

# **PLANNING COMMITTEE**

**17<sup>th</sup> April 2025**

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**Planning Application 25/00103/PIP**

**Erection of up to 9 dwellings**

**Land Adjacent to Feckenham Gardens, Astwood Lane, Feckenham, Redditch,  
Worcestershire, B96 6JQ**

**Applicant: Mr Richard Dormer**  
**Ward: Astwood Bank and Feckenham Ward**

**(see additional papers for site plan)**

The case officer of this application is Emily Darby, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: emily.darby@bromsgroveandredditch.gov.uk for more information.

## **Site Description**

Situated south of Astwood Lane, the application site comprises an open, grassy field beyond Feckenham Village's designated envelope and conservation area. The site's western boundary adjoins Feckenham Gardens, while its northern edge faces Winfields Outdoors and a small cluster of cottages across Astwood Lane. To the east, the site is bordered by an undeveloped plot, the Rockhill Farm buildings, and Yeates Acre. A mature hedgerow surrounds the site, and vehicular access is provided from Astwood Lane at the northeast corner.

## **Proposal Description**

This is a Permission in Principle (PIP) application, it is an alternative route of obtaining planning permission for housing-led development, additional information is contained in the procedural section of the report. The proposed development is for up to 9 dwellings.

## **Relevant Policies:**

### **Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Settlement Hierarchy  
Policy 4: Housing Provision  
Policy 8: Green Belt  
Policy 16: Natural Environment  
Policy 17: Flood Risk Management  
Policy 19: Sustainable travel and Accessibility  
Policy 36: Historic Environment  
Policy 38: Conservation Areas  
Policy 40: High Quality Design and Safer Communities

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### **Others**

National Planning Policy Framework (2024)  
Redditch High Quality Design SPD

### **Relevant Planning History**

24/00859/CPE	Certificate of Lawfulness for existing use of land in association with the land owners business, being a ground works contractor, forestry contractor, and landscape contractor. Including the use, and storage, of associate plant, machinery and materials used in this work being stored on the land	Refused	29.11.2024
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### **Consultations**

#### **Worcestershire Archive and Archaeological Service**

The proposed development area is located within an archaeologically rich landscape, near a Scheduled Monument and Roman remains, with evidence of past brickworks and medieval agriculture. While no immediate archaeological objection exists, consultation with the district's archaeological advisor and Historic England is recommended to mitigate potential impacts on unrecorded features and the Scheduled Monument's setting.

#### **Historic England**

No comment.

#### **Worcestershire Highways - Redditch**

Worcestershire County Council has no "in principle" highway objections to the proposed development of up to 9 dwellings, contingent upon adherence to the WCC Streetscape Design Guide. The site's rural location off a high-speed road, without footpaths or lighting, necessitates careful consideration of access and potential impacts on surrounding routes. In accordance with WCC recommendations since erection of under 10 dwellings are proposed, no s106 contributions sought in this instance.

#### **Feckenham Parish Council**

Feckenham Parish Council objects to the development, citing its location within the Green Belt, contradicting the applicant's "Grey Belt" claim due to ongoing agricultural use and previous refusals. Concerns are also raised regarding increased flood risk from surface water runoff and hazardous vehicular access on a busy, speed-restricted road, with potential hedgerow removal impacting biodiversity.

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### **NHS/Medical Infrastructure Consultations**

NHS Herefordshire and Worcestershire requests a £4,800 developer contribution to mitigate the impact of the proposed development on local primary healthcare services, calculated based on the expected increase in residents and required healthcare capacity.

### **Conservation Officer**

Feckenham is a historically significant village with Roman origins, a well-preserved medieval street pattern, and numerous listed buildings, making its Conservation Area of considerable heritage interest. While the proposed housing development's impact is currently deemed neutral, careful consideration of scale, layout, and design is crucial to avoid detrimental effects on the Conservation Area's setting.

### **North Worcestershire Water Management**

The proposed development site, though outside significant fluvial flood risk, faces surface water flooding concerns along Astwood Lane, requiring a comprehensive drainage strategy in future applications. Infiltration drainage is preferred but likely unsuitable due to soil conditions, necessitating alternative SuDS solutions and highlighting the lack of an "obvious solution" for surface water discharge.

### **WRS - Contaminated Land**

Due to the site's history, a Phase I contamination study is required at the Technical Details stage to ensure suitability for development, as per the National Planning Policy Framework. This condition is necessary to address potential ground condition and pollution issues and ensure adequate site investigation by a competent person.

