
Appeal Decision

Site visit made on 30 August 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/J3720/W/16/3149732

Pound Green, Heath Farm Lane, Lighthorne, Warwickshire CV35 0AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs John Cole against the decision of Stratford on Avon District Council.
 - The application Ref 15/02830/OUT, dated 31 July 2015, was refused by notice dated 9 November 2015.
 - The development proposed is the change of use of agricultural land to domestic. Demolition of barns and erection of 4 dwellings.
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Decision

1. The appeal is dismissed.

Procedural matter

2. This is an outline application with access as the only detailed matter. Issues of layout, scale, appearance and landscaping are for consideration at the reserved matters stage. The drawings before me are indicative and I have considered the appeal on this basis.

Main Issues

3. These issues are:
 - i) the effect of the proposal on the character and appearance of the area; and,
 - ii) the effect of the proposal on the character or appearance of the Conservation Area and its setting.

Reasons

Character and appearance

4. The indicative plans show how three dwellings fronting Heath Lane and a fourth behind the existing property, Pound Green, could be accommodated on the site.
 5. Heath Lane begins at the junction with Old School Lane. Here the lane is open in character, defined by open areas of grass and buildings set back from the road. Further along Heath Lane, the character changes; built development peters out and the lane becomes narrow, defined by the narrow carriageway width, the banks on both sides of the lane and the verdant landscaping which
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- extends to a height on both sides of the road. Together, these features create an enclosed and rural character to the lane.
6. The indicative plans suggest that three of the houses would be built beyond the building line of existing buildings along Heath Lane. The three houses would front the lane and be within proximity to each other. In addition, Heath Lane would be widened to 4.8 metres which would involve the cutting back of existing vegetation and regrading the bank as required.
 7. The three houses, together with the works to the lane would urbanise this section of Heath Lane, introducing development where there currently is none. Furthermore, the proximity of the dwellings to each other would create a concentration of built form, in contrast to the more open and spacious plots of Pound Green and Plot 1. Altogether, the proposal would appear incongruous and out of keeping with and therefore harmful to the rural character and appearance of the area.
 8. I appreciate that three houses in a row is not uncharacteristic of development within the village. However, this intensity of development is not characteristic of the area surrounding the appeal site and therefore the contrast between the rural character of the lane and the concentration of built development on the site would be harmful as described.
 9. I also note the appellant's suggestion that the scale and form of the development and the choice of materials could be designed to ensure that the development was appropriate in character. Whilst I have no reason to doubt that this could be the case, the harm that I have identified with regards to siting and layout would not be overcome by matters of detailed design.
 10. I have taken into consideration the widening of Heath Lane nearest the junction with Old School Lane which formed part of planning permission Ref 15/04359/FUL. Whilst the proposed development would take a similar approach, the current development proposes widening the lane further east where the character of the lane is different. I have found that widening the lane here would be harmful to the character of the area.
 11. I note that planning permission¹ was granted for 4 dwellings within 100 metres of the appeal site. However, this site is behind an existing line of built development and is further into the village than the appeal site. Notwithstanding this, each proposal must be determined on its own particular merits and therefore the planning permission does not necessarily set a precedent for this site.
 12. The indicative plans show how the fourth proposed dwelling, on Plot 1, set behind Pound Green, would be set within a good sized plot with sufficient space around it to maintain the open and rural character of its surroundings. I note that planning permission was granted for a single dwelling in a similar location² and together with my findings for its layout, I have no objection to the principle of a dwelling in this location.
 13. However, in light of my findings for the suggested siting and layout of plots 2-4, the proposed development would be harmful to the character and appearance of the area and therefore contrary to Saved Policy PR.1 of the Local

¹ 15/03736/FUL

² 15/04359/FUL

Plan³ and paragraphs 56 and 57 of the National Planning Policy Framework (the Framework) which require development to respect, and where possible, enhance the quality and character of an area.

Conservation Area

14. The Framework identifies that heritage assets are irreplaceable resources. Paragraph 132 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as the Lighthorne Conservation Area (CA), great weight should be given to the asset's conservation.
15. The majority of the appeal site, other than the access, adjoins the boundary of the CA. The CA extends west, from the edge of the appeal site and covers much of the village. Development is concentrated in the centre of the village with the density of development becoming less towards the edge of the CA and to the east. The open character of the eastern end of the CA, therefore, is of significance to the character of the CA as a whole.
16. The appeal site, by adjoining the eastern edge of the CA, contributes to the setting of the CA, not least its open and rural character at this eastern end. However, plots 2, 3 and 4 would be some distance from the boundary to the CA. For this reason, the dwellings on these plots would be a sufficient distance from the boundary to the CA to not impact on its character or setting.
17. Plot 1 would adjoin the boundary of the CA, though the indicative plans suggest that the new dwelling itself would be set back from this boundary. This, together with the spaciousness of its plot, would preserve the open character and appearance of the CA.
18. In considering the proposal and the setting of the CA and in accordance with the clear expectations of the Planning (Listed Building and Conservation Areas) Act 1990, I find that the proposal would have a neutral effect on the character and appearance of the CA. I do not find, therefore, that the proposal would be contrary to paragraph 132 of the Framework which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting, nor Saved Policy EF.13 of the Local Plan which requires weight and consideration to be given to the preservation and enhancement of the character or appearance of a CA or its setting.

Other matters

19. The development would provide 4 additional dwellings that would contribute to the Council's supply of housing. Furthermore, during the period of construction, the development would support employment in the area. These benefits are supported.
20. I note that there are environmental improvements suggested as part of the development, not least the removal of dilapidated outbuildings and an increase in local biodiversity. These measures are to be encouraged, although their contribution would be limited in comparison with the scale of the development overall.

³ Stratford-On-Avon Local Plan (Adopted 14th July 2006)

21. It is suggested that the development would improve the visual appearance of the small village green and would therefore benefit the character of the CA. I have found that development on plots 2, 3 and 4 would be some distance from the CA and the village to have an impact on these overall.
22. I appreciate the appellant's concerns for the Council's handling of the proposed development, between the pre-application and planning application stages. However, this is not a matter for me to consider or comment on as part of an appeal under section 78 of the Town and Country Planning Act 1990. I have, however, determined the appeal on its own merits and on the basis of my observations on site and the evidence before me.

Conclusion

23. I have found that the development would preserve the character and appearance of the CA. There are also a number of benefits associated with the proposal, including additional housing and employment opportunities. However, these positive attributes would not overcome the unacceptable harm that I have identified to the character and appearance of the area. As a result the proposal would be contrary to the development plan and the Framework and for this reason, the appeal is dismissed.

R Walmsley

INSPECTOR