

Subject: APP/E1855/W/22/3310099: Lea Castle Farm, Wolverley Road, Broadwaters, Kidderminster – Response by Rule 6 Party to appellants comments on our submission re NPPF 2024

The Planning Inspectorate advised on 30th December 2024 that the Inspector was not expecting to provide an opportunity for the parties to comment on each other's submissions if he was satisfied that he had all the information necessary to apply the revised NPPF in his decision.

The appellant has instead chosen to submit comments on the Worcestershire County Council and the Rule 6 submissions. That was not the intention. As the appellant has done so it would be unfair not to allow the other parties 7 days to respond.

The Inspector originally invited on 13 December for Parties to consider whether the Framework 2024 has relevance to their case. This was not an invitation to re-open submission of evidence on each parties' views. It was a straightforward invitation to update evidence based on the new guidance.

It is particularly noticeable the Appellant did not comment at all on the issue of Grey Belt when first invited to by the Inspector and instead chose to focus entirely on the standard method of calculating housing need. It is unreasonable that the Appellant is given a further chance to amend their evidence as a result of reading the Rule 6 and MPA evidence. What is in effect their 'Proof of Evidence' on the new NPPF does not mention Grey Belt at all and that should be taken as their evidence. As their barrister was keen to point out at the Public Inquiry the weight to be attached to the expertise of the evidence can be judged on the answer to the original question from the Inspector.

We ask the inspector not to accept NRS's comments on designation of Lea Castle Farm as grey belt land. The Appellant has simply chosen to reverse the position put forward by the Rule 6 party rather than advance any evidentiary argument. We believe Lea Castle Farm would not be considered as grey belt for all the reasons set out in our initial submission on the changes to the NPPF. It is notable that the Appellant clearly did not see fit to comment on the grey belt issue until the R6 Party and WCC's submissions concluded that Lea Castle Farm was not Grey Belt. The lateness of the submission from the Appellant must reduce the weight to be given to the content.

Furthermore, if Lea Castle Farm were considered a grey belt site then this would seriously diminish the Appellant's position that the site is, and remains in the Green Belt – and would undermine what has been said about:

- (i) The relevance of the Site remaining in the Green Belt (and therefore the ability to rely upon the extant policy protection),
- (ii) That development of the Site is going to be necessarily time-limited,
- (iii) That the site will be properly restored, and
- (iv) That biodiversity net gain will be achieved for long periods.

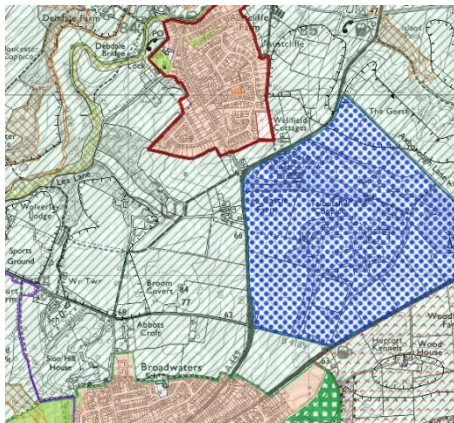
If Lea Castle Farm is considered to be "Grey belt" the Site would be seen to be acceptable (rather than unacceptable) in principle for residential or commercial development – see §155(a). That being the case, the whole of the Appellant's case would need to be reconsidered on the assumption that the restoration proposals would not now be considered within the Green Belt and that there would be no ongoing policy protection against development afforded to it. This would seriously compound the harms identified by the R6 Party and WCC that this Green Belt location would be undermined through the development of this Site.

The appellant commented on NPPF greenbelt/greybelt definition as follows:

“It is not adjacent to any large built-up areas so does not strongly contribute to purpose (a);”

It is clearly evident that the site is adjacent to the large built-up area of Kidderminster as was clear in evidence and on the site visit. The appeal site is across the road from Broadwaters, a residential suburb of Kidderminster, and opposite Lea Castle Village, an urban expansion of Kidderminster.

To this end the Wyre Forest Local Plan Proposals map below shows that the built development of Kidderminster extends beyond the defined residential area of Broadwaters in the Green Belt up to Wolverley Road (Abbotts Croft, Heathfield School). This Green Belt site is surrounded on three sides by development emphasising its Green Belt purpose.



“It is not in a gap between ‘towns’; and to the extent it is in a gap between villages, it forms only a part of that gap and so does not strongly contribute to purpose (b);”

The Appeal site fills the gap between the edge of Kidderminster and Cookley village.

“It would not fundamentally undermine the purposes (taken together) of the remaining Green Belt”

Allowing development of this site would lead to further loss of the remaining Green Belt around Wolverley and Cookley fundamentally undermining its purpose

(ii) there is a demonstrable unmet need (see our closing at para 146 to 161)

The Inquiry heard evidence in respect of supply of sand and gravel, supply was higher than in the previous Inquiry where a lower level of supply was not considered sufficient to override harm to the Green Belt.

(iii) it would be in a sustainable location

The Inquiry heard evidence that this is not a sustainable location scoring badly against the MPA sustainability appraisal. Decisions on appropriate locations for sustainable development are being made in the emerging local plan.

We believe the assertion by the appellant on grey belt is illogical and the late submission should not be given any weight in the inspector’s decision process.

Rule 6 Party January 2025