



Appeal Decision

Site visit made on 29 November 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 15th December 2016

Appeal Ref: APP/J3720/W/16/3156303

Field 1669, Back Lane, Long Compton, Shipston on Stour CV36 5JX.

- 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 Mrs K C Jones against the decision of Stratford on Avon District Council.
 - The application Ref: 16/00525/FUL, dated 12 February 2016, was refused by notice dated 5 May 2016.
 - The development proposed is a housing development of 9 dwellings.
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Preliminary Matters

1. There are 7 reasons for refusing the planning application given by the Council. The Appellant has sought to address some of them and has submitted information and drawings with the appeal which were not considered by the Council at application stage. The information submitted with the appeal in part addresses technical matters and that seems to me to be generally acceptable as a response to reasons for refusal (indeed it would be expected as a response to a refusal of planning permission). However in this case the Appellant has submitted a revised layout and amended house types, mix and designs. In my judgement the layout changes (including the creation of a wildlife corridor around the site and ecology area at the western end of the site) make the scheme significantly different to that considered by the Council. It also means that the 'revised' scheme has not been subject to full consultation. Whilst I acknowledge that the Appellant has consulted with the Parish Council and a local Councillor, there are other bodies and individuals who have not had an opportunity to comment. As a result I do not accept that the amended plans and details submitted with the appeal and set out in the Appellant's letter of 18 July 2016 can be accepted with any confidence that it would not be prejudicial to the interests of other parties. I note also that new information continued to be submitted at the 'final comments' stage of the appeal, giving further concern that prejudice to other parties might occur. I will therefore deal with this appeal on the basis of the application plans submitted, subsequently amended, and considered by the Council prior to making its decision.
2. One of the reasons for refusing planning permission relates to the matter of access. However, I note that the Highway Authority has confirmed, on 26 April 2016, that it has no objection to the scheme which has been the subject of discussions with it, and which shows adequate access based on land in the control of the Appellant. Although it has been indicated by the Council that the scheme determined did not include the same details I am satisfied that this is a

matter which could be dealt with by the imposition of appropriate conditions. Hence on the basis of the information before me I have no reason to consider this matter further as I am satisfied that a technically suitable access could be provided.

3. There has been no suggestion that the latest housing land supply position advanced by the Council is incorrect. The Council has recently adopted its Core Strategy (CS) and the examination of that strategy confirmed that the Council can demonstrate more than 5 years supply of deliverable housing land. The housing requirement of the CS is not a maximum and as a Local Service Village Long Compton will be expected to take some development.
4. There is a Neighbourhood Development Plan (NDP) in place. This was prepared before adoption of the CS but clearly indicates that it took account of the emerging themes within the CS and identifies land for development. Although I accept that the relationship between the district wide part of the development plan (now the CS) and the NDP has changed, I do not accept that the NP is rendered out of date simply because the CS has been adopted. As was indicated in the report of the NDP examiner, changes of this type may require early review of the NDP in light of adopted CS policies and strategy. This is properly a matter to be taken forward in due course.

Decision

5. The appeal is dismissed.

Main Issues

6. The main issues in the appeal are:
 - (a) The impact of the proposed development on the character and appearance of the surrounding area, bearing in mind its location within the Cotswolds Area of Outstanding Natural Beauty (AONB);
 - (b) Whether the proposal would provide a suitable mix of housing;
 - (c) The impact of the proposal on ecology;
 - (d) The impact of the proposal on the adjacent conservation area;

Reasons

Character and Appearance

7. Long Compton is an attractive village set in equally attractive countryside. The village itself is low lying but ringed by undulating hills. There is significant tree cover in places and the field pattern of open countryside is delineated largely by hedgerows with some boundary trees. Within this context the appeal site is reasonably well self-contained, being bounded to north and west by hedgerows, to the east by an orchard, and to the south by residential development. It is notable, however, that the land is perceived as being outside the village because of its strong boundaries to the housing to the south, Back Lane to the west, and the countryside to north and east. It is outside the physical confines of the village.
8. Landscape Character Assessments have been produced at various levels of detail, from the National Character Area (NCA) 107, which is wide ranging in

extent, to the more localised. The Stratford-on-Avon District Landscape Character Assessment places the site in the Cotswold Fringe and sub character area of Broad Valleys. The key characteristics reflect the descriptors above and my own observations on the ground.