### **Open Space/Parks**

The council proposes that any developer contributions be directed towards improving Feckenham recreation ground, a vital local green space located near the development site. While unable to provide a specific cost, they suggest improvements to the recreation ground's footpath, estimating costs between £30,000 and £50,000.

### **Public Consultation Response**

56 representations have been received, 21 raising objection and 35 in support of the proposal. Members are reminded that the content of all representations can be read in full on the Council's website using the Public Access system. These comments have been summarised as follows

### **Objections**

#### **I. Overarching Objections (Community and Process):**

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- **Dismissal of Outsider Support:** A strong and repeated rejection of supporting comments from individuals outside the Feckenham Parish, emphasizing their lack of local knowledge and vested interest.
- **Emphasis on Resident Voice:** A clear assertion that the objections represent the authentic voice of Feckenham residents who are directly impacted by the proposed development.
- **Lack of Consultation and Misrepresentation:** Concerns that resident voices are not being heard, and that information provided in the application is often misleading or inaccurate.
- **Profit-Driven Development:** A strong sentiment that the development is primarily driven by profit, disregarding the community's well-being and the environment.
- **Detrimental Impact on Rural Character:** Deep concern about the development's negative impact on Feckenham's cherished rural setting and historic character.
- **Lack of Village Infrastructure:** The village lacks the infrastructure to support more housing.

### II. Green Belt/Land Use Objections:

- **Unequivocal Green Belt Status:** A firm and consistent assertion that the land is green belt and should be protected, not reclassified as "grey belt."
- **Rejection of "Grey Belt" Claim:** A detailed and evidence-based rebuttal of the applicant's "grey belt" claim, citing planning regulations and historical land use.
- **Prior Rejected Application:** Repeated reference to the applicant's previously rejected attempt to change the land's status, highlighting inconsistencies.
- **Unapproved Land Alterations:** Concerns about unapproved alterations to the land, perceived as attempts to manipulate its status.
- **Conservation Area Protection:** Emphasis on the land's location within a conservation area, where development is restricted.
- **Agricultural Covenant:** Claims that there is an agricultural covenant on the land restricting development.
- **Detrimental Impact on Countryside:** Strong objections based on the detrimental impact on the countryside and the purpose of green belt preservation.
- **Misrepresentation of Evidence:** Claims that supporting evidence is misrepresented.

### III. Flood Risk Objections:

- **Severe and Increasing Flooding:** Consistent and detailed accounts of severe and worsening flooding in the area, particularly on Astwood Lane and Swansbrook Lane.
- **Impact of Recent Developments:** Specific mention of recent developments exacerbating flood risks.
- **School Closures and Disruption:** Repeated accounts of school closures and children being stranded due to flooding.
- **Runoff Concerns:** Strong concerns about increased surface water runoff from impermeable surfaces.
- **Inadequate Drainage:** Concerns about inadequate drainage infrastructure and ground conditions.

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- **Impact on Properties:** Concerns about increased flood risk to existing properties, with personal accounts of flood damage.
- **Existing Mitigation Failure:** Past flood mitigation efforts are viewed as failures.

### **IV. Safety and Traffic Objections:**

- **Dangerous Road Conditions:** Concerns about the narrow and dangerous access point on Astwood Lane, with poor visibility and pedestrian safety.
- **Increased Traffic and Congestion:** Concerns about increased traffic congestion, particularly during school hours.
- **Blind Spot and Safety Hazards:** Concerns about a blind spot at the access point, creating safety hazards.
- **Hazardous Parked Cars:** Existing issues with parked cars creating hazards and narrowing roads.
- **Speeding Traffic:** Concerns about speeding traffic on Astwood lane.
- **Traffic Pollution:** The increase of traffic will increase pollution.

### **V. Impact on Residents and Amenity Objections:**

- **Loss of Privacy and Light:** Concerns about loss of privacy, light, and views for existing residents.
- **Noise and Commercial Vehicle Traffic:** Concerns about noise from potential commercial activity on the site.
- **Detrimental Impact on Village Character:** Concerns about the detrimental impact on the village's historic character and rural setting.
- **Loss of Views:** the building will block the stunning views of open countryside.
- **Lack of Affordable Housing:** Concerns that the development does not address the need for affordable housing for local residents.

## **Support**

### **I. Urgent Need for Housing & Village Sustainability:**

- The development is deemed crucial to address the severe lack of housing, particularly for young people and local workers, preventing the village from becoming solely a retirement community.
- It's seen as vital for the village's long-term sustainability and growth, ensuring its continued vibrancy.

### **II. Economic Benefits & Support for Local Businesses:**

- The development is expected to inject new life into the local economy, boosting revenue for pubs, shops, and other essential services.
- It's viewed as a means to safeguard the viability of these businesses and maintain community amenities.

