
Appeal Decision

Site visit made on 6 September 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 19 September 2016

Appeal Ref: APP/J3720/W/16/3152017

The Water Margin, Marton Road, Long Itchington, Southam CV47 9PZ

- 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 Ms Yung Cheng against the decision of Stratford on Avon District Council.
 - The application Ref 15/04191/FUL, dated 20 November 2015, was refused by notice dated 5 February 2016.
 - The development proposed is the demolition of the existing restaurant to create 10 new live work units.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant states that the description of the development has changed to the wording used by the Council, namely 'demolition of the existing restaurant and erection of 10 dwellings including associated access, infrastructure and amenity spaces.' I am content that this amended description adequately describes the proposal and I shall use it in the determination of this appeal.
3. Since the application was determined by the Council the Stratford-on-Avon Local Plan Review has been replaced by the Stratford-on-Avon District Core Strategy ('Core Strategy'). As a consequence, the policies of the Local Plan Review cited in the Council's decision notice no longer form part of the development plan. Accordingly, I have determined the appeal on this basis of the Core Strategy and its policies.

Main Issue

4. The main issue in this appeal is whether the proposed housing development would be acceptable, having regard to the principles of sustainable development.

Reasons

Location

5. Applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework ('the Framework') is an important material consideration. A core planning principle of the Framework is that decision taking should be genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the area.
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6. The development plan for the area includes the Stratford-on-Avon District Core Strategy ('Core Strategy'). In order to further sustainability objectives and protect the character of the District policy CS.15 of the Core Strategy identifies how development will be distributed. Its approach is one of balanced dispersal recognising that the amount of development that occurs in towns and villages should reflect their size, services, facilities, the public transport available and needs. Policy CS.16 identifies the approximate number of new homes that will be built with the largest numbers in Stratford-upon Avon, Main Rural Centres and new settlements.
7. Long Itchington is one of five Category 1 Local Service Villages. In such settlements approximately 450 homes are to be provided over the plan period with no more than around 25% (112 dwellings) provided in any village. To date, only 5 years into the 20 year life of the Core Strategy, the total number of extant planning permissions and dwellings built in Long Itchington alone during this period stands at 310. The wording of the Core Strategy allows for some flexibility in housing numbers and their distribution. However, by any reasonable assessment 310 units is considerably in excess of the Core Strategy allocation for a single Category 1 Local Service Village. As a result, I find that the proposed development, which would provide a further 10 dwellings in the village, would be contrary to the spatial strategy of the development plan contained within policies CS.15 and CS.16 of the Core Strategy which seeks a balanced dispersal.

Character and appearance

8. Long Itchington is a compact village located within a rural landscape of undulating arable fields. Development is concentrated around its core with development in depth behind the roads that pass through the settlement. The appeal site is located on the northern edge of the village. Towards the appeal site away from the village centre, along Marton Road (A423), development is linear and becomes increasingly sporadic. In the vicinity of the appeal site housing has almost petered out, with only a detached house set well back from the road next to the small cluster of business premises which includes the appeal site at its northern edge. In this context the appeal scheme, with closely spaced housing proposed set close to the road and with residential development in depth behind, would be out of keeping with the pattern of development of the village. The resulting suburban housing scheme in this edge of settlement location would provide an abrupt entrance to Long Itchington, interfering with the transition from the village to open countryside that I have described.
9. In terms of its detailed design, the proposal would fail to take advantage of the opportunity to provide visual interest on the approach to the village from the north by presenting an unrelieved and largely blank side elevation of the house on plot 4 to public view. I also share some of the Council's concerns about the design quality of the terraced dwellings proposed on plots 5, 6 and 7. These houses, which although set back within the site would directly face the entrance to the development, would suffer from a lack of legibility due to the presence of only one front door within the main east facing elevation. Furthermore, the large forward projection of the house on plot 5 and its largely blank side elevation would enclose the terrace in an unattractive way.
10. With car parking for the four houses along Marton Road located to the rear, and parking located to the side of two other of the proposed dwellings, the

development as a whole would not be car dominated. Whilst the open space provided on the site would be located towards its periphery, natural surveillance would be provided by some of the proposed houses. As a result, I do not consider the proposal to be poorly designed in this regard.

11. Notwithstanding my favourable findings in relation to these latter matters, this does not negate the significant adverse effects of the scheme that I have described. I therefore conclude that the proposed development is not respecting the pattern of development that characterises the locality, and in not taking the opportunities available to improve its character and quality, would be poorly designed and unacceptably harm the character and appearance of the area. This would be contrary to policy CS.9 of the Core Strategy which requires the protection of the character and appearance of a locality through high quality design that respects local design features. It would also be contrary to a core planning principle of the Framework which seeks high quality design.