9. Alongside these assessments is the Stratford-on-Avon Landscape Sensitivity Study for Local Service Villages, of 2012. This identifies land which may be considered as suitable for development around those villages. The appeal site falls within the area identified as LC02 which is assessed as being of medium sensitivity to housing development. The study also identifies the most sensitive edge of the Conservation Area abutting LC02 to be that to the north-east, which is close to where the appeal site lies.
10. I agree with the Landscape and Visual Impact Assessment (LVIA) submitted that the site reflects the quality of the locality in which it sits. Although it is rough pasture, it has distinct ridge and furrow characteristics which have some interest. There are also views across the site towards the surrounding hills. I note that the site is identified in the NDP as a 'green finger'. I disagree in part with the LVIA assessment of the scenic quality as being low to medium. In my judgement it is of greater value, and at least of medium quality. Whilst other aspects of the LVIA assessment generally accord with my own judgement I would also raise the perceptual aspect of the land (bearing in mind the value ascribed through the NDP) to medium level at least. It is also my judgement that the capacity of the site to accept residential development has been overstated and that the susceptibility of the landscape resource to change of the type proposed should be medium to high. In any event, the LVIA rightly acknowledges that the location of the site within the AONB renders the landscape sensitivity here to a level of very high.
11. Visually the appeal site is seen from Back Lane and local footpaths at close quarters, as well as from the dwellings to the south and west. The viewers (or receptors) are in the higher categories of sensitivity to development, especially if using the local area for recreation purposes to enjoy the AONB.
12. The development would be visible, and from the closer viewpoints would stand out as an extension of development beyond the village in open countryside. The perceived green finger of open land identified in the NDP would be lost, notwithstanding that part of the site would remain open. The access road would be prominent from Back Lane, and despite the intention to develop in a manner following the style of buildings locally, the layout would appear as a suburban type of development. The development would not follow the type of growth typical in villages in which buildings are closely associated with village streets. In general I consider that the form of development proposed would be in conflict with the established character and appearance of Long Compton. A scheme incorporating only detached houses served by a snaking cul-de-sac would not reflect the historic development of the village. In my judgement the visual impact of the scheme would therefore be a detractor within the AONB.
13. The dwellings would vary in form, from 1.5 to 2.5 storeys high and some would be of considerable size. The resultant scale and mass of building on site would add a further jarring feature in this location.
14. I accept that a landscape strategy would be able to mitigate some of the impact of the development, but it seems to me that any such mitigation would

have the risk of isolating the development from the village rather than integrating it within the village.

15. Taking this issue in the round I agree that the magnitude of change of character within the site would be substantial, but would reduce to high over time. Similarly the change within the surrounding locality would be of a major magnitude given the AONB designation, but would reduce with distance. Visually I consider that the LVIA underplays the impact and the loss of views out of the village across the green finger, together with the interruption of views from nearby vantage points, lead to a moderate to high visual impact, but reducing with distance.
16. I note the comments relating to the proposal to extend the village eastwards beyond existing development. This area, however, has been considered as less sensitive to development in the Sensitivity Study for Local Service Villages. I also understand that it is being promoted as a site for affordable housing. The circumstances of that site are therefore very different.
17. Overall therefore I find that the proposed development would be harmful to the character and appearance of the surrounding area and AONB. As such there is conflict with Core Strategy Policy CS.5 which seeks to maintain landscape character. There is also conflict with Policy CS.15. This policy is restrictive of development outside the physical confines of villages such as Long Compton. The development would similarly conflict with CS Policy AS.10. Furthermore the harm I have identified runs counter to the provisions of Policy CS.11 which seeks to conserve and enhance the special qualities of the AONB. There is also conflict with the provisions of the NDP which seek to retain green fingers, and to restrict development on green field sites to that required for exceptional reasons.

