The Planning Inspectorate

Appeal Decision

Site visit made on 7 September 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

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

Decision date: 29 September 2016

Appeal Ref: APP/J3720/W/16/3150616
Land north west of Rion Lodge, Clifford Road, Clifford Chambers, Warwickshire CV37 8HW

- 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 Simon Edkins against the decision of Stratford on Avon District Council.
- The application Ref 16/00012/FUL, dated 21 January 2016, was refused by notice dated 18 March 2016.
- The development proposed is construction of a single one and a half storey house for the applicant's occupation.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Subsequent to the determination of the planning application, the Council has (in July 2016) adopted the Stratford-on-Avon Core Strategy 2011 – 2031 (CS). I have therefore determined the appeal on the basis on the policies contained in this document which is the up-to-date Development Plan for the district.

Main Issue

3. The main issue is whether a new dwelling in this location would be acceptable having regard to the principles of sustainable development.

Reasons

4. The appeal site is accessed via a private road from Clifford Lane. It comprises an area of hard surfacing and includes a horse walker, greenhouse and the storage of other materials associated with the appellant's business. The surrounding land is largely in agricultural use, although the private road also provides access to a small number of other dwellings and businesses.

5. The site is located around 650m from Clifford Chambers, a Category 4 Local Service Village (LSV) as identified in the CS. It is around 1.4km from the edge of the main town of Stratford upon Avon (as the crow flies) and further still to the centre of the town where the main services and facilities are located. Accordingly, it is not within the physical confines of the village and for planning policy purposes, the site lies within the open countryside.

6. Policy AS. 10 of the CS sets out the forms of residential development that are acceptable in the countryside. In accordance with this policy, new single dwellings in the open countryside are acceptable provided that they are of exceptional quality and design and make a positive contribution to the character of the local area. Whilst the proposed dwelling is an acceptable design that would not adversely impact on the character of the local area, I do not consider that it would be of an exceptional quality and design of the type required by Policy AS. 10.

7. In terms of the services and facilities available in Clifford Chambers, these are limited to a village hall and a public house. They are located some distance from the appeal site and would be accessed via an unlit footway running along one side of the fairly busy Clifford Lane with its 50mph speed limit and fast moving traffic. Whilst a supermarket and other facilities are located around 1.5km away, these would be also accessed using the footway along Clifford Lane. There is no dedicated cycle route. Given this, I do not consider that the day to day needs of future occupants of the dwelling would be provided for adequately without the need for transport.

8. I acknowledge that there is a half hourly bus service from Clifford Chambers to Stratford upon Avon throughout the day as well as services to other locations further away. However, the bus stop in Clifford Chambers is also some distance from the appeal site. It would require pedestrians to cross the busy Clifford Lane to access the footway and then cross back over the road to reach the bus stop. Although public footpaths across the surrounding countryside are also available, these routes are often longer and in my opinion would be unlikely to provide a realistic alternative, particularly during the winter months.

9. Given the distance and nature of the walking routes to the bus stop, I do not consider that future occupants of the dwelling would realistically be inclined to use public transport to access their day to day needs. Although the bus timetables show that a request bus stop at the New Inn public house in Clifford Chambers is available, this is limited to bus 21A which is a single, early evening service. It is not clear from the evidence before me whether a request bus stop at the junction of the appeal site's access road and Clifford Lane is generally available for all services.

10. The appellant has also provided details of a further door to door transport service that is available. However, this would require booking in advance; it is limited to weekdays between around 9.30am and 2.30pm and is subject to availability. Whilst I acknowledge that this provides a valuable service to those with a genuine need for local transport, the appeal proposal would itself generate an additional need for this form of transport that does not already exist.

11. Consequently, given the limited services and facilities in Clifford Chambers and the distance and accessibility to services and facilities elsewhere, I consider it highly likely that private transport would mainly be relied upon.

