

Planning Ref: W/23/01323/OUT  
Telephone: 01684 862327

Please ask for : Adam White  
e-mail: Adam.White@malvern hills.gov.uk

19 June 2024

Mr Jason Tait  
Planning Prospects Ltd  
4 Mill Pool  
Nash Lane  
Belbroughton  
Worcestershire  
DY9 9AF

Dear Mr Tait

**Applicant Name:** Lioncourt Strategic Land Limited  
**Proposal:** Residential development for up to 130 dwellings (Use Class C3), including vehicular access from Dilmore Lane, pedestrian and cycle links, public open space, car parking, drainage, landscaping and other associated infrastructure. All matters reserved except for access  
**Location:** Land At (Os 8666 5944), Dilmore Lane, Fernhill Heath

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 8666 5944), Dilmore Lane, Fernhill Heath

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 Adam White Principal Planning Officer on 01684 862327 or by email to Adam.White@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 **Adam White** for **pre-application advice**, please note there may be a charge for this service.

Yours sincerely



Adam White  
Principal Planning Officer  
Adam.White@malvern hills.gov.uk

## PLANNING REFUSAL NOTICE

TOWN AND COUNTRY PLANNING ACT 1990

### Refusal - Outline Application

**Application No:** W/23/01323/OUT

**Parish:** North Claines

**Agents Address:**

Mr Jason Tait  
Planning Prospects Ltd  
4 Mill Pool  
Nash Lane  
Belbroughton  
Worcestershire  
DY9 9AF

**Applicants Address:**

Lioncourt Strategic Land Limited  
C/O Planning Prospects Ltd

#### Part I – PARTICULARS OF APPLICATION

**Statutory Start Date:** 1 August 2023

**Location:** Land At (Os 8666 5944), Dilmore Lane, Fernhill Heath

**Proposal:** Residential development for up to 130 dwellings (Use Class C3), including vehicular access from Dilmore Lane, pedestrian and cycle links, public open space, car parking, drainage, landscaping and other associated infrastructure. All matters reserved except for access

#### Part II - PARTICULARS OF DECISION

Wychavon 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 application site lies outside of a defined development boundary and is therefore classed as being open countryside where development is strictly controlled. The proposal does not meet the criteria for the development to be considered as an exception to Policy SWDP2 of the South Worcestershire Development Plan and it does not preserve and enhance the open countryside and character of the area, contrary to Policies SWDP2 and SWDP25 of the South Worcestershire Development Plan.

The proposed development would lead to a significant loss of Best and Most Versatile agricultural land contrary to Policy SWDP13 of the South Worcestershire Development Plan.

The proposed development would have an adverse impact on the designated heritage asset of Tappenhill Farmhouse, with part of the application site forming a key part of the setting of this Grade II Listed Building, contrary to Policies SWDP6 and SWDP24 of the South Worcestershire Development Plan and Chapter 16 of the National Planning Policy Framework.

The benefits of the proposal are not considered to outweigh the adverse impacts that would arise to the open countryside, the loss of Best and Most Versatile agricultural land, and the setting of Tappenhill Farmhouse and therefore in the application of Paragraph 11(d) of the National Planning Policy Framework the proposal does not represent sustainable development.

2. In the absence of a signed Section 106 legal agreement no arrangements are in place to secure the required provision of affordable housing; education contributions; public open space; primary healthcare contributions; highway contributions towards footway improvements, community transport and public bus service enhancements; and contributions towards formal sports and leisure. As such, the proposed development does not meet the objectives of sustainable development and cannot be delivered with acceptable impacts on the community. Therefore, the proposed development is contrary to Policies SWDP1, SWDP4, SWDP5, SWDP7, SWDP15 and SWDP39 of the South Worcestershire Development Plan.

## **NOTES TO APPLICANT**

**Signed:**

A handwritten signature in black ink, appearing to be 'C. Power', written over a light grey rectangular background.

**Ciaran Power  
Head of Development Management**

**Date: 19 June 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
- 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](mailto: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 cannot 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 submitted online at [www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision) or for Householder Appeals [www.gov.uk/appeal-householder-planning-decision](http://www.gov.uk/appeal-householder-planning-decision)