### **III. Community Vitality & Demographic Balance:**

- The influx of new families is seen as essential to balance the village's aging population and revitalize the community.
- The development is expected to foster a more dynamic and inclusive environment.

### **VI. Addressing & Dismissing Objections:**

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- Objections regarding flooding and road safety are dismissed as "misinformation" and unfounded, with assurances that these issues will be adequately addressed.
- Reliance on the approval of the Highways Authority and Environment Agency to counter resident concerns.

### **V. Alignment with National Housing Policy:**

- The development is framed as aligning with national housing policies and the NPPF, which encourage responsible growth in rural areas.
- That the development is of a modest size and fits in with the village.

### **IV. Positive Development Characteristics:**

- That the development is natural infill between existing built upon areas.
- That the design will be in keeping with the rural charm of the village.
- That the developer will implement appropriate drainage systems.

### **Procedural Matters**

Permission in Principle (PIP) is an alternative route of obtaining planning permission for **housing-led development**. This process separates the issues concerning the principle of the proposed development, from the technical details of the proposal. The process has two stages - permission in principle, which establishes whether a site is suitable in-principle; and the second stage, technical details consent, where the detailed development proposals are assessed. This process was introduced in June 2018 and was intended to speed up and simplify the planning process for small housing developments.

**When assessing applications for permission in principle, the scope for assessment is strictly limited to the following issues:**

- o **location;**
- o **land use; and**
- o **amount of development.**

Any decision has to be made having regard to the Policies in the Borough of Redditch Local Plan Number 4 (BoRLPNo4). Matters of detail, such as how a development might look and the impact on residential amenity, will not be available and will not be a relevant consideration at this stage of the process. Following a grant of Permission in Principle, the site must receive a grant of Technical Details Consent before development can proceed. The granting of Technical Details Consent has the effect of granting planning permission for the development.

Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. Technical Details Consent can be obtained following submission of a valid application to the Borough Council. An application for Technical Details Consent must be in accordance with the Permission in Principle application. Members should also note that conditions cannot be placed on the permission at this stage.

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## **Assessment of Proposal**

### **Location**

The application site is located within the Green Belt. Paragraph 155 of the National Planning Policy Framework outlines that

*"The development of homes, commercial and other development should also not be regarded as inappropriate development where;*

- a. a development would utilise grey belt and would not fundamentally undermine the purposes (taken together) of the remaining Green belt across the area of the plan;*
- b. There is a demonstrable need for the type of development proposed*
- c. The development would be in a sustainable location*
- d. where applicable the proposed development meets the 'Golden Rules'" (Major developments only).*

Annex 2 (Glossary) defines grey belt as *'For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.'*

Does Green Belt land on the site strongly contribute to Green Belt purposes a), b) or d)?

To establish whether the application site can be considered 'grey belt' it must first be determined whether the site strongly contributes to Green Belt purposes a), b) or d) of the Green Belt which are set out in Paragraph 143 of the NPPF.

These are;

- a) To check the unrestricted sprawl of large built-up areas (LBUA); Given the sites location within the Borough (on the edge of the Feckenham) the development is not considered to amount to sprawl of a LBUA. As such, the site makes no contribution to purpose A.
- b) To prevent neighbouring towns from merging into one another; The existing site is located at the edge of Feckenham. As such, the site makes no contribution to purpose B.
- d) To preserve the setting and special character of historic towns; Whilst the historic core of Feckenham is recognised by the extent and quality of its Conservation Area, its Listed buildings and its Non- Designated Heritage assets, it is not considered to be a 'Historic Town' for the purpose of criteria d). As such, the site makes no contribution to purpose D.

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Would the application of non-Green Belt NPPF footnote 7 policies to the scheme proposed on the Green Belt part of the site provide a strong reason for refusing development?

Footnote 7 states "*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.*"

Although the development's potential impact on flood risk, local heritage assets (including the Conservation Area), and archaeological remains are key considerations, all consultees have indicated that subject to satisfactory design at the Technical Details stage, they do not object. Therefore, these matters, as currently assessed, do not present a strong justification for refusing planning permission.

The application site can therefore fall within the definition with grey belt and would not be inappropriate development subject to satisfying the criteria as set out in Paragraph 155 of the NPPF.

Would the proposed development on grey belt fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan?

Purposes a, b and d have already been assessed above. Regard however must be made to c and e.

