
Appeal Decisions

Site visit made on 19 September 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 13th October 2016

Appeal Ref: APP/J3720/W/16/3152593

Land off Priory Lane, Pillerton Priors, Warwickshire CV35 0PR

- 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 Mick Williamson on behalf of Williamson Properties Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 15/03610/FUL, dated 30 September 2015, was refused by notice dated 22 January 2016.
 - The development proposed is the construction of 3No. detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Stratford-on-Avon District Core Strategy 2011-2031 (CS) was adopted on the 11 July 2016 which was after the Council issued its decision to refuse planning permission and the submission of this appeal. The Council have indicated that following the adoption of the CS the policies of the Stratford-on-Avon Local Plan Review (2006) that were identified within the reasons for refusal are now considered to carry no weight for decision making purposes. The Council have also confirmed that Policy CS.25 of the CS as referred to on the decision notice has now been renumbered to Policy CS.26 and that Policy CS.6 was referred to in error. All parties have had the opportunity to comment on the change in status of this document in terms of the relevance to their case. I consider the appeal on that basis and with regard to the current status of the development plan.
3. An appeal decision has been drawn to my attention relating to a proposed dwelling at Land adjoining River Lodge, Tiddington¹ in the District. I have had regard to the decision and the circumstances differ from the development proposal before me relative to the characteristics of the proposal, the site and its surroundings. I have therefore determined the current appeal on its own merits based on the evidence before me.

Main Issues

4. The main issues of this appeal are:
 - whether the proposal is consistent with the objectives of local and national planning policies relating to the location and supply of housing;

¹ APP/J3720/W/16/3144856

- the effect on the character and appearance of the site and the surrounding area;
- the effect on living conditions of occupiers of neighbouring properties, with particular regard to 1 and 2 Priory Bungalows, and;
- the effect on highway and pedestrian safety.

Reasons

Local and national policies relating to the location and supply of housing

5. Policy CS.15 of the CS relates to the distribution of development in Stratford-on-Avon District during the period 2011 - 2031 based on a pattern of balanced dispersal, in accordance with the distinctive character and function of the wide range of sustainable locations across the District. In this respect, Pillerton Priors is identified in the supporting text of Policy CS.15 as a Category 4 – Local Service Village (LSV).
6. Policy CS.15 advises that the scale of housing development appropriate to each village is specified in Policy CS.16 and development will take place on sites identified in a Neighbourhood Plan; and through small-scale schemes on unidentified but suitable sites within their Built-Up Area Boundaries (where defined) or otherwise within their physical confines. The latter criterion is also stated in Policy AS.10 of the CS. For the purpose of Policy CS.15, Pillerton Priors Neighbourhood Plan is still at an early stage of preparation and therefore little weight can be attached to it at the present time.
7. Policy CS.16 of the CS states that, within Category 4 LSV's, there should be approximately 400 homes in total during the plan period, of which no more than around 8% (32 homes) should be provided within an individual settlement. Evidence provided by the Council confirms that based upon data from between April 2011 and 31 March 2016, a total of 4 dwellings have been built or committed in Pillerton Priors. The restriction in Policy CS.16 would not be exceeded by the development in cumulative with dwellings built to date or committed in Pillerton Priors.
8. The appellant made reference to the Council's housing land supply position and recent appeal decisions in the District, although full details of each case are not before me. Nevertheless, the CS has been recently adopted with an identified deliverable 5-year housing land supply. Planning Practice Guidance² states that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the 5-year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. There is no evidence before me relating to the period since the adoption of the CS in July 2016 that would lead me to consider that the Council can no longer demonstrate a deliverable 5-year housing land supply. I therefore consider that the relevant policies for the supply of housing are up-to-date.
9. The appeal site consists of existing open agricultural field situated on the north eastern edge of Pillerton Priors that is accessed from Priory Lane that is currently overgrown. It comprises a broadly horseshoe shape which wraps

² Housing and economic land availability assessment, Paragraph: 030 Reference ID: 3-030-20140306, Revision date: 06 03 2014

around the existing residential properties of Priory Bungalows and Prospect Row to the south. There is an existing public footpath that runs from Banbury Lane to the south through the appeal site and onwards to open countryside to the north. It is proposed that the eastern section of the site beyond the public footpath would remain open.

