
Appeal Decision

Site visit made on 26 September 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/J3720/W/16/3153251

Rectory Farm, Milcote Road, Clifford Chambers CV37 8AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by John & Sally Gray against the decision of Stratford on Avon District Council.
 - The application Ref 15/03399/FUL, dated 8 September 2015, was approved on 18 February 2016 and planning permission was granted subject to conditions.
 - The development permitted is demolition of barn and garage and erection of 6 dwellings and associated access, garage and landscaping.
 - The condition in dispute is No 18 which states that *notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development covered by Schedule 2, Part 1, Classes A, B and E and Part 2 Class A shall be carried out without planning permission granted by the District Planning Authority.*
 - The reason given for the condition is *to prevent harm being caused to the amenity of the area and to prevent an overdevelopment of the site having regard to Paragraphs 56-59 of the NPPF and saved policies PR.1 and DEV.1 of the Local Plan.*
-

Decision

1. The appeal is allowed and the planning permission Ref 15/03399/FUL for demolition of barn and garage and erection of 5 dwellings and associated access, garage and landscaping at Rectory Farm, Milcote Road, Clifford Chambers CV37 8AA granted on 18 February 2016 by Stratford on Avon District Council, is varied by deleting condition 18.

Procedural matters

2. The description of development on the planning application form refers to 6 dwellings. During the course of the planning application process, the development was amended and planning permission was granted for 5 dwellings. It is on this basis that I have considered the appeal.
3. Since the planning application was decided, the Council has formally adopted its Core Strategy¹. As a result the Local Plan² is out-of-date and carries no weight. The Council and the appellant have had the opportunity to respond to the relevant policies in this newly adopted plan. I have had regard to this in my reasons below.

¹ Stratford-on-Avon District Core Strategy (2011-2031) (adopted on 11 July 2016)

² Stratford-on-Avon Local Plan (Adopted July 2006)

Main Issue

4. This is the effect deleting condition 18, which removes specific permitted development rights, would have on the character and appearance of the area.

Reasons

5. The Council refers to paragraphs 56-59 of the National Planning Policy Framework (the Framework). Notwithstanding paragraphs 58 and 59 which refer to neighbourhood plans and design codes and which I do not consider directly relevant to this appeal, paragraphs 56 and 57 refer to the importance of high quality design for all development. Similarly, policies CS.5, CS.9 and AS.10 of the Core Strategy refer to the need for development to reflect local character and distinctiveness and have a minimal impact on the landscape.
6. Whilst the appeal site is within the open countryside, it is well screened from its surroundings by mature landscaping. In removing permitted development rights, condition 18 stipulates the need for the Planning Authority's consent for development that constitutes the enlargement, improvement or other alteration of a dwelling, to include alterations to its roof, the erection of buildings incidental to the enjoyment of the dwelling, and the erection, construction, maintenance, improvement or alterations of enclosures, as stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). I have no doubt that extensions and alterations to the development approved would change the form of the development. However, given the secluded nature of the site, any alterations as described would have limited visual impact on the site's surroundings.
7. The courtyard formation of the development approved, and its vernacular, is characteristic of built development within rural areas. Development that could be constructed under Part 1, Classes A, B and E and Part 2, Class A of the GPDO, would be restricted in size and form according to the conditions listed. Development, therefore, could not be grossly out of keeping in form or scale with the original buildings. On this basis I find no reason why development under the GPDO would result in a more urban appearance to the buildings or result in an overdevelopment of the site. Notwithstanding this, development would be largely out of public view given the secluded nature of the site and therefore would not have a discernible effect on the character and appearance of the area.
8. For the reasons set out above, therefore, I find that condition 18 of planning permission 15/03399/FUL is not necessary and I am satisfied that deleting condition 18 would not impact on the character and appearance of the area and would not be contrary to policies CS.5, CS.9 and AS.10 of the Core Strategy.
9. It is reasonable, therefore, to remove condition 18 from the planning permission. This would result in the development for the demolition of the barn and garage and the erection of 5 dwellings and associated access, garage and landscaping being implemented under the details approved with, and subject to the conditions of, planning permission 15/03399/FUL, with the exception of condition 18.

Conclusion

10. For the reasons given above I conclude that the appeal should succeed.
Accordingly, I vary the planning permission by deleting condition 18.

R Walmsley

INSPECTOR