

**TOWN AND COUNTRY PLANNING ACT 1990 (AMENDED) SECTION 78
APPEAL**

by

Barratt David Wilson Homes (Mercia)

AGAINST

The refusal of planning permission by Redditch Borough Council for residential development (Class C3) with a vehicular access point onto Hither Green Lane, play areas, public open space including footways and cycleways, sustainable urban drainage systems and all other ancillary and enabling infrastructure at Land West of Hither Green Lane, Redditch

Planning Inspectorate reference:

APP/Q1825/W/24/3350905

Redditch Borough Council Reference:

21/01830/FUL

Statement of Case

from Redditch Borough Council



Date: 31.10.2024

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1.0 Introduction

1.1 This document is the Redditch Borough Council's (the Council) Statement of Case in respect of the appeal against the Council's refusal of planning permission for the following development: -

- *The refusal of planning permission by Redditch Borough Council for residential development (Class C3) with a vehicular access point onto Hither Green Lane, play areas, public open space including footways and cycleways, sustainable urban drainage systems and all other ancillary and enabling infrastructure at Land West of Hither Green Lane, Redditch*

1.2 This statement sets out the scope of the Council's case in this regard.

1.3 The reference number given to the Council for the planning application was 21/01419/FUL.

1.4 Under the Council's adopted scheme of delegation, the planning application was considered by the Planning Committee on 20th March 2024. The officer recommendation for the scheme was to grant planning permission, subject to conditions and entering into a legal agreement under S106 of the Town and Country Planning Act. The application was refused, contrary to officer recommendation. The Decision Notice sets out the following reasons for refusal:

1. Redditch Borough Council can demonstrate a 5-year housing land supply, meaning that the relevant development plan policies are up to date. The application site is located within designated open space and is not allocated for development. The proposed development has not sufficiently demonstrated that the loss of open space is acceptable against the need for new housing provision in the context of the Council's 10.32 year land supply. The proposal is therefore contrary to Policy 1 Presumption in Favour of Sustainable Development, Policy 4 Housing Provision, Policy 11 Green Infrastructure, Policy 12 Open Space Provision, and Policy 13 Primarily Open Space of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017) and to the guidance within the National Planning Policy Framework (2023).
2. The proposed density of the development, at 36 dwellings per hectare, combined with its layout and design, results in an urban development that is unacceptable in terms of visual impact and its affect upon the character and appearance of the area. The proposal does not create a high-quality development in terms of layout or design (including for affordable dwellings) and is out of character with the setting of the site on the edge of Redditch, and particularly the adjacent residential development on Hither Green Lane. The proposal is therefore contrary to Policy 4 Housing Provision, Policy 5 Effective and Efficient Use of Land, Policy 6 Affordable Housing, Policy 39 Built Environment and Policy 40 High Quality Design and Safer Communities of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017), the Borough of Redditch High Quality Design SPD (June 2019).
3. The proposed development will result in the loss of designated open space under Policy 13 Primarily Open Space. The proposal has not sufficiently demonstrated that the merits of the development outweigh the value of the land as open space. The proposal is therefore contrary to Policy 13 Primarily Open Space of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017) and to the guidance within the National Planning Policy Framework (2023).

1.5 Whilst the above are the reasons for refusal set out by the Council in the decision notice dated 22nd March 2024, subsequently the Council have resolved to not defend the appeal and accepts that planning permission should therefore be granted. Consequently, the Council will not adduce any evidence to support the aforementioned reasons for refusal.

- 1.6 The Council will seek to enter into a Statement of Common Ground (SOCG) with the appellant to cover all of the matters considered pertinent to the case.

2.0 Site Description and Surroundings

- 2.1 The application site is made up of an irregularly shaped parcel of land that extends to 9.85 hectares.
- 2.2 To the northeast of the site are patches of tall grassland, scrub, mature and semimature trees, and a pond. To the centre and south of the site is an active golf course and hotel complex (The Abbey Golf Club). The application site slopes from 100m AOD (Above Ordnance Datum) to 90m AOD at the northern end, adjacent to Dagnell End Road, to approximately 90m AOD at the southern end of the site, close to the River Arrow, encompassing three main land-uses: a maintenance yard, hedgerow-bound grassland fields, and golf course fairways. Views of existing houses, Meadow Farm hotel, and elevated ground at Brock Hill East influence the site, while traffic noise from A441, Dagnell End Road, and Hither Green Lane also affects the area.
- 2.3 The application site is not crossed by any public footpaths. The closest public rights of way are found to the east and north of the site, respectively, along Dagnall End Road and Hither Green Lane. South of the site, there is an open pathway.
- 2.4 Two Tree Preservation Orders (TPO) protect all the trees on the site. Hither Green Lane in the east currently offers access to the site. The Environment Agency's online mapping system confirms that the site is situated in Flood Zone 1. The site's existing pond is located at the northern most point, and there are minimally flooded portions throughout the southern and western boundaries.
- 2.5 There are no heritage assets located within the site. There are several Listed assets located approximately 200m to the west, this includes:
- Grade II Listed Bordesley Lodge Farmhouse; Land off Hither Green Lane, Redditch
 - Grade II Listed Granary about one yard north of Bordesley Lodge; and
 - Grade II Listed Water pump about 3 yards northeast of Bordesley Lodge Farmhouse.
- 2.6 Bordesley Abbey Scheduled Monument is also located approximately 450m to the south.

