



**Town and Country Planning Act 1990
Planning and Compulsory Purchase
Act 2004**

**Appeal Reference:
APP/Q1825/W/24/3350905**

**Section 78 Appeal –
Barratt David Wilson Homes Mercia**

**Land West of Hither Green Lane,
Redditch**

**Summary Proof of Evidence: Planning
Mrs Kathryn Ventham BSc Hons,
MSc, MRTPI**

January 2025

LPA Reference:
21/01830/FUL



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1 INTRODUCTION

1.1 Qualifications

1.1.1 My name is Kathryn Ventham. I hold a Bachelor of Science Degree (with Honours) in Human Geography from the University of Reading (1997) and a Masters Degree in City and Regional Planning from the University of Wales (Cardiff) (2000). I am a Chartered Member of the Town Planning Institute.

1.2 Experience

1.2.1 Stantec is one of the world's leading consultancies: planners, designers, engineers, scientists, and project managers, innovating together at the intersection of community, creativity, and client relationships. Balancing these priorities results in projects that advance the quality of life in communities across the globe. Barton Willmore, which became part of Stantec UK in April 2022, was formed as an architectural practice in the 1930s. It developed into a comprehensive planning, architectural, landscape and urban design practice in the 1970s to 1990s and has a strong track record in the design and implementation of major housing and mixed-use development.

1.2.2 I am currently a Director at Stantec, having been a Partner at the Birmingham Office of Barton Willmore since 2013. At Stantec, I lead the East and West Midlands Planning Teams. I joined the company as a Senior Planner in October 2003, having previously been employed as a Planning Consultant by the Derek Lovejoy Partnership (now part of Capita Symonds). I have also held positions at Chiltern District Council and Cherwell District Council. In total, I have over 25 years' experience working in both the public and private sector.

1.2.3 I currently undertake a wide range of professional town planning consultancy work advising private developers, landowners and public sector clients on a wide range of planning issues. I have extensive experience of S78 Appeals dealt with via all methods.

1.2.4 I was involved with the preparation and submission of the planning application and subsequently the planning appeal.

1.2.5 The evidence which I have prepared and provide for this appeal in this proof of evidence is true and has been prepared, and is given in accordance, with the guidance of my professional institution and I confirm that the opinions expressed are my true professional opinions.

2 THE APPEAL PROPOSALS

2.1.1 The Appeal Scheme was submitted and validated on 13th December 2021, with the following description of development:

‘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’

2.1.2 The development would provide 214 new (Class C3) dwellings, including 66 affordable dwellings (30%) and 2 self / custom build units, on a sustainably located site within Redditch.

2.1.3 In terms of height, the proposed development will comprise of predominantly 2 storey dwellings, with some 2.5 storey dwellings plotted in key areas. The proposals include a variety of house types to ensure variation in the scale of dwellings, legibility and layout of the Site. As referenced above, 66 of the dwellings would be provided as affordable homes which equates to a policy compliant 30% of the development.

2.1.4 The proposed mix is outlined below:

Table 1: Housing Mix

	Market	Affordable	Total
1 bedroom	-	3	3
2 bedrooms	-	25	25
3 bedrooms	79	34	113
4 bedrooms	69 (inc 2 csb)	4	73
Total	148	66	214

2.1.5 The Design and Access Statement (as updated) (**CDD6**) provides detailed information regarding the design rationale. The design of the proposal was considered acceptable by the professional Officers of the Council.

2.1.6 The proposals will provide approximately 3.4ha of publicly accessible open space, including a Locally Equipped Area of Play (LEAP), informal recreational areas, SuDS features, buffer planting, retained trees and hedgerows, and areas of new tree planting and other habitat creation.

2.1.7 Access to the Site will be provided from Hither Green Lane and new footpath links will be provided within the development and to the surrounding area.

- 2.1.8 To support and secure the long term viability of the hotel and its continued recognition as a key tourist asset within Redditch, the operation of the hotel and golf course consequently need to evolve in respect of current demand. At present, the existing golf course consists of a championship standard golf course. However, given the challenges the course poses for even experienced golfers, it is considered that the course does not appeal as much as it could to those visiting the hotel for either leisure or business uses. As such, to ensure that the course is playable to all users and to assist in securing the hotel's future as a business incorporating leisure golf, the owners of the hotel wish to reconfigure the course to align with their future business aspirations, to ensure a sustainable long term future for the course.
- 2.1.9 In addition it is also apparent that health and safety incidents have occurred onsite and have increased since 2017. The proposed changes to the layout will address the existing health and safety issues onsite which feature in the south-west corner. Mr Smith's evidence demonstrates that the remodelled facility will deliver a high quality golf course that provides an improved experience in terms of operating standards and speed of play. The reconfigured course will also minimise new incidents arising going forwards.
- 2.1.10 In making the above changes, the hotel is seeking to deliver a golf facility that will continue to grow and operate in a sustainable manner. The reconfigured golf course will deliver a quality facility which will deliver a good visitor / Member experience.

