
Appeal Decision

Site visit made on 20 October 2016

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 9 November 2016

Appeal Ref: APP/J3720/W/16/3154405

Land adjacent to Cress Hill Farm, Cress Hill, Barton Road, Welford-on-Avon, Warwickshire CV37 8HG

- 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 John Taylor against the decision of Stratford-on-Avon District Council.
 - The application Ref 15/03460/OUT, dated 14 September 2015, was refused by notice dated 9 December 2015.
 - The development proposed is a detached house and garage, on the site of outbuildings already demolished under reference 15/0204/DEM31.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline with all matters reserved. I have dealt with the appeal on this basis. The appellant submitted a plan with the application illustrating how a dwelling could be accommodated on the site and a location plan which included as part of the application site the existing access. As the application is in outline the appellant is not tied to the detail shown on this plan. However, I have treated this as indicative of the appellant's intentions and have assessed the application on this basis.
3. Since the application was determined by the Council the Stratford-upon-Avon Local Plan Review has been replaced by the Stratford-upon-Avon Core Strategy.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of the Local Plan Review cited in the Council's decision notice no longer form part of the development plan and have been replaced by policies of the Core Strategy. I have accordingly determined the appeal on this basis.
4. Reference has been made by the Council to the Welford on Avon Neighbourhood Plan. This document has been submitted for examination and has not been adopted. Having regard to paragraph 216 of the National Planning Policy Framework, I therefore attach limited weight to this plan and its policies.

Main Issues

5. The main issues in this appeal are;
 - whether the proposed development would comply with the development plan and the National Planning Policy Framework ('the Framework') in terms of its location;
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- the effect of the proposed development on the character and appearance of the countryside;
- the effect on highway safety; and,
- whether the proposal would be a sustainable development.

Reasons

6. The appeal site is located to the west of Welford-on-Avon, within the open countryside and a few hundred metres beyond the physical confines of the village. Consequently, in planning policy terms it is in an isolated location.

Location of development

7. Policy CS.15 of the Stratford-upon-Avon Core Strategy seeks to focus development on Stratford-upon-Avon with some development in Local Service Villages, such as Welford-on-Avon. Policy AS.10 of the Core Strategy restricts new residential development within the open countryside to replacement dwellings, redevelopment of bad neighbour sites, conversions, housing next to a village to meet locally identified need, housing required to support a business, including agricultural workers dwellings, and individual dwellings of exceptional quality and design. As the proposed house would not fall into any of these categories, the location of the proposed development proposal would be contrary to these policies and thus contrary to the development plan.
8. The Framework is also an important material consideration. Paragraph 55 advises that isolated new homes in the countryside should be avoided unless there are special circumstances. The circumstances of the proposed development do not fall within those given by the Framework. As a consequence, the proposal would also be contrary to the Framework.

Character and appearance

9. A core planning principle of the Framework is that the intrinsic character and beauty of the countryside should be recognised in both plan making and decision taking. The approach of the development plan, which is to deliver new housing other than in certain specified instances within settlements, is consistent with this approach.
10. The countryside in which the appeal site is located is characterised by gentle hills that overlook the River Avon and its floodplain. Land is in agricultural use and fields are bounded by hedges and trees. The appeal site stands next to Barton Road in a prominent position on higher land above the River Avon.
11. Two small single storey commercial buildings with mono-pitch roofs that were present on the site have been demolished and cleared away. Although hardstanding still covers part of the plot this is screened by the front boundary hedge. As a result, the openness of the site is readily apparent in public views along the access and across the site. As such, it is in keeping with the open undeveloped character and appearance of the countryside.
12. The indicative layout shows how a house and garage could be developed towards the rear of this shallow site. In views along the site access, and above the height of the front boundary hedge, the urbanising effect of residential development and associated domestic paraphernalia would be apparent in public views from Barton Road. Cress Hill is an area of land to which the public have access next to the appeal site. In colder months of the year, when trees are not in leaf, the proposed development would also be visible in glimpsed

public views from parts of Cress Hill. Similarly, when the trees are not in leaf, in views from the public footpath along the River Avon, a house on the site would also protrude into the skyline. As all matters bar access are reserved, the proposed house could be located in different position to that shown in the submitted plan. However, given the limited depth of the site, I am not persuaded that it could be designed and positioned in such a manner that the house, garage and domestic paraphernalia would not be readily visible off site from public vantage points.

13. For all of these reasons, the proposed development would urbanise the site and unacceptably harm the character and appearance of the countryside, contrary to policies CS.5 and CS.9 of the Core Strategy. These policies protect the landscape and the local distinctiveness of an area.

Highway safety

14. The only access within the red line of the appeal site is the existing access. The national speed limit applies to Barton Road and the highway is unlit. When exiting the site the visibility of oncoming traffic from the east is substandard. The appellant states that the access was in regular use during the 50 years that he has lived there and that no accidents have occurred during this time. Nevertheless, the absence of accidents associated with its use does not make the access safe. This is because as a substandard access the probability of an incident remains significantly increased.
15. In the absence of information demonstrating how an access with adequate visibility splays could be provided to the site, I am not persuaded that highway safety would not be harmed by the proposed development. The proposal would therefore be contrary to policy CS.9 of the Core Strategy which, amongst other matters, requires that new development is safe and minimises the danger from traffic.

Sustainable development

16. Sustainable development and the presumption in its favour are at the heart of the Framework. 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.
17. In this case, the location of the proposed development would be contrary to the development plan and there is no evidence that the Council has less than a five year housing land supply. Consequently, policies CS.15 and AS.10 of the Core Strategy, which are relevant to the supply of housing, are not out of date and the planning balance in paragraph 14 of the Framework does not apply.
18. In relation to accessibility, the appeal site is located a few hundred metres from the physical confines of Welford on Avon and the services and facilities that it has to offer. Although a public footpath via Cress Hill links the site to the village, its unmade surface and gradient would not be suitable for those with pushchairs or using wheelchairs. In the absence of a properly constructed footway along the road the appeal site is therefore less than ideally located for those who wish to walk to and from the settlement. In terms of cycling, the gradient of the hill and the national speed limit would mean that only the most confident and able would be likely to cycle. As a result, although not far from the village, in terms of accessibility by sustainable modes of transport the appeal site is less than ideally located.

19. In terms of the economy, the proposal would create a small amount of employment during the construction and fitting out of the dwelling and make a similarly sized contribution towards supporting economic growth in the area. The site is also previously developed land, which the Framework encourages the re-use of, and is fully serviced. I attach some weight to these benefits. However, this has to be balanced against the demonstrable harm that would be caused to the countryside by the proposal and that it has not been shown that safe access could be provided to the appeal site. Of importance also is that the location of the proposal would fail accord with the development plan, namely the Core Strategy, which has been recently adopted. It seeks to direct the location of housing to within settlements and strictly control new dwellings in the open countryside. 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. Having considered all the matters raised, the collective benefits of the proposed development are insufficient to outweigh the harm that would be caused and its non-compliance with the development plan. As a consequence, I therefore find that the proposal cannot be considered to be a sustainable development.

Other matters

21. Reference has been made to the development of a row of houses in the open countryside several hundred metres further to the east. However, it is an established principle that each application is dealt with on its merits. As I have not been provided with further details regarding the circumstances of this development, I am unable to draw comparisons between it and the proposal before me. As a consequence, reference to this development has not altered my assessment of the proposal.
22. The appellant is elderly and with relatives that are not local the proposed house would help fund his retirement. However, as Planning Practice Guidance¹ makes clear, it is the effect of a proposal on matters that affect the public interest which must be considered rather than private interests. For this reason, I attach little weight to this matter in favour of the appeal.

Conclusion

23. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

¹ Reference ID 21b-008-20140306