Living conditions

12. In planning policy 'living conditions' are also referred to as 'amenity'. One of the core planning principles of the Framework is that a good standard of amenity should be provided for future residents of buildings.
13. The house on plot 5 would be positioned almost completely forward of the house on plot 6 to which it would be attached. As a result, its two storey flank wall would enclose and have an unacceptably overbearing effect on the outlook from within the adjacent habitable front rooms of the house on plot 6. Conversely, the two storey flank wall of the house on plot 6 would enclose the rear garden of the house on plot 5 along its southern side. As a consequence, a significant part of the rear garden to plot 5, including that closest to the house, would be placed in shadow, particularly during the cooler months of the year when the sun is lower in the sky. This would result in poorer living conditions than is reasonable to expect in relation to new development in the rear garden of plot 5.
14. The private amenity space provided to the rear of the proposed bungalow on plot 10 would be limited. However, future occupiers would make an informed decision as to whether or not it would meet their needs. As a result, I find that the level of amenity space provision to this plot would, on balance, be acceptable. Nevertheless, this positive finding in relation to this aspect of the proposal does not overcome the problems I have identified in relation to the proposed houses on plots 5 and 6.
15. Taking all these matters into account, I therefore conclude that the proposed development would result in poor living conditions for future residents of the dwellings on plots 5 and 6. This would be contrary to policy CS.9 of the Core Strategy which, amongst other matters, seeks to prevent harm in this regard. It would also be contrary to a core planning principle of the Framework.

Sustainable drainage

16. In order to prevent new development from contributing to flood risk it is national policy in schemes of 10 dwellings or more to provide a sustainable drainage scheme, unless demonstrated to be inappropriate¹. On the basis of the submitted drainage strategy the view of the lead local flood authority is

¹ Written Ministerial Statement made on 18 December 2014

that it has not been shown that surface water runoff from the site would be limited to an appropriate rate. Furthermore, two different forms of treatment have not been included in the strategy. On the basis of what I have read I have no reason to disagree with those conclusions. I therefore find that the proposal would be contrary to policy CS.4 of the Core Strategy. This policy requires that surface water run-off is limited to an appropriate rate and that where possible a sustainable drainage scheme is provided in order to reduce flood risk elsewhere.

Sustainable development

17. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
18. In terms of the environment, the site is previously developed land with, for a rural village, reasonable access to services and facilities. The proposed dwellings would also be energy efficient. Economically, the proposal would result in employment during its construction. The proposal would also boost local spending power, albeit to a limited extent given the small number of houses proposed. Socially, with a healthy housing land supply in the District and the village the scheme would be of limited benefit.
19. Of importance though is that the proposal would fail accord with, and thus would undermine, the spatial strategy of balanced dispersal contained within policies CS.15 and CS.16 of the recently adopted Core Strategy. This is because cumulatively with extant permissions it would add to the far greater provision of housing in Little Itchington than the Core Strategy provides for. As a result, there would also be conflict with the economic dimension of sustainability which seeks to ensure, amongst other matters, the delivery of land in the right place at the right time.
20. I attach some weight to the environmental, economic and social benefits described. However, this has to be balanced against the demonstrable harm that would be caused environmentally to the character and appearance of the area, the living conditions of future occupants and the absence of appropriate drainage, together with the conflict that exists with the spatial strategy for the District.
21. Taking all these matters into account, I therefore conclude on the overall balance of considerations that the proposal would not be a sustainable development.

Personal circumstances

22. The appellant has lived at the premises and operated the restaurant since 1996. Her family and immediate close relations live in the area. As a result, she has close ties to Long Itchington and wishes to continue living in the village. It is intended that one of the smaller units in the proposed scheme would be her future home thereby allowing her to do so.
23. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance² that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long

² Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

after the current personal circumstances cease to be material. For these reasons, I therefore find that this consideration is not sufficient to outweigh the non-compliance with the development plan and Framework that I have identified.

Conclusion

24. For the reasons given above, I therefore conclude that the appeal should be dismissed.
25. At appeal stage the Council stated that a section 106 agreement is sought in relation to certain matters. The tests in paragraph 204 of the Framework and regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) apply to planning obligations. In this case however, as the appeal is to be dismissed on its substantive merits, it is not necessary to assess what has been sought against these requirements.

Ian Radcliffe

Inspector