2.2 Reasons for Refusal

- 2.2.1 The planning application was validated by the Council on 13th December 2021. It was given the planning application reference of 21/01830/FUL. Following considerable post submission discussions, the Appeal Scheme was presented at the Redditch Borough Council Planning Committee on 20th March 2024 with an Officer recommendation for approval (**CDC1**). However, members voted to refuse the application against the recommendation of their professional Officers. The Decision Notice was published on 22nd March 2024 (**CDC3**).
- 2.2.2 The Decision Notice was issued on 22nd March 2024. This confirmed the following three 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) and to the guidance within the National Planning Policy Framework (2023).

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).

2.3 Updated Information

2.3.1 The reasons for refusal raised matters, especially in relation to design, which were not raised at all during the c2 year lifespan of the planning application. The Appellant has therefore provided the following additional documentation submitted with the appeal.

- Site Plan – showing additional tree planting / changes to surface materials. (CDD7)
- Design and Access Statement (August 2024) (CDD6)
- Amended house type elevations (there are no changes to plots / numbers) (CDD8 – CDD44)

2.3.2 It is not considered that supplementary information gives rise to any procedural matters. Rather, this evidence has been produced in advance of the submission of evidence to respond to the reasons for refusal, which raised matters which were not previously put to the Appellants. All parties have therefore had a fair opportunity to respond to this evidence in their evidence to the Inquiry as agreed at the Case Management Conference (CMC).

2.3.3 A schedule detailing the evolution of the Appeal Scheme is enclosed at **CDD46**.

2.3.4 It was confirmed at the CMC on the 5th November 2024, that neither Redditch Borough Council nor the North Redditch Communities Alliance (NoRCA) objected to the updated plans with both agreeing that they were not prejudicial to any party and that the early submission of this additional documentation (as opposed to being submitted

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with evidence) was of assistance to all parties. The evidence for this appeal from the Appellant's team has been prepared on the basis of the amended plans.

3 THE APPEAL CASE

3.1 Main Issues / Evidence Structure

3.1.1 Following the Case Management Conference (CMC) on the 5th November 2024, the following matters were confirmed by the Inspector as the likely main issues:

- a) the effect of the proposal on green infrastructure provision with regard to designated open space and recreational use;
- b) the effect on the character and appearance of the area, including design quality;
- c) transport matters by way of traffic impact and the use of modes of transport other than the car; and
- d) planning balance (including housing land supply and the benefits of the scheme if not a separate issue) and conclusion.

3.1.2 On the 31st October 2024, the Council confirmed in their Statement of Case (**CDD2**) (paragraph 1.5) that:

“... 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”.

3.1.3 The Appellant and the Council then signed a Statement of Common Ground (**CDD5**) which confirms, at paragraph 6.35, that:

“It is agreed that there are no matters in dispute between the Appellant and the Council and both parties are agreed that planning permission should be granted for the Appeal Scheme”.

4 THE DEVELOPMENT PLAN

4.1 Development Plan

4.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.

4.1.2 The above principle is also referenced within the National Planning Policy Framework ('NPPF') (December 2024) at paragraph 2, which states:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”

4.1.3 The Development Plan comprises the following:

- Borough of Redditch Local Plan (2017) (**CDE1**).

4.1.4 There is no Neighbourhood Plan covering this area.

4.2 Borough of Redditch Local Plan (2017)

4.2.1 The Borough of Redditch Local Plan (BRLP) covers the period 2011 – 2030. I deal with the relevant policies in each with a particular focus on those in the reasons for refusal (in bold / italics).

Table 3: Redditch Local Plan Policies

POLICY NUMBER	-	POLICY NAME
1	-	<i>Presumption in Favour of Sustainable Development</i>
2	-	Settlement Hierarchy
3	-	Development Strategy
4	-	<i>Housing Provision</i>
5	-	<i>Effective and Efficient Use of Land</i>
6	-	<i>Affordable Housing</i>
11	-	<i>Green Infrastructure</i>
12	-	<i>Open Space Provision</i>
13	-	<i>Primarily Open Space</i>
14	-	Protection of Incidental open Space
15	-	Climate Change

16	-	Natural Environment
17	-	Flood Risk Management
18	-	Sustainable Water Management
19	-	Sustainable Water Management
20	-	Transport Requirements for New Development
36	-	Historic Environment
39	-	<i>Built Environment</i>
40	-	<i>High Quality Design and Safer Communities</i>
43	-	Leisure, Tourism and Abbey Stadium

4.3 Summary

- 4.3.1 In my opinion, the scheme is in accordance with the Development Plan taken as a whole, and this continues to represent an agreed position with the Council as per the signed Statement of Common Ground.

