

Appeal Decision

Site visit made on 16 May 2016

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2016

Appeal Ref: APP/J3720/W/16/3143849

Land off Tomlow Road, Napton-on-the-Hill, Warwickshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs T & D Heason against the decision of Stratford on Avon District Council.
 - The application Ref 15/03351/FUL, dated 14 September 2015, was refused by notice dated 15 January 2016.
 - The development proposed is the construction of a single dwelling, ancillary agricultural building and slipway with two moorings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In its reasons for refusal the Council has set out a statement relating to pre-application engagement. I accept that this statement is not itself a reason for refusal and its inclusion at this point of the decision notice was an error. I have determined the appeal on that basis.

Main Issues

3. The main issue is whether the proposal would be consistent with the principles of sustainable development having regard to the National Planning Policy Framework and the development plan.

Reasons

4. The appeal site comprises part of a field located adjacent to the Oxford Canal, located north of the village of Napton-on-the-Hill and close to the marinas, Wigrams Turn Marina and Napton Marina. Proposed is the construction of one detached dwelling, which would have a courtyard style form, a detached building to be used for agricultural storage purposes and a vehicular access from Tomlow Road.
 5. The development plan for the area includes the Stratford-on-Avon District Local Plan Review adopted July 2006 (Local Plan Review). Policy STR.1 sets out a hierarchy for development in the area which reflects the functions of settlements. Napton-on-the-Hill is defined as a Local Service Village. Policy CTY.1 seeks to preserve the character and resources of the countryside.
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6. The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development which encompasses three dimensions: economic, social and environmental. Paragraph 55 states that to promote sustainable development housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided unless there are special circumstances.
7. The site lies outside the defined boundary of Napton-on-the-Hill and is within the countryside for planning purposes. Built development in the vicinity is sporadic and is generally related to the marinas. Moreover, the proposed development would be physically and visually isolated from the settlement and at a distance from its facilities and services. The lack of a safe pedestrian route to the village would dissuade residents from walking, contrary to one of the core planning principles of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Whilst paragraph 55 notes that development in one village may support services in a village nearby, the site lies outside of any settlement and the development would not maintain or enhance any local community. Consequently I conclude that the development would be isolated, notwithstanding its proximity to the marinas. The development would not fall within any of the special circumstances listed at paragraph 55.
8. I acknowledge that the development would make a very limited contribution to the economy and to the supply of housing. However, the site, a greenfield site, forms part of an open area of the countryside and is highly visible from public viewpoints around the canal and towpath. The dwelling would have a harmful urbanising impact on the character and appearance of the area. The Council does not object to the design of the proposed dwelling and there is no reason for me to disagree. However, this does not persuade me that its effect would not be harmful for the reasons outlined above.
9. I understand that the agricultural building would be used for the storage of machinery in connection with the maintenance of the land outside the appeal site and for the keeping of livestock. I am told that the land is used for the grazing of sheep although I have no details of the agricultural operation before me and no sheep were present at the time of my visit. Notwithstanding this, the land to which the building would relate is a relatively small parcel of land. I am unconvinced from the evidence before me that a building of the size proposed is necessary to support it and as such the building would have an unnecessary impact on the open character of the countryside.
10. For the above reasons the development would not contribute positively to the environmental role of sustainability and, because of its isolated location, or to the social role. Given that the three roles of sustainability are mutually dependent, the development would not constitute sustainable development.
11. The appellant has drawn my attention to the lack of a 5 year supply of housing land, although the Council disputes that. Even if policies for the supply of housing were treated as being out of date and the mechanism of paragraph 14 of the Framework applied, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits that would be generated by the provision of one new dwelling, when assessed against the Framework taken as a whole. Moreover, the development does not constitute sustainable development and there is therefore no presumption in favour of it.

12. Consequently, for the reasons set out, the proposed development would be harmful to the rural character and appearance of the countryside contrary to Policies CTY.1 and CTY.4A of the Local Plan Review which seek, in various ways, to preserve the character of the countryside and ensure that resources are protected.

Other Matter

13. The proposal includes a slipway and new moorings for two narrowboats off the Oxford Canal. No objections have been raised by the Council to the impact of the new moorings on the character or ecology of the area and there is no reason for me to disagree. In addition, although there was initially concern regarding the level of construction detail provided, there is no evidence to demonstrate that the moorings could not be constructed to the requirements set out in the Canal and River Trust's email of 14 March 2016.
14. However, concern has been raised over the safety of users of the canal system and I have taken into consideration representations made by the Inland Waterways Association on this matter. I understand that the canal is heavily used at this point and the site is close to a bend in the canal. However, there is no evidence before me to demonstrate how emerging boats would present a significant hazard to passing boats, particularly given their likely speed around the marinas. Consequently, in the absence of any convincing or demonstrable evidence of harm, I am satisfied that the proposal would not prejudice the safety of canal users.

Conclusion

15. For the reasons set out above, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

S Ashworth

INSPECTOR