSNTG Landscape Review Statement (Pleydell Smithyman 2017)
- 12.8 Mid Severn Sandstone Plateau National Character Area (NCAP66)

CD13 Heritage Documents

- 13.1 HEGPA. Note 3 – Setting of Heritage Assets, Historic England, 2015
- 13.2 National Heritage List for England ref: 1166700
- 13.3 Worcestershire Revised Edition (Buildings of England) (Pevsner Architectural Guides: Buildings of England) 2007 by Alan Brooks (Author), Nikolaus Pevsner (Author)
- 13.4 Historic England: Seeing the History in the View: A Method for Assessing Heritage Significance in Views (2011)
- 13.5 Wyre Forest District Council Local Heritage List for Bewdley

CD14 Air Quality Documents

- 14.1 Air Quality Consultants report referenced J2943A/3/F3 "Air quality note: Bus emissions in Bewdley AQMA" (August 2017)
- 14.2 Ricardo Energy and Environment Independent Review (August 2017)

- 14.3 Air Quality Consultants report referenced J2943B/4/F2 "Response to Comments from Ricardo Energy and Environment" (September 2017)
- 14.4 Air Quality Consultants report referenced J2943B/6/F1 "Brief Note on Bus Emissions at Varying Speeds" (September 2017)
- 14.5 Air Quality Consultants report "Emissions of Nitrogen Oxides from Modern Diesel Vehicles" (January 2016)
- 14.6 AQ section of the PPG
- 14.7 International Council on Clean Transportation, "NOx emissions from heavy duty and light-duty diesel vehicles in the EU: Comparison of real-world performance and current type-approval requirements," (December 2016)

CD15 Other General Planning Documents

- 15.1 The Lakes Road Development Assessment –Wyre Forest Transport Model (CH2M) (July 2016)
- 15.3 DCLG consultation document "Planning for the right homes in the right places" (September 2017)
- 15.5 Planning Advisory Service website – 5YHLS FAQs
- 15.6 SWDP, Inspector's Report, Annex A (February 2016)
- 15.7 LPEG Appendix 6 'Housing and Economic Development Needs Assessment' Revised NPPG Text' March 2016
- 15.8 White Paper: Fixing our broken housing market (February 2017)
- 15.9 Housing Delivery in Wyre Forest 2015/16

CD16 Relevant Post Appeal Correspondence

- 16.1 3rd Party Final Comments
- 16.3 WCC to Prime Email – Development Proposals
- 16.4 Email from Adam Mindykowski regarding Landscape Viewpoints
- 16.5 Email from Peter Bassett regarding Landscape Viewpoints
- 16.6 Correspondence from Dr Suzanne Mansfield to NE