10. The section of the site where Plot 3 is located, as identified on the submitted plans, comprises an infill position between Nos. 1 and 2 Priory Bungalows to the east and dwellings known as Field Bank and Sunset to the west. As such it is reasonable to consider that Plot 3 falls within the physical confines of Pillerton Priors village.
11. In contrast, Plots 1 and 2 adjoin the existing village envelope to the north of Priory Bungalows and Prospect Row and to the east of dwellings known as Sunset and The Willows. The layout of Plots 1 and 2 would align with the settlement edge to the northern boundary of The Willows as defined by an existing hedgerow and to the western edge of the public footpath. Nevertheless, this section of the site given its openness and the significant screening to the western boundary relates visually to the open countryside rather than an evident part of the physical confines of Pillerton Priors village. Consequently, the development of this part of the site would result in a harmful encroachment upon open countryside. The proposal would not fall within the forms of residential development in the countryside that are acceptable in principle as listed under Policy AS.10 of the CS.
12. I conclude that the development would not be consistent with the objectives of local and national planning policies relating to the location and supply of housing. The proposal would conflict with Policies CS.15 and AS.10 of the CS in so far as they seek to direct residential development of small housing schemes within the Built-Up Area Boundary of a Local Service Village (where defined), or otherwise within the physical confines.

Character and appearance

13. Policy CS.15 of the CS also states that all development at existing settlements is expected to protect and enhance the character of the settlement involved and its setting, with assessment relative to six principles. The principles relate to the scale of development and its immediate surroundings, the character of the settlement, design and integration with existing form of the settlement, the surrounding landscape and setting, settlement gaps and infrastructure. These principles are supplemented by Policy CS.5 with respect to landscape and visual impact, and Policy CS.9 with respect to design and distinctiveness.
14. Pillerton Priors is characterised by its rural setting and has a range of architectural styles, including a mix of agricultural buildings and suburban dwellings of differing types, density, scale and materials. Consequently, there is a significant variation in the appearance, pattern and form of existing development within the physical confines of the existing built up area.
15. The appellant has provided a landscape and visual appraisal (LVA) which indicates that the site is not subject to any statutory landscape designations and lies within the 'Feldon' character area, 'Feldon Lias Village Farmlands' landscape character type (LCT) and '(f) Lias Uplands' sub-character area. The site and its surroundings are defined as within a predominantly rural landscape, comprising of small to medium sized field and interspersed with villages and

- farms. Important characteristics of the site in this respect are the rolling landform, rural agricultural character and presence of trees and hedgerows.
16. The LVA concludes that the proposed development would have an effect on the character of the site itself but would not result in any effect on the key characteristics of the wider landscape character area. This would be due to the development not extending beyond the existing edges of Pillerton Priors, and as such it would be perceived as part of the existing settlement rather than as a separate 'estate'. The LVA indicates that the landscape sensitivity of the area to housing development is 'Medium' which is the least sensitive rating of the village and development would not be visually prominent from publicly accessible areas within the wider rural hinterland.
 17. The landscape statement is a material consideration to which I attribute significant weight. Nevertheless, the construction of dwellings on the site would result in built development where there is presently none. The footprint of the buildings and the resultant bulk, scale and massing, together with hardstanding and domestic paraphernalia would inevitably lead to the site being less open, as it currently has no buildings or other development on it. The loss of openness arising from the development of Plots 1 and 2 would be observed from and substantially alter existing views along the public footpath running through the site when approaching Pillerton Priors village from the open countryside.
 18. Users of the public footpath are sensitive receptors to change and the effect of the development would introduce an increased sense of enclosure when walking to and from the larger expanses of open countryside to the north. The effect would be worsened by the close proximity of the two storey element of the dwelling on Plot 1 to the public footpath which would result in a prominent and dominant feature when taken together with the gently rising land levels to the south. The potential for additional boundary screening or landscaping would not mitigate the resultant harm to the site and the setting of Pillerton Priors.
 19. The design of the dwellings seeks to respond to the character of nearby agricultural buildings, the mixed palette of materials in the surrounding area and the varied height of surrounding dwellings. However, the scale, massing and footprint of the dwellings would be significantly larger than properties on Priory Lane to the south, with Plots 1 and 2 in particular introducing a harmful contrast with neighbouring properties when approaching Pillerton Priors along the public footpath. The presence of a larger scale, form, character and plot size of dwellings to the west and large agricultural style buildings further to the south would not mitigate the harmful effect, given these properties are visual separate from the site when viewed from the public footpath.
 20. The scale, massing and prominence of the development would be emphasised by the gentle rise in land levels in a southern direction when walking along the footpath and Plots 1 and 2 would also be glimpsed from Kineton Road and Banbury Road between gaps in hedgerow. In this respect, the inclusion of dark timber cladding would reduce the prominence of the development, whilst a glazed single storey flat roofed seeks to provide visual interest and reduce the overall perception of scale and massing. However, the inclusion of the contemporary single storey element would result in a large and prominent expanse of glazing which in itself would appear an incongruous and incoherent

