

Malvern Hills District Council

Planning & Infrastructure



Planning Ref: M/23/01711/OUT
Telephone: 01684 862314

Please ask for : Lee Walton
e-mail: lee.walton@malvern hills.gov.uk

11 April 2024

Mrs T Almeida
Hayfield Homes
Hayfield House
Arleston Way
Shirley
Solihull
B90 4LH

Dear Mrs Almeida

Applicant Name: Mrs T Almeida
Proposal: Outline planning permission for up to 55 dwellings (with means of access to the site be considered at this stage and all other matters reserved)

Location: Land At (Os 7500 5952), Berrow Green Road, Martley

I am writing to let you know the outcome of your Planning application, under the Town and Country Planning Act 1990 for the proposal detailed above at Land At (Os 7500 5952), Berrow Green Road, Martley

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 Lee Walton Principal Planning Officer on 01684 862314 or by email to lee.walton@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 **Lee Walton** for **pre-application advice**, please note there maybe a charge for this service.

Yours sincerely

Lee Walton

Lee Walton
Principal Planning Officer
lee.walton@malvern hills.gov.uk

PLANNING REFUSAL NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

Refusal - Outline Application

Application No: M/23/017111/OUT

Parish: Martley CP

Agents Address:

Mrs T Almeida
Hayfield Homes
Hayfield House
Arleston Way
Shirley
Solihull
B90 4LH

Applicants Address:

Mrs T Almeida
Hayfield Homes
Hayfield House
Arleston Way
Shirley
Solihull
B90 4LH

Part I – PARTICULARS OF APPLICATION

Statutory Start Date: 15 January 2024

Location: Land At (Os 7500 5952), Berrow Green Road, Martley

Proposal: Outline planning permission for up to 55 dwellings (with means of access to the site be considered at this stage and all other matters reserved)

Part II - PARTICULARS OF DECISION

Malvern Hills District Council hereby gives 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. The residential development of this site would, by reason of its location, scale and prominence constitute an incongruous and visually intrusive feature when viewed from a number of publicly accessible locations, and have an unacceptably urbanising and consequently adverse impact upon the character and appearance of the area, resulting in demonstrable harm to the open and undeveloped character and appearance of the land, rather than integrating as discrete infill or 'rounding off' of the existing village.

Furthermore, the proposal would overwhelm the Grade II listed Longstone Cottage by surrounding it with built development which would encroach upon and adversely impact its setting.

As such, the proposal would be contrary to Policy SWDP21, SWDP25, SWDP6, SWDP24, SWDP2 and SWDP5 of the South Worcestershire Development Plan, and policy MKD1, MKD3, MKD4 and MKD6 of the Martley, Knightwick, and Doddenham Neighbourhood Plan, and guidance contained within the National Planning Policy Framework that amongst others aim to safeguard the intrinsic character and beauty of the countryside and improve the character and quality of an area.

2. In addition to the other harms identified, the proposed development would result in the loss of Grade 1 Agricultural Land that has been used for arable production, remains suitable for that purpose, and that is considered worthy of protection. The development is therefore contrary to Policy SWDP 13 of the South Worcestershire Development Plan and Paragraph 180 of the National Planning Policy Framework.
3. In its present form, the proposal fails to demonstrate that a safe access to the site could be achieved. As such the proposal is contrary to policies SWDP 4 and 21
4. In its present form, the proposal fails to demonstrate that the development would cause or compound local flood issues. As such the proposal is contrary to policy SWDP 28 and 29.
5. No mechanism (section 106 agreement) has been entered into to secure a legal obligation to provide for a policy compliant scheme for the provision of Highways, Education, Community Infrastructure, and Health contributions, and to secure the provision of affordable housing and the management and maintenance of the public open space. Accordingly, the proposed development is contrary to Policies SWDP 7, 15, 3, 39 and 62 of the South Worcestershire Development Plan and the National Planning Policy Framework, as well as the guidance contained within the South Worcestershire Developer Contributions SPD (July 2018).

NOTES TO APPLICANT

1. Positive and Proactive Statement. In dealing with this application, the Council has worked with the applicant in the following ways: providing opportunities for 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 paragraph 38 of the NPPF. Despite these efforts, the Council considers that planning permission should be refused for the reasons set out above.

Signed:

A handwritten signature in black ink, appearing to be a stylized 'G' followed by a long horizontal stroke.

Head of Development Management

Date: 11 April 2024

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
Refusal of Notification of Prior Approval applications
Refusal of Permission in Principle
- 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

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. The relevant template and [further details are on GOV.UK](#).

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 www.gov.uk/appeal-planning-decision or for Householder Applications www.gov.uk/appeal-householder-planning-decision