3.0 Planning History

- 3.1 There is no planning history relating to residential development on the application site or the wider golf course however the applications set out below relate to the operation of the site as a golf course:
- 2011/209/FUL - Improvements to leisure facilities at existing Driving Range. Replacement of a single storey range building with two storey building to increase the number of golfing bays to 31. Improvements to range green to include lake and lighting system. Provision of ancillary car parking, landscaping and security measures. Application approved on 05.10.2011.
 - 2008/386/FUL - Erection of 25 lodge style bedroom accommodation units ancillary to the main hotel with associated landscaping and infrastructure. Application approved on 06.03.2009.

4.0 The Proposal

4.1 The application seeks full planning permission for the erection of 214 dwellings with associated open space, landscaping, drainage, infrastructure and other associated works and has been submitted by David Wilson Homes.

4.2 The planning application includes the following:

- 214 dwellings, including 2 custom build plots
- 66 affordable dwellings
- Vehicular access from Hither Green Lane
- Pedestrian and cycle access providing links through the site and to the surrounding areas
- Publicly accessible open space
- Green Infrastructure (GI) includes a Local Area for Play (LAP), informal recreational areas, SuDS (Sustainable Drainage System) features, buffer planting, retained trees, hedgerows and areas of new trees planting and other habitat creation
- Landscaping and earthworks and surface water drainage
- Associated amenity space and attenuation features; and
- Internal infrastructure

4.3 The development proposes 214 dwellings with the following mix:

Bedrooms	Market	Affordable (Shared Ownership and Social Rent)	Total
1 - Bedroom	0	3	3
2 - Bedrooms	0	25	25
3 - Bedrooms	84	34	118
4 - Bedrooms	64 (including 2 custom builds)	4	68
Total	148	66	214

4.4 The application proposes a mix of detached, semi-detached, terraced properties and maisonettes, each with amenity space. All houses will have private gardens, while maisonettes will have shared areas. The dwellings will be predominantly twostorey, with 2.5-storey dwellings in key areas like main streets, stop endings, and near open spaces.

4.5 The proposed development will provide primary pedestrian and cycle access to the site via Hither Green Lane at the north-east corner. A new pedestrian route will be provided between the site and Dagnell End Road, with a new footway on the southern side of Dagnell End Road. The existing connection will be enhanced for south and west pedestrian/cycle connections, connecting with Birmingham Road north of the river over-bridge.

4.6 The development offers several incidental open spaces, accessible to both new and existing residents via footpath links, including a LAP.

5.0 Planning Policy Framework

5.1 The Council will seek to enter into a SOCG with the appellant to agree the policies relevant to the

National Planning Policy Framework

5.2 The provisions of the National Planning Policy Framework (NPPF) are material considerations and the Council considers that the sections set out below are relevant to the case. The Council will seek to agree the specific paragraphs through the SOCG.

- Section 1 – Introduction;
- Section 2 – Achieving Sustainable Development;
- Section 4 – Decision-Making;
- Section 5 – Delivering a Sufficient Supply of Homes;
- Section 8 – Promoting Healthy and Safe Communities;
- Section 9 – Promoting Sustainable Transport;
- Section 11 – Making Effective Use of Land;
- Section 12 – Achieving Well-Designed and Beautiful Places;
- Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change;
- Section 15 – Conserving and Enhancing the Natural Environment; and
- Section 16 – Conserving and Enhancing the Historic Environment.

5.3 It is noted that a draft replacement NPPF was published for consultation on 30th July 2024 with the consultation period running until 24th September 2024. It is expected that the new framework will be adopted by the end of 2024 and as such will likely supersede the current framework by the time the inquiry sits. At the time of submitting this Statement of Case however, the NPPF (2023) remains the statutory framework and the Council will seek to agree the weight to be attributed to the draft framework as part of the SOCG.

National Planning Practice Guidance

5.4 The Planning Practice Guidance (NPPG) is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014, last updated 24th June 2021) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning. The Council considers NPPG guidance relevant to the consideration of the case.