feature of Plots 1 and 2 in a rural setting when approaching Pillerton Priors along the public footpath.

21. The effect of the development on the character and appearance of the site and its surroundings would have only a localised impact on the wider landscape due to more distant views being screened or the development being viewed against the backdrop of the village. Nevertheless, the localised impact of the development on the character of the site and the setting of Pillerton Priors village would be significant.
22. Having taken all of the above into account, I conclude that development would result in unacceptable harm to the character and appearance of the site and the surrounding area. The proposal, therefore, would conflict with Policies CS.5, CS.9 and CS.15 of the CS. These policies when taken together seek to ensure that development is of a high quality design which maintains landscape character and quality, and positively contributes to local distinctiveness. The policies are consistent with the Framework which attaches great importance to the design of the built environment and seeks to promote or reinforce local distinctiveness.

Living conditions of neighbouring properties

23. Policy CS.9 of the CS also seeks to ensure a good standard of space and amenity for occupiers, including protecting new and neighbouring buildings from unacceptable levels of noise, contamination and pollution, loss of daylight and privacy, and adverse surroundings.
24. The layout of the proposed development would introduce a single storey element of the dwelling, identified by the submitted plans as Plot 3, within approximately 16m of the rear elevation of Nos. 1 and 2 Priory Bungalows, with the taller two storey side elevation of the dwelling located approximately 21m away. These separation distances when taken together with the gentle downward slope of land levels to the west would prevent an unacceptable impact on Nos. 1 and 2 Priory Bungalows in terms of overbearing, overshadowing or overlooking of habitable windows and rear gardens.
25. The separation distance from the front elevation of the two storey element of Plot 3 and its attached double garage to 2 Priory Lane to the south would be sufficient to ensure no harmful overbearing or overshadowing effect upon the existing windows and conservatory located on the facing elevation. Furthermore, the combination of an established landscape boundary treatment, with the potential for additional landscaping to be secured by condition and the separation distances between windows on the facing elevations, would be sufficient to prevent harmful overlooking and loss of privacy.
26. There would be adequate separation distance from Plots 1 and 2 to the side elevations of the nearest properties of 2 Priory Bungalows and 3 Prospect Row to ensure no harmful effect upon outlook or privacy.
27. There are no properties located immediately to the northern boundary of the site and the properties located to the west, known as The Willows, Sunset and Field Bank, are distant and heavily screened by established landscaping. The combination of the separation distances from these existing properties to the proposed development and the absence of direct views into the site and out of