Mix of Housing

18. The application as submitted conflicts with the expressed policy of the Core Strategy. Policy CS.19 sets out preferred percentages of housing for both market and affordable homes. It is not disputed that the submitted scheme does not follow the provisions of this policy and the Appellant sought to address this point at the appeal stage.
19. However, as I have set out above I decline to consider the revised house details for the reasons given. It is clear to me, therefore, that the housing mix proposed fails to adequately address the requirements of the Core Strategy. The proposal is in conflict with the up to date Development Plan in this respect.

Ecology

20. The site has been identified as a potential Local Wildlife Site (pLWS). The Appellant's ecological work has resulted in a proposed change to the layout of the site, but again this is not a change I am considering as part of this appeal. In dealing with the plans as submitted it is clear to me that there is uncertainty about the value and extent of the ecological resource on the site, and if development were to take place what mitigation would be required (if any).
21. The information before me indicates that small changes in the results of work carried out would be likely to make significant changes to the habitat biodiversity impact score, and hence the potential impact of any development.

22. I am not persuaded that there is sufficiently compelling information before me to enable a decision to be taken at this stage. In particular I note that the County Ecologist has not had an opportunity to formally consider the information produced at appeal stage (which is part of the reason for my not considering the revisions). Until there is greater certainty I cannot determine that the impact of the proposal would be capable of being adequately mitigated or that it would be otherwise acceptable.
23. I am therefore satisfied that it has not been shown that the proposals would not be harmful to ecological interests, and as such there is conflict with Policy CS.6 of the Core Strategy and the objectives of the National Planning Policy Framework.

Conservation Area

24. My duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
25. Long Compton Conservation Area (CA) lies to the west, on the other side of Back Lane. The extent of the CA includes the historic core of the village which generally runs from north to south. But it is seen in the context of the surroundings. The setting of a conservation area is not protected by statute but changes to its surroundings can affect perceptions and appreciation of it.
26. The CA is visible from surrounding land in the north-east quadrant and as noted in the Sensitivity Study for Local Service Villages this is a sensitive edge of the CA. Views into the CA from this direction are notable for the prominence of some historic buildings until the newer residential development further south intrudes. The effect of the proposed development would be to interrupt the appreciation of the CA and its relationship with the surrounding countryside by interposing an uncharacteristic modern development.
27. In my judgement this would cause some harm to the appreciation of the significance of the CA, though the harm would be less than substantial. Even so the harm must carry significant importance and weight. There is conflict with Core Strategy Policy CS.8 in this respect.

Other Matters

28. A planning obligation pursuant to S106 of the 1990 Act has been submitted in the form of an agreement. It makes provision for financial contributions towards affordable housing and off site open space provision. As an agreement between the Council and those with an interest in the land I have no reason to doubt that it is acceptable to the Council and would, in the event of planning permission being granted, address reason for refusal No 7 on the decision notice. It seems to me that the contributions are compliant with the CIL Regulations and I am therefore able to take the obligation into account.

Overall Conclusions

29. This development would introduce harm in a number of respects as set out above. There would be conflict with the recently adopted Core Strategy in a situation where the Council can demonstrate a sufficient supply of deliverable housing land. In these circumstances the development cannot be regarded as sustainable and it would be necessary to show clear and compelling reasons

why the proposal should be approved despite its conflict with the development plan as a whole. I have noted the advantages advanced by the Appellant, including the contribution to housing supply, the possibilities of home based working, the contribution to affordable housing and the provision of open space. However I am not satisfied that these matters are sufficient to outweigh the harm identified.

30. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR