
Appeal Decision

Site visit made on 10 January 2017

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

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

Decision date: 06 February 2017

Appeal Ref: APP/J3720/W/16/3156555

**Land north of Blackwell Road and East of Tredington Primary School,
Tredington CV36 4NU**

- 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 Braemar Property Developments Ltd against the decision of Stratford on Avon District Council.
 - The application Ref 15/03372/OUT, dated 15 September 2015, was refused by notice dated 3 March 2016.
 - The development proposed is for a residential development of up to 37 dwellings with associated open space, landscaping, drainage and infrastructure.
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Preliminary matters

1. The application is in outline. Whilst initially means of access was not a reserved matter, the appeal form and decision notice indicates that all matters were reserved for future determination, with the agreement of the Council. I shall determine the appeal on that basis.
2. Since the Council determined the application the Stratford-on-Avon Core Strategy (2011-2031) (CS) has superseded the Stratford-on-Avon Local Plan Review (2006). There is no Neighbourhood Plan made for Tredington. I shall determine the appeal in accordance with the current development plan.
3. A planning appeal was dismissed in respect of residential development of up to 56 dwellings with associated open space, drainage and infrastructure on the site on 4 February 2016¹. The Inspector was considering that appeal within a different policy context since the CS had not been adopted and the Council could not demonstrate a five year supply of deliverable housing sites. In those circumstances there was a need to consider the development in the context of the provisions of paragraph 14 of the National Planning Policy Framework (the Framework). Nonetheless, I shall consider its contents so far as they are relevant to the development before me.

Application for costs

4. An application for costs was made by the Council against the appellant. This application is the subject of a separate Decision.

¹ APP/J3720/A/15/3132655

Main Issues

5. The main issues are the effect of the development on the sustainable spatial distribution of housing within the District, and the effect on the character and appearance of the area.

Reasons

Spatial distribution of housing

6. The development would be sited to the west of Tredington which is a settlement located to the north of and not far from the larger settlement of Shipston on Stour. The site comprises farmland adjacent to the sharp village edge created by the school and housing development behind. It is adjacent to the settlement boundary for Tredington and would be accessed off Blackwell Road. The site is well outside the historic core of the village which is covered by a conservation area.
7. It is common ground that the Council can demonstrate a five year housing land supply, and the CS has recently been adopted. There