- the site in a western direction would prevent any detrimental impact upon the outlook and privacy of their occupiers.
28. Notwithstanding the above, representations from interested parties have raised issues with respect to vehicular noise and disturbance associated to the proposed access, driveway and parking. This issue does not appear to have been addressed specifically by the Council, but is influential upon the living conditions of occupiers of neighbouring properties having regard to Policy CS.9 of the CS and the Framework.
29. The site has an existing vehicular access with a small turning area off Priory Lane and adjacent to a parking area at the side of No 1 Priory Bungalows. The development would create a shared driveway from this access point which would have an alignment in close proximity to the rear garden boundaries of Nos. 1 and 2 Priory Bungalows. A more significant separation distance would be provided to the side boundaries of 2 Priory Bungalows and 3 Prospect Row. A parking and turning area associated to Plot 3 would also be in close proximity to the boundary with 2 Priory Lane.
30. With regard to the above, the development would introduce movement of vehicles and pedestrian activity in close proximity to habitable elevations of the aforementioned properties, together with associated noise and disturbance. There is an existing car parking area at the side of 1 Priory Bungalows and relatively close to 2 Priory Lane where pedestrian and vehicle activity is evident, and the separation distance of the shared driveway to the side boundaries of 2 Priory Bungalows and 3 Prospect Row would be acceptable. However, the introduction of vehicle movements close to the rear elevations and gardens of Nos 1 and 2 Priory Bungalows, where a quieter living environment can reasonably be expected, would have an adverse effect on the living conditions of the occupiers of those properties. The effect would be particularly harmful due to the limited depth of the rear gardens of Nos 1 and 2 Priory Bungalows and low boundary treatments which would lead to those properties being located particularly close and sensitive to noise and disturbance from the site and the shared driveway.
31. In reaching the above findings, I have taken into account that the vehicle and pedestrian movements associated to 3 dwellings would not be of a sizeable intensity compared to those associated to existing dwellings accessed from Priory Lane. Nevertheless, it is reasonable to consider that the development would involve increased levels of noise generating activity from vehicle and pedestrian movements both early in mornings and late in evenings in locations where a quiet living environment is currently experienced. There is no evidence that the resultant harm could be mitigated by additional landscaping or boundary treatments.
32. I conclude that development would harm the living conditions of occupiers of neighbouring properties, particularly Nos. 1 and 2 Priory Bungalows. The proposal would conflict, therefore, with Policy CS.9 of the CS, which seeks to ensure that proposals ensure that occupants of new and neighbouring buildings will be protected, amongst other things, from unacceptable levels of noise. In this respect, the proposal would also conflict with the Framework in so far as it seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Highway and pedestrian safety

33. The development would be accessed by vehicles from Priory Lane, which links directly to Chapel Lane towards its junction with Kineton Road and also has access to Kiblers Lane via The Acre. Kiblers Lane has junctions with Banbury Road (A422) and Kineton Road. Priory Lane, Chapel Lane, The Acre and Kiblers Lane are narrow single track roads suitable only for single file traffic and with no pedestrian footways. I observed at the time of my visit in the late afternoon that vehicular traffic on each was infrequent.
34. The addition of 3 dwellings would increase the total number of dwellings served by Priory Lane to 14 dwellings. The appellant has provided a Transport Statement, dated June 2016 in this respect. This evidence includes an indication of the limited vehicle movements associated to 3 additional dwellings (no more than 20 vehicular trips - two-way - per day), identification of highway maintained at the public expense and a swept path analysis indicating feasible access for the largest construction vehicles that may be required. The Transport Statement also indicates that a Construction Management Plan, which could be secured by condition, would direct construction traffic to Chapel Lane and Priory Lane only, due to the unsuitability of access from Kiblers Lane via The Acre for construction vehicles. Local traffic to and from Priory Lane would be encouraged to use The Acre.
35. Having regard to the above, together with the absence of objection from Warwickshire County Council Highways Authority, I consider that the access onto Priory Lane via the turning area would provide a safe and suitable access to the site. Furthermore, I am satisfied that the relatively low level of additional traffic and temporary construction traffic arising from 3 additional dwellings could be accommodated on the local highway network without a severe impact on highway safety. This would be subject to the imposition of conditions including a Construction Management Plan, to ensure construction vehicles were directed to access the site via the Chapel Lane junction with Kineton Road. In reaching this view, I have taken into account that existing traffic levels along Priory Lane and surrounding routes are very low. Consequently, although no passing spaces are available along Priory Lane and visibility is limited around the bend, the risk of conflicting vehicle movements and a consequent requirement for significant reversing manoeuvres would be low. This also limits the risk of collisions and inconvenience for existing residents.
36. The development would not have a detrimental impact on pedestrian safety, despite the absence of footways along Priory Lane, given the relatively low levels of additional traffic involved. In reaching this view, I have taken into account that there have been no reported accidents since records began in 1990 along Priory Lane. There is also a separate public footpath which runs through the site and provides an alternative route for pedestrians to the development. Furthermore, I observed that traffic on Priory Lane, Chapel Lane and The Acre travel at relatively low speeds due to the narrow width, varied geometry and sloped topography of each of these routes which also reduces the risk to pedestrian safety.
37. The Council expressed additional concerns with respect to Manual for Streets (2007) (MfS) requirements relative to the distance of proposed dwellings from the public highway for refuse collection purposes. The MfS links to