Local Planning Policy

5.5 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that this appeal must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. For the purposes of this appeal, the development plan comprises:

- Borough of Redditch Local Plan No. 4

5.6 The Council considers that the following Local Plan policies are relevant to the consideration of the case:

Borough of Redditch Local Plan No. 4

- Policy 1: Presumption in Favour of Sustainable Development
- Policy 2: Settlement Hierarchy

- Policy 3: Development Strategy
- Policy 4: Housing Provision
- Policy 5: Effective and Efficient use of Land
- Policy 12: Open Space Provision
- Policy 13: Primarily Open Space
- Policy 15: Climate Change
- Policy 16: Natural Environment
- Policy 17: Flood Risk Management
- Policy 18: Sustainable Water Management
- Policy 19: Sustainable Travel and Accessibility
- Policy 20: Transport Requirements for New Development
- Policy 22: Road Hierarchy
- Policy 30: Town Centre and Retail Hierarchy
- Policy 31: Regeneration for the Town Centre
- Policy 36: Historic Environment
- Policy 37: Historic Buildings and Structures
- Policy 39: Built Environment
- Policy 40: High Quality Design and Safer Communities
- Policy 43: Leisure, Tourism and Abbey Stadium
- Policy 44: Health Facilities

5.7 Copies of these policies were attached to the Appeal Questionnaire.

5.8 The Council also considers the following Supplementary Planning Document relevant:

- Redditch High Quality Design SPD

5.9 Copies of these documents were attached to the Appeal Questionnaire.

6.0 The Main Issues

6.1 The application was refused for the following reasons:

1. *Redditch Borough Council can demonstrate a 5-year housing land supply, meaning that the relevant development plan policies are up to date. The application site is located within designated open space and is not allocated for development. The proposed development has not sufficiently demonstrated that the loss of open space is acceptable against the need for new housing provision in the context of the Council's 10.32 year land supply. The proposal is therefore contrary to Policy 1 Presumption in Favour of Sustainable Development, Policy 4 Housing Provision, Policy 11 Green Infrastructure, Policy 12 Open Space Provision, and Policy 13 Primarily Open Space of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017) and to the guidance within the National Planning Policy Framework (2023).*
2. *The proposed density of the development, at 36 dwellings per hectare, combined with its layout and design, results in an urban development that is unacceptable in terms of visual impact and its affect upon the character and appearance of the area. The proposal does not create a high-quality development in terms of layout or design (including for affordable dwellings) and is out of character with the setting of the site on the edge of Redditch, and particularly the adjacent residential development on Hither Green Lane. The proposal is therefore contrary to Policy 4 Housing Provision, Policy 5 Effective and Efficient Use of Land, Policy 6 Affordable Housing, Policy 39 Built Environment and Policy 40 High Quality Design and Safer Communities of the*

Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017), the Borough of Redditch High Quality Design SPD (June 2019).

3. *The proposed development will result in the loss of designated open space under Policy 13 Primarily Open Space. The proposal has not sufficiently demonstrated that the merits of the development outweigh the value of the land as open space. The proposal is therefore contrary to Policy 13 Primarily Open Space of the Borough of Redditch Local Plan No. 4 (Adopted 30 January 2017) and to the guidance within the National Planning Policy Framework (2023).*

6.2 The main issues which the Council consider relevant to the consideration of the case can be summarised as follows:

- The impact of the loss of the designated open space
- The impact of the layout, design and density of the scheme on the character of the local area
- Whether the scheme complies with the development plan when taken as a whole

Impact of Loss of Open Space

6.3 The Council will not adduce any evidence in support of reasons for refusal 1 and 3 however considers that policies relevant to the consideration of the loss of the open space are Local Plan policies Policy 11 Green Infrastructure, Policy 12 Open Space Provision and Policy 13 Primarily Open Space; as well as NPPF Paragraph 103. The Council will seek to agree matters pertinent to open space through the SOCG.

Impact of the layout, design and density of the scheme on the character of the local area

6.4 The Council will not adduce any evidence in support of reason for refusal 2 however considers that policies relevant to the consideration of the layout, design and density of the scheme are Local Plan policies Policy 39 Built Environment, Policy 40 High Quality Design and Safer Communities; as well as Paragraph 135 of the NPPF. The Council also considers that High Quality Design SPD should be taken into consideration. The Council will seek to agree matters pertinent to layout, design and density through the SOCG.

Whether the scheme complies with the development plan

6.5 The Council will not adduce any evidence in respect of any conflict of the scheme with the development plan and the overall planning balance. The Council however considers that Local Plan policies Policy 1 Presumption in Favour of Sustainable Development, Policy 4 Housing Provision, Policy 5 Effective and Efficient Use of Land, Policy 6 Affordable Housing, Policy 11 Green Infrastructure, Policy 12 Open Space Provision, Policy 13 Primarily Open Space, Policy 39 Built Environment and Policy 40 High Quality Design and Safer Communities of the Borough; as well as the Council's High Quality Design SPD are relevant to the consideration of the case. In addition, the sections of the NPPF set out at paragraph 5 are relevant and should be given due weight.

7 Planning Conditions and Planning Obligations

7.1 A list of agreed conditions as well as planning obligations will be set out under separate cover and a draft agreement will be provided for the inquiry.

8 List of Documents

- 8.1 The Council will agree a list of Core Documents with the appellant, and will host the documents on the Council's website for ease of access. The Council may add documents to this list in agreement with the appellant. The Council also reserves the right to refer to other documents as necessary including any updated or new documents published in advance of the Inquiry.