12. However, I acknowledge that paragraph 50 of the National Planning Policy Framework (the Framework) also recognises that Local Planning Authorities should plan for a mix of housing including for those with disabilities and those wishing to build their own homes. Whilst I appreciate the appellant's intention for the appeal dwelling to be a self-build property for himself and his parents and would be specifically designed to meet the needs of people with disabilities,

the proposal should also be considered in the context of the presumption in favour of sustainable development.

13. Paragraph 7 of the Framework identifies 3 dimensions to sustainable development: economic, social and environmental. Paragraph 55 of the Framework states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

14. I accept that there would be economic benefits of the proposal, including the provision of employment opportunities and expenditure during the construction phase, albeit in the short term. I also recognise that future residents would support growth, local services and facilities which would accord with the social element of sustainability. The dwelling would also contribute to the Council's housing requirements in Category 4 LSVs. However, given the small scale nature of the proposal, these benefits would be relatively minor and I consider that one new dwelling would make only a limited contribution to enhancing or maintaining the vitality of this rural community.

15. I recognise that good design is also a key aspect of sustainable development and I acknowledge that the proposal is supported by an energy statement which demonstrates how the new dwelling would be sustainably designed. The appeal proposal would also have safe and suitable access, as well as sufficient car parking provision. However, in addition to encouraging the effective use of land that has been previously developed, another of the core planning principles as set out in the Framework, is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. In this case, I consider that the proposed development would necessitate reliance on the private car and would therefore be an unsustainable form of development.

16. Paragraph 55 of the Framework also states that isolated new homes in the countryside should be avoided. Whilst there are a small number of other residential properties in the vicinity, as well as local businesses including a children's nursery, the site lies some distance from Clifford Chambers with its limited range of services and facilities and further still from the main town of Stratford upon Avon. I therefore consider that the proposed dwelling would be isolated in that sense.

17. My attention has been drawn to a recent application that was permitted outside the village envelope of Clifford Chambers. I do not have the specific details of this application, but I note that the development is located much closer to the village than the appeal site.

18. On balance, I do not therefore consider that a new dwelling in this location would be acceptable having regard to the principles of sustainable development. The proposal conflicts with Policy AS. 10 of the CS as it does not fall within the forms of residential development that are identified as being acceptable in the countryside.

19. The proposal also conflicts with paragraph 55 of the Framework which requires housing to be located where it will enhance or maintain the vitality of rural communities and which seeks to avoid isolated new homes in the countryside unless there are special circumstances, none of which apply in this case.

Other Matters

20. Clifford Forge House, a Grade II listed building and designated heritage asset lies to the south of the appeal site. Paragraph 132 of the Framework makes clear that great weight should be given to the conservation of designated heritage assets, the significance of which can be harmed through, amongst other things, development within its setting.

21. In considering the impact of the proposed development on Clifford Forge House, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the setting of a listed building.

22. Given that the appeal site is physically and visually separated from Clifford Forge House and its curtilage by the private access road, I consider that the proposed development would preserve the setting of this statutorily listed building.

23. I acknowledge that there is some local support for the proposed development and I note the references that have been made to residential changes of use in the immediate vicinity. However, I do not have the specific details of these cases and I do not consider that they are directly comparable to the appeal proposal which would be for a new dwelling in the countryside, not a change of use. Furthermore, I have no evidence before me to demonstrate that it is necessary for the appellant to live on the appeal site for the purposes of tending to animals.

24. Whilst local neighbours may also consider that the appeal proposal would be more visually pleasing than the current site, this does not outweigh the considerations that have led to my decision.

25. The appellant argues that the Council cannot demonstrate a 5 year housing land supply and that the saved policies in the Stratford on Avon District Local Plan cannot be considered up to date. However, as stated above, the Council's CS has now been adopted. This document is the up to date Development Plan for the district and its policies carry full weight.

Conclusion

26. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Emma Tinsley-Evans

INSPECTOR