BS 5906:2005³ and Part H of the Building Regulations which seeks that the distance that householders are required to carry refuse does not usually exceed 30m and containers should be within 25m of the waste collection point.

38. Waste collection for the development would be undertaken from Priory Lane rather than the shared driveway which is single width, only has turning areas for vehicles within the curtilages of Plots 1-3 and would be unsuitable for waste collection vehicles. The development includes a temporary bin store adjacent to the access onto Priory Lane of sufficient size to provide suitable access for waste collection. However, these arrangements would result in Plots 1 and 2, as identified by the submitted plans, requiring residents to walk approximately 85m and 60m respectively with bins to the bin store. These distances are significantly greater than those recommended in MfS and would cause inconvenience for future occupiers of Plots 1 and 2. Nevertheless, given the lightly trafficked nature and slow speeds anticipated on the shared driveway, the siting and design would not be prejudicial to highway or pedestrian safety. I therefore consider that, on balance, the shortcomings of the arrangements for waste collection would not be sufficient to warrant dismissal of the appeal on that basis.
39. I conclude that the proposed development would not cause harm to highway and pedestrian safety. The proposal, therefore, would not conflict with Policy CS.26 of the CS. Furthermore, the development accords with Framework in that there would be safe and suitable access to the site with no severe residual cumulative impacts arising from the development upon highway and pedestrian safety.

Other Matters

40. The proposal would deliver social and economic benefits by providing 3 new homes. In this respect, the development would make a modest contribution to meeting housing requirements in the borough whilst supporting local services and businesses. In addition, there would also be temporary economic benefits arising from the construction activity required to deliver the development.
41. An ecological survey and a tree survey have been provided by the appellant. The impact of the proposal on biodiversity and the loss of a limited number of trees could be suitably mitigated. This could be achieved through conditions requiring that the eastern section of the site remains undeveloped and that existing boundary hedges are retained, together with a protected species mitigation/enhancement plan, additional landscaping and a tree protection plan for the trees to be retained. However, the absence of concern in these respects is a neutral factor.
42. Representations from interested parties have raised additional concerns with respect to surface and foul drainage, flood risk and archaeology. However, there is no substantive evidence before me that appropriate mitigation could not be provided via suitably worded conditions in each of those respects.

Planning Balance

43. The proposal would conflict with the approach to the location and supply of housing in Policies CS.15 and AS.10 of the CS and the approach to character and appearance, including landscape character, design and local distinctiveness

³ BS 5906:2005 Waste management in buildings. Code of practice

in Policies CS.5, CS.9 and CS.15 of the CS. There would also be conflict with Policy CS.9 of the CS given the harm to the living conditions of occupiers of neighbouring properties. The proposal would not, therefore, be in accordance with the development plan. In such circumstances, planning law and the Framework⁴ indicate that planning permission should not be granted unless material considerations indicate otherwise.

44. I have identified economic and social benefits arising from the provision of 3 new homes to which I attach moderate weight based on the scale of development proposed. The absence of harm relating to highway and pedestrian safety, ecology, trees, drainage, flood risk and archaeology are neutral factors.
45. The Framework does not change the statutory status of the development plan as the starting point for decision making. In this case, the appeal proposal would be contrary to the development plan policies I have referred to, and the resultant harm would not be outweighed by other material considerations.

Conclusion

46. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR

⁴ Paragraph 11