

# Malvern Hills District Council Planning & Housing Services



Planning Ref: 17/00093/FUL  
Telephone: 01684 862139

Please ask for : Dean Kinsella  
e-mail: dean.kinsella@malvern hills.gov.uk

26 May 2017

Agent  
Gregory Gray Associates  
20 Millford  
Goldsworth Park  
Woking  
GU21 3LH

Dear Mr G Gray

**Applicant Name:** Marsten Developments (Worcester) Ltd  
**Proposal:** Erection of 70 no. affordable and 105 no. market dwellings, formation of new accesses onto Stourport Road (the A451 road) and the B4197 road, public open space, dedication of land for bowling green, surface and foul water management system and landscaping  
**Location:** Land off Stourport Road and the B4197 Great Witley, Worcestershire,

I am writing to let you know the outcome of your Planning application for the proposal detailed above at Land off Stourport Road and the B4197 Great Witley, Worcestershire,

Unfortunately we have **Refused** your application, for the reason set out in the attached **Refusal Notice**.

If you have any questions about our decision, or reasons for refusal please contact Dean Kinsella Area Planning Officer (North) on 01684 862139 or by email to dean.kinsella@malvern hills.gov.uk

If you are unhappy with the refusal in this case, you can appeal to the relevant Secretary of State. Information on how to do this can be found on the Refusal Notice.

If you decide not to appeal you may find it useful before submitting a new application to contact **Dean Kinsella** for **pre-application advice**, please note there maybe a charge for this service.

Yours sincerely

A handwritten signature in black ink that reads 'Dkinsella'.

Dean Kinsella  
Area Planning Officer (North)  
dean.kinsella@malvern hills.gov.uk

## **PLANNING REFUSAL NOTICE**

TOWN AND COUNTRY PLANNING ACT 1990

### **Refusal - Full planning permission**

**Application No:** 17/00093/FUL

**Parish:** Great Witley CP

**Agents Address:**

Agent  
Gregory Gray Associates  
20 Millford  
Goldsworth Park  
Woking  
GU21 3LH

**Applicants Address:**

Marsten Developments (Worcester) Ltd  
Keepmoat & Elgar Properties (Worcester) Ltd  
c/o Agent

#### **Part I – PARTICULARS OF APPLICATION**

**Statutory Start Date:** 1 February 2017

**Location:** Land off Stourport Road and the B4197 Great Witley, Worcestershire,  
**Proposal:** Erection of 70 no. affordable and 105 no. market dwellings, formation of new accesses onto Stourport Road (the A451 road) and the B4197 road, public open space, dedication of land for bowling green, surface and foul water management system and landscaping

#### **Part II - PARTICULARS OF DECISION**

Malvern Hills District Council hereby give notice that in pursuance of the provisions of the Town and Country Planning Act 1990 that **PERMISSION HAS BEEN REFUSED** for the carrying out of the development referred to in Part 1 hereof for the following reasons:-

#### **REASONS**

1. South Worcestershire Development Plan policy SWDP2 sets out that the development strategy for the adopted plan is to provide for and facilitate the delivery of sufficient housing to meet objectively assessed needs to 2030. The council can demonstrate a deliverable 5 years supply of housing land to meet this identified need. The application site lies outside of the settlement boundary of Great Witley as defined by SWDP2, where new development in the open countryside is strictly controlled and limited to specific uses (SWPD2 C), none of which apply in this case. The high quality of the open countryside is an important planning attribute of Great Witley and this development would not be of an appropriate scale and type with regard to the size of the village and local landscape character. The proposal therefore conflicts with policy SWDP2 of the South Worcestershire Development Plan and guidance contained in the National Planning Policy Framework including paragraphs 17, 58, 109 and 196.
2. It is considered that the development fails to deliver good quality design. The proposed dwellings fail to respond or take reference from the surrounding dwellings, acknowledge the visual and heritage interests of village which would enhance the surrounding built environment. The proposal therefore fails to comply with policy SWDP21 of the South Worcestershire Development Plan and guidance contained in the National Planning Policy Framework including paragraphs 17, 56 & 58.