5 OTHER MATERIAL CONSIDERATIONS

5.1 National Planning Policy Framework (NPPF) (December 2024)

- 5.1.1 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Its focus is primarily on achieving sustainable development and is a material consideration in the determination of planning applications and appeals.
- 5.1.2 A new version of the NPPF was published in December 2024, post determination of the Appeal Scheme by the Council. The reasons for refusal do not set out which paragraphs of the NPPF are allegedly breached.

Summary

- 5.1.3 I conclude that the policies / paragraphs in the NPPF pull in favour of the grant of planning permission. With regard to the paragraphs referenced in footnote 9 and their relationship to paragraph 11d ii), I consider that the appeal scheme accords with these paragraphs and thus there is nothing which would otherwise dis-apply the application of the tilted balance.

5.2 Housing Land Supply

- 5.2.1 The Appellant concludes that RBC has **1.8** years' supply of deliverable housing sites using the current Standard Method; or 2.8 years supply against the Development Plan housing requirement of 337dpa; or 1.5 years supply against the residual Development Plan housing requirement of 604dpa.
- 5.2.2 The conclusion which is therefore reached is that the policies which are most important for determining the application are out-of-date and the presumption in favour of sustainable development applies in accordance with Paragraph 11d of the NPPF.

5.3 Affordable Housing

- 5.3.1 I adopt the conclusions of Mr Stacey and afford this matter substantial weight in the planning balance in Section 10 of my Evidence.

5.4 Custom / Self Build

- 5.4.1 The Council's Annual Monitoring Report 2024 (CDE7) identifies (at page 32), one scheme delivering 9 self build / custom build homes. Thus there remains a need for at least 24 self build / custom build homes and the Appeal Scheme will contribute towards meeting that need.

5.5 Summary

- 5.5.1 This section of my Evidence demonstrate that there are a number of other material considerations which pull in favour of a grant of planning permission.

6 MAIN ISSUE (A)

6.1 The effect of the proposal on green infrastructure provision

6.1.1 I approach this issue as a 3 stage process:

1. Review the quantity and quality of open space provision in the locality.
2. Review the Appellants proposals in terms of quantum, quality and location having regard to the evidence of Mr. Smith also.
3. Review the planning policy position in relation to the main issue.

6.2 Summary

6.2.1 With regard to Main Issue A, I conclude that drawing also on the evidence of Mr Smith, the Appeal Scheme is in accordance with Policies 12 and 13 and paragraph 104 of the NPPF. Whilst there is some conflict with Policy 11, I consider that the weight to any conflict should be reduced as the appeal site does not fulfil a functional role in this regard and furthermore, the GI network is drawn around land which is not developed or allocated for development under policies which are now out of date. The conflict does not reflect actual harm. It does not preclude a finding of accordance with the development plan as a whole; and in any event it does not come close to significantly and demonstrably outweighing the many and considerable benefits of granting planning permission.

7 MAIN ISSUE (B)

7.1 The effect on the character and appearance of the area, including design quality

7.2 Summary

- 7.2.1 Drawing on the conclusions of Mr Tucker, I conclude that the Appeal Scheme is in accordance with Policies 4, 5, 6, 39 and 40 of the BRLP and the NPPF positively supports the design approach taken for the Appeal Scheme.

8 MAIN ISSUE (C)

8.1 Transport matters by way of traffic impact and the use of modes of transport other than the car

8.2 Summary

8.2.1 Noting that all highway matters had been agreed with both National Highways and Worcestershire Highways in their role as the Highways Authority and that highway matters do not form a reason for refusal, I endorse the conclusions of Mr Fairgrieve noting that his conclusions are also supported by the Council and the Local Highway Authority.

8.2.2 Mindful that the Appeal Site lies within the existing urban area (i.e. the area in which new development should be focused), the Appeal Scheme will deliver a bus route through the site along with enhanced pedestrian connections to the north and south – which will lead to the bus interchange at Abbey Stadium and which will be of benefit to existing residents as well as future residents on the site. These enhancements will provide opportunities for public transport use as an alternative to the private car.

9 MAIN ISSUE (D)

9.1 Planning Balance

9.1.1 Main Issue D is identified as comprising the assessment of the planning balance (including housing land supply and the benefits of the scheme if not a separate issue) and conclusion.

9.1.2 I have already dealt with housing land supply matters in Section 5 of my evidence however I draw conclusions on the implications of the shortfall in supply in this section.

