
Appeal Decision

Site visit made on 4 October 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 16th November 2016

Appeal Ref: APP/J3720/W/16/3154311

High Street, Welford-on-Avon, Warwickshire CV37 8EA

- 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 Peter Martin against the decision of Stratford on Avon District Council.
 - The application Ref 16/00403, dated 22 February 2016, was refused by notice dated 22 April 2016.
 - The development proposed is a new detached dwelling on land to the rear of Vine House and Thatched Lodge, High Street, Welford-on-Avon.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have confirmed that Saved Policies PR.1 and DEV.1 of the Stratford-on-Avon Local Plan Review 1996-2011(2006) (LP) referred to by the Council in its decision notice has been superseded by Policies in the Stratford-on-Avon Core Strategy 2011-2031 (CS) which was adopted on 11 July 2016 since the appeal was submitted. The settlement character and design aims of both sets of policies are similar and so neither party has been prejudiced by this change in policy circumstances.
3. The Draft Welford-on-Avon Neighbourhood Plan 2015 (NP) is referred to in Council, appellant's and third parties statements and representations. The NP is currently being independently examined. However, as I am not aware of specific objections that may have been made nor the outcome of any examination in terms of an Inspector's report, accordingly it is at a stage that significantly limits the weight I can give to it as a material consideration.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site consists of an open field immediately at the rear of the residential properties known as Vine House and Thatched Lodge in the village of Welford-on-Avon. These properties sit at a right angle to High Street and form part of the linear development of residential properties running along either side of the High Street to the west of the site. The boundary of the Welford-on-Avon Conservation Area (CA) runs along the western boundary of
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the site. Whilst the appeal site would be located outside the CA, the unmade access to the site at the side of Vine House and Thatched Lodge would be located in the CA. To the north is a small field then the residential properties on Willow Bank and Quiney's Leys and to the south is an open field then a large commercial glass house. Open fields are located to the east.

6. The proposal is for a two storey dwelling with detached garage that would be accessed via a private unmade access drive at the side of Vine House and Thatched Lodge. The proposal would be of a modern contemporary design, with high levels of glazing and sustainable design features to maximise the energy efficiency of the dwelling and a proposed landscaping scheme.
7. The appellant considers that the appeal site would be closely associated with the existing physical confines of the village, but the Council considers it would fall outside the physical confines of the village. I saw from my site visit that the village is set in attractive countryside, defined by gently undulating fields punctuated by hedgerows and tree boundaries. The appeal site provides a strong definition to the eastern extent of the built up area of the village. To the east of the site are extensive tracts of countryside. The boundaries of the site are marked by mature hedgerow and trees that are consistent with the boundary treatment of the adjoining parcels of land and possess a distinctively appealing rural appearance. I therefore do not concur with the appellant. Rather than the site having any close connection with the adjacent dwellings, it reads strongly as an integral part of the surrounding countryside and performs an important role in defining the edge of the village. In this context, I consider that the site would fall within the open countryside for the purposes of local settlement planning policies.
8. The appellant states that the development would be of an exceptional quality and design and would make a positive contribution to the character and appearance of the area. I recognise that the boundary trees and vegetation provide some visual containment. Nevertheless, the site can be seen from a nearby public footpath SD27B to the north. The degree of visibility will vary according to the seasons. Given the scale of the development, it would represent a significant shift of the built up development into the countryside adjoining the settlement. The appeal site, together with the adjoining fields, provides a significant contribution to the visual quality and the openness of the area. It adds substantially to the character and appearance of this part of the village and provides an important contribution to the setting of the village and the CA. This positive contribution to the character and appearance would largely be lost by the development, which would substantially urbanise the site. Thus, irrespective of the design approach, the development would harm rather than positively contribute to the character and appearance of the area.
9. Given the limited nature of the work directly affecting the CA, the harm to the CA would be less than substantial but, in accordance with paragraph 134 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide a private single dwelling through an innovative design for his personal use on the site. I find though insufficient public benefit to offset the identified harm to which I attach significant weight.
10. Consequently, I conclude that the proposal would cause harm to the character and appearance of the area and would conflict with Policies CS.5, CS.9, CS.15,

CS.16 and AS.10 of the CS and the Council's District Design Guide 2001 that aim to direct and control the scale and types of development to appropriate locations in the district, maintain the landscape character, local distinctiveness and to ensure development protects and enhances the character of the settlement involved and its setting. The proposal would also be contrary to Policy CS.8 of the CS that seeks to protect the setting of any heritage assets, including the character and appearance of a Conservation Area.

11. In addition, it would not accord with national guidance in the Framework that planning should take into account the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and seek to conserve heritage assets in an appropriate manner (paragraph 17); that good design is a key aspect of sustainable development (paragraph 56); and should respond to local character (paragraph 58).

Other matters

12. The strategy and scale of housing delivery in this district is set out in Policies CS.15 and CS.16 of the CS. The Council submissions indicate that the indicative requirement for Welford-on-Avon, identified as a Category 2 Local Service Village (LSV), has been exceeded. Planned requirements were set out as around 12% of the total for LSVs, or 84 homes, with 113 dwellings built or committed up to 31 March 2016 in Welford-on-Avon. Notwithstanding this, the appellant suggests that no maximum figure is used, and questions the robustness of the Council's five year Housing Land Supply (HLS) of 5.8 years in relation to paragraphs 47-49 of the Framework.
13. The appellant questions how much of the HLS is fully deliverable and compliant with the Framework, and that the existence of a five year HLS should not, in any event, be a particular bar to releasing additional small windfall sites. My attention was drawn by the appellant to the judgment in the Court of Appeal *Gallagher Homes Ltd v Solihull Metropolitan District Council* [2014] in this instance. However, as that case was concerned with the weight to be given to the allocation of key housing sites critical to boost significantly the supply of housing under paragraph 47 of the Framework when adopting a local development plan, which it is not here, it does not appear to be directly relevant to the proposal before me. As there is no substantive evidence before me to contradict the Council's statement that it has the required supply, I am not convinced that paragraph 49 of the Framework is engaged by this proposal.
14. The appellant considers that the proposal would form a sustainable form of development that would provide some social and economic benefits, including during the construction period, and some environmental benefits, associated with the design and landscaping. However, one additional dwelling would make an extremely limited contribution to the vitality of this rural community and, more generally, to the housing stock in the district. I therefore do not consider that these factors would outweigh the harm that I have found to the character and appearance of the area.
15. I have noted the planning appeal¹ allowed for two dwellings at 238 High Street, Welford-on-Avon pointed out by the appellant. However, this development represents a form of infill development fronting directly onto the High Street that is located within the built up area of the village. I have further noted the

¹ APP/J3720/W/15/3133509

housing developments and planning appeals around the village. However, based on the limited evidence provided, the housing developments on Binton Road and Long Marston Road are on different streets with different locational characteristics to the appeal scheme. The appeal decisions² at Duck Lane and Land off Millfield House, Binton Road and the housing at Station Works, Evesham Road relate to a larger scale of development with different development characteristics. Consequently, I do not consider them to be directly relevant to the case before me and, as such, I afford them limited weight as comparable cases.

16. I have noted the local support and the objections from local residents, the Parish Council and the CPRE to the proposal on the basis of its conflict with national and local policies and other matters including the level of development and infrastructure in the village, access and the impact on wildlife and ecology. However, in light of my findings of harm to the character and appearance of the area, there is no necessity for me to consider these matters further.

Conclusion

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

David Troy

INSPECTOR

² APP/J3720/W/15/3014885 and APP/J3720/A/14/2220874