- c) Safeguarding the countryside from encroachment. It is accepted that the spatial occupation of the site would clearly encroach into the countryside as it is currently undeveloped and on the edge of a settlement. However, in relation to the wider function the Green Belt as a whole, the comparatively small nature of the site itself, within an existing run of development is such that it does not fundamentally undermine purpose c) of the remaining Green Belt across the area of the plan.
- e) Assisting in urban regeneration, by encouraging the recycling of derelict and other urban land. The proposed development would not fundamentally undermine the purpose of this Green Belt criterion.

Is there a demonstrable unmet need for the type of development proposed.

The NPPF at footnote 56 explains that demonstrable unmet need would apply where there is a lack of a five-year supply of deliverable housing sites. The Council cannot currently demonstrate a five-year supply.

Would the development in the grey belt be in a sustainable location?



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The County Council (Highways) considers the site is situated in a rural area, accessed via an improved existing vehicular access point off Astwood Lane, a classified road with a national speed limit of 60 mph. Astwood Lane lacks footpaths and street lighting, and on-street parking is unrestricted. Regional connectivity is provided by the B4090, which runs east-west, linking to Junction 5 of the M5 via the A38 and Droitwich Spa to the west. The A441, oriented north-south, connects the site to Redditch to the north and the A422 to the south.

Policy 2 of the BoRLPNo4 considers Feckenham to be a small, rural settlement offering limited local facilities. The site has access to the facilities in Feckenham and as such can be considered a sustainable location for residential development.

### **Does the proposal include major development involving housing?**

Although the application proposes 9 dwellings which would not usually be considered a 'Major Application' under the Town and Country Planning Act (TCPA), the updated National Planning Policy Framework (NPPF) glossary defines a site over 0.5 hectares as a Major. The application site is 0.95 hectares and as such would be caught by the requirement to also satisfy the 'Golden Rules' when considering grey belt policy.

Paragraph 156 of the NPPF outlines that where major development involving housing is proposed the following contributions should be made;

- a) affordable housing
- b) necessary improvements to local or national infrastructure
- c) the provision of new, or improvements to existing, green spaces that are accessible to the public.

The Local Planning Authority has currently identified the following infrastructure categories as requiring developer contributions: affordable housing, highway improvements, waste management facilities, leisure amenities, National Health Service provisions, educational resources, and planning compliance monitoring.

Paragraph 157 of the National Planning Policy Framework (NPPF) provides specific guidance concerning affordable housing contributions, particularly in the context of development on land released from the Green Belt. In instances where local planning authorities have not yet aligned their development plan policies with paragraphs 67-68 of the NPPF, a supplementary affordable housing contribution is mandated. This contribution is to be calculated as 15% above the prevailing affordable housing requirement, subject to a maximum cap of 50%.

As the Local Planning Authority has not yet updated its existing development plan policies to reflect the latest NPPF guidance, a 45% affordable housing contribution is applicable to this development application.

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In accordance with established planning procedures, planning obligations, contingent upon adherence to statutory requirements, are to be determined and secured at the Technical Details Consent stage. Such obligations are not permissible at the Permission in Principle stage. Local Planning Authorities are empowered to provide applicants with preliminary information regarding potential planning obligations during the Permission in Principle phase.

To facilitate this process, consultations have been conducted with relevant stakeholders, resulting in some indicative figures essential for compliance with applicable policies. The applicant has been briefed on these potential obligations and has expressed agreement in principle. Therefore, given that detailed specifications are not under consideration at this stage, it is concluded that the applicant possesses the capacity to fulfil the 'Golden Rules' criteria at the Technical Details Consent stage, as mandated

In conclusion, it is considered that the site is Grey Belt and would meet the Paragraph 155 requirements and thus the proposal should not be regarded as inappropriate development in the Green Belt having regard to the Framework.

### **Land use**

The existing site is a development field with no formal land use. A recent Certificate of Lawfulness application was submitted by the applicant to demonstrate an existing use associated with their groundworks, forestry, and landscaping contracting business. This application sought to establish the lawful use of the site for the storage of associated plant, machinery, and materials. However, this application was refused due to insufficient evidence to substantiate continuous use for a period exceeding ten years. While the precise existing land use remains undetermined, the Local Planning Authority considers it likely to be agricultural. Regardless of the specific existing use, it is deemed compatible with proposed residential development and any unlawful activity onsite would be considered separately.

### **Amount of development**

Having regards to the layout and density of the surrounding developments, in particular Feckenham Gardens and Yeates Acres it is considered that the site is of a reasonable size to facilitate 9 dwellings as proposed.