9.2 Weight to be afforded to Development Plan Policies.

9.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“the Act”) states that:

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

Table 7: Weight to Most Important Policies

POLICY NUMBER	-	POLICY NAME	Weight
2	-	Settlement Hierarchy	Limited Settlement hierarchy linked to out of date housing numbers.
3	-	Development Strategy	Limited Development strategy linked to out of date housing numbers.
4	-	Housing Provision	Limited Housing need not based on an NPPF compliant assessment of housing need and does not reflect latest local housing need. Furthermore, the Council cannot demonstrate a 5 year supply of housing land.
5	-	Effective and Efficient Use of Land	Full

POLICY NUMBER	-	POLICY NAME	Weight
6	-	Affordable Housing	Limited Housing need (and therefore affordable housing need) not based on an NPPF compliant assessment of housing need
11	-	Green Infrastructure	Limited GI designations based on land which is not identified for development – which in itself is based on an out of date level of housing need.
12	-	Open Space Provision	Full
13	-	Primarily Open Space	Limited Appeal Site no longer identified as open space in the Council's own assessment.
39	-	Built Environment	Full
40	-	High Quality Design and Safer Communities	Full

9.3 The Development Plan

9.3.1 My overall conclusion therefore is one of accordance with the up to date policies of the Development Plan read as a whole. I note that through Policy 1 of the BRLP the presumption in favour of sustainable development is embedded in the Development Plan; thus even if some conflict were identified but the benefits outweighed the harm created by this conflict; then it would still be possible to find accordance with the Development Plan taken as a whole.

9.4 Planning Balance

9.4.1 The NPPF is a material consideration. Since the proposal complies with the Development Plan as a whole, then in accordance with NPPF paragraph 11c, the proposals should have been approved without delay as per the recommendation of Officers. With its support for boosting significantly, the supply of housing, and the opportunity for open space to be developed for alternative uses subject to criteria based policies, I find the NPPF very much supports the proposals.

9.4.2 Even if the Inspector were to disagree with my view about there being no conflict with the Development Plan as a whole, I highlight the joint view of the Appellant and the Council that the lack of identified harm would be more than outweighed by the many material considerations weighing in favour of the proposal as reviewed below:

Table 8: Harms and Benefits

HARMS	BENEFITS
Loss of open space (moderate)	Provision of new market housing (very substantial)
Impact on GI network (limited)	Provision of 30% affordable housing (substantial)
Localised landscape harm (limited)	Increased appeal of golf course (substantial)
Increased walk between 12 th and 13 th tees (moderate)	Improved playability of course (significant)
Heritage If it is considered that there is some impact on the setting of Bordseley Abbey (moderate)	Potential for improved drainage to extend playing season (significant)
Temporary disruption during course reconfiguration (limited)	Economic benefits (significant)
Tree / hedgerow loss (limited)	Provision of 3.43ha of open space (significant)
	Provision of 2 x custom / self-build homes (moderate)
	Off-site open space improvements (moderate)
	Off-site pedestrian connectivity improvements

HARMS	BENEFITS
	(moderate)
	Potential for enhanced bus provision (moderate)
	Bio-diversity net gain (limited)
	High quality design (significant)
	Provision of 2 csb homes (moderate)

9.5 Flat Balance

9.5.1 Notwithstanding that my primary case (and the Council’s) is firmly one of accordance with the Development Plan, were the Inspector to take a contrary view, I consider that the benefits are not outweighed by the harms. Turning to Section 38(6) of the Planning and Compulsory Purchase Act 2004, I conclude that are ‘other material considerations’ (these being the benefits which I have highlighted) which justify the grant of planning permission under the flat balancing exercise.

9.6 The Tilted Balance

9.6.1 Even if the Inspector were to find that the proposal does conflict with the Development Plan when taken as a whole, mindful aspects of the Development Plan can pull in different directions and it is not necessary to comply with each and every policy to demonstrate accordance with the Development Plan taken as a whole; and that any conflict, is not outweighed by material considerations, there is a need also for the Inspector to consider the proposal against the application of the tilted balance .

9.6.2 Conflict with paragraph 104 of the NPPF is not a ‘clear reasons for refusal’ as per footnote 7 of the NPPF. In this context therefore, in the event that any breach is identified (which I don’t consider that there is), this is included within the planning balance exercise and weighed against the benefits provided.

9.6.3 Applying a tilted balance I consider the adverse impacts of the proposal do not therefore outweigh the benefits of the proposal, let alone doing so significantly and demonstrably. That would be so even if more significant breaches of policy were identified, which I do not consider they are. Furthermore, through Policy 1 of the BLP – the planning balance exercise can be undertaken and if it is concluded that the benefits are not significantly and demonstrably outweighed by the harms, then a finding of compliance with the Development Plan can be achieved.