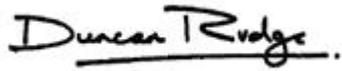
3. The historic settlement pattern of Great Witley is dispersed in terms of a landscape characterised by clusters of wayside dwellings and occasional small estate villages. It is considered that the proposed development would be at odds with the surrounding historic settlement character and would have an unduly suburbanising effect on the village. The development would result in a substantial adverse change to the character and appearance of the area and would fail to enhance the local landscape character. The proposal therefore fails to accord with policy SWDP25 of the South Worcestershire Development Plan and guidance contained in the Worcestershire County Council Landscape Character Assessment work and the National Planning Policy Framework, including paragraphs 17 and 109.
4. The proposed development would not provide the necessary visibility splays and would compromise highway safety. The road design fails to accord with the design guidance related to refuse vehicles. The applicant has failed to demonstrate that the development would provide a safe access to and from the proposed development and that the cumulative impacts would not be severe. The proposal therefore fails to accord with policies SWDP4 & SWDP21 and guidance contained in the National Planning Policy Framework including paragraphs 32 & 34.
5. It is considered that the development would introduce a significant suburban housing estate in this open rural landscape resulting in a prominent and dominant feature within the setting of Witley Court (Registered Park and Garden grade II\*). This will significantly interfere with the open views of Witley Park causing harm to its setting. The suburbanisation of this part of the village will also have a detrimental impact upon the setting of a number of listed buildings (including Rosery Lodge; Robins Croft and The Dairy) as well as some non-designated assets including Victorian chapel sponsored by Witley Court, the village school, paid for Queen Adelaide when resident at Witley Court and the White House, the former Estate Office. Whilst the harm is considered to be less than substantial, the harm that has been identified is not considered to be outweighed by the public benefits of the development. The proposal fails to accord with policies SWDP6 & SWDP24 of the South Worcestershire Development Plan as well as guidance contained in the National Planning Policy Framework including paragraphs 128, 132, 133 & 134.
6. The development would result in the loss of 8.5ha of 'Best and Most Versatile' (Grade 2) agricultural land. No justification has been advanced to justify this loss of agricultural land. The proposal is contrary to policy SWDP13 of the South Worcestershire Development Plan as well as guidance contained in the National Planning Policy Framework including paragraph 112.
7. A s106 legal agreement/legal undertaking has not been completed that would be necessary to secure financial contributions towards essential infrastructure to mitigate the impact of the development on the public highway network, education and off site public open space, sports and recreation and also to secure the provision of the necessary 40% affordable housing on the site. As such, the application is contrary to policies SWDP7 and SWDP39 of the South Worcestershire Development Plan as well as guidance contained in the National Planning Policy Framework.
8. The Flood Risk Assessment submitted within the application does not demonstrate that the surface water from the proposed development can be adequately drained. The Flood Risk Assessment fails to demonstrate how the surface water flow path affects the flood risk to the proposed dwellings, which sit in the flow path. Nor does it explain how altering this flow path will affect flood risk off site, as well as the impact altering the flow may have on the watercourse that it is flowing towards. There is insufficient analysis regarding the storage required on site when limiting the flows, and therefore the local planning authority are unable to determine whether the proposed drainage basin is sufficient. The proposal therefore fails to accord with policies SWDP28 & SWDP29 of the South Worcestershire Development Plan and guidance contained in the National Planning Policy Framework.

## **NOTES TO APPLICANT**

1. Positive and Proactive Statement. In dealing with this application, the Council has worked with the applicant in the following ways:-
  - Pre-application Advice
  - considering the imposition of conditions and or the completion of a s.106 legal agreement

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application. This is in accordance with paragraphs 186 and 187 of the NPPF. Despite these efforts, the Council still consider that planning permission should be refused for the reasons set out above.

**Signed:**

A handwritten signature in black ink that reads "Duncan Rudge". The signature is written in a cursive style with a horizontal line underneath the name.

**Date: 26 May 2017**

## REFUSAL NOTICE

**Note 1.** Refusal of Approval Reserved Matters  
Refusal of Outline Planning Permission  
Refusal of Planning Permission  
Refusal of Listed Building Consent  
Refusal of Non-material Amendment following grant of planning permission

**Note 2.** Refusal of Consent to Display Advertisements

**Note 3.** Refusal of Householder  
Refusal of Householder - Non-material Amendment following a grant of planning permission

**Note 4.** Refusal of Prior Approval for single storey rear extension

**Note 1.** If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant permission or approval subject to conditions, then he can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990. If you want to appeal against your local authority's decision then you must do so within 6 months of the date of this notice.

**Note 2.** If this a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

**Note 3.** If this is a decision to refuse planning permission for a householder application if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

**Note 4.** If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision on a planning application relation to the same or substantially the same land development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State can not consider an appeal if it seems to the Secretary of State by the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory instruments requirements, to the provisions of any development order and to any directions given under a development order.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN. Tel: 0303 444 5000 or online at <https://acp.planninginspectorate.gov.uk>  
<http://www.planningportal.gov.uk/planning/appeals/>