### **Other matters**

#### **Drainage**

There is an existing flood risk issue located at the junction of Swansbrook and Astwood Lane. This matter has been raised as part of the public consultation of this application. Although it is accepted that there is potential for the development here to negatively impact this issue, correctly designed drainage and provision of appropriate levels of

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attenuation can mitigate this risk. Therefore, the principle of development at this site from Technical Details stage for full consideration.

### **Highways**

The Highways Authority have considered the site and raised no objections to the proposal. The application site benefits from an existing vehicular access and is in close proximity to amenities, a bus route and bus stops. Objections have been raised from residents on Highways safety concerns and the speed of vehicles approaching the corner. Further consideration will be made at the Technical Details stage depending on the layout and access proposed.

### **Trees**

The site is mainly a grass area which has a mature hedge around the boundary which must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. This matter would be resolved at the Technical Details stage when layout is considered. Members should note that no ecology report has been submitted at this stage however this would be a requirement at the Technical Details stage.

### **Land Contamination**

Due to the sites historic use as a bricks and tile works there is the possibility that the site may potentially have contamination issues. Worcestershire Regulatory Services have confirmed that the principle of developing this site would be acceptable subject to a preliminary risk assessment which could be considered under the Technical Details stage or by condition.

### **Conservation**

Feckenham is a village of significant historical importance, evidenced by its well-preserved historic form, numerous listed buildings, and a Scheduled Monument. The proposed housing development raises concerns regarding its potential impact on the setting of the Feckenham Conservation Area. While a small, carefully designed development may be acceptable, its scale, layout, and design are crucial to protecting the area's historical character.

Archaeologically, the development site is located near known historical features, including a Scheduled Monument and Roman remains. Historical maps and LiDAR data indicate past industrial and agricultural use of the site, suggesting potential for unrecorded archaeological remains. Therefore, consultation with archaeological experts and Historic England is recommended to mitigate potential impacts and ensure the preservation of Feckenham's historical and archaeological heritage.

### **Public consultation**

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The objections raised by residents, particularly concerning flood risk, traffic safety, and the impact on the Green Belt, have been carefully considered. Regarding flood risk, while the existing issues at the junction of Swansbrook and Astwood Lane are acknowledged, it is important to note that the Permission in Principle (PIP) stage focuses on the principle of development, not detailed design. Technical solutions, such as appropriately designed drainage and attenuation, will be thoroughly assessed at the Technical Details Consent stage. The Highways Authority has raised no objections, and further detailed traffic impact assessments will be conducted during the Technical Details Consent phase.

Concerning the Green Belt designation, the application has been assessed against Paragraph 155 of the NPPF, specifically regarding 'grey belt' land. The report concludes that the site meets the criteria for 'grey belt' and does not fundamentally undermine the purposes of the Green Belt, as defined in Paragraph 143. The Council's current lack of a five-year housing land supply, as outlined in the NPPF, also weighs significantly in favour of granting Permission in Principle, subject to the 'Golden Rules' being addressed at the Technical Details Consent stage. Matters related to conservation, archaeology, and land contamination will also be rigorously examined during the Technical Details Consent phase, ensuring that any potential impacts are appropriately mitigated. It is crucial to remember that at this PIP stage, the assessment is limited to location, land use, and the amount of development, and that the detail of the development, including the design and impact on residential amenity, will be fully explored in the subsequent Technical Details Consent application.

### **Housing Supply**

The Council cannot currently demonstrate a five-year housing land supply (5YHLS) and therefore regard should be had to paragraph 11(d) and footnote 8 of the National Planning Policy Framework (NPPF) which together state that for applications providing housing, where the Council cannot demonstrate a 5YHLS, the policies which are most important for determining the application are considered out-of-date and planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Limb i. The proposals have been found to comply with paragraph 155 of the NPPF and are not considered to comprise of inappropriate development.

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Limb ii. The proposal would contribute nine dwellings to local housing land supply. The site is located within a sustainable location and is of a suitable land use and amount. Other matters can be reviewed at TDC stage. Permission in principle should therefore be granted.

### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, Permission in principle should be GRANTED subject to the following conditions:**

### **Conditions:**

1. This decision notice only relates to the grant of planning permission in principle. It does not give any approval or consent which may be needed under any legislation, enactment, byelaws, order or regulation other than the Housing and Planning Act 2016. You may need other approvals, consents or licenses for the development eg Technical Details Consent or building regulations approval.
2. Permission in Principle is not a planning permission; it is a precursor to it. A planning permission only exists when the Permission in Principle and Technical Detailed Consent have been granted.

### **Procedural matters**

This application is being reported to the Planning Committee because five (or more) objections have been received and therefore the proposal falls outside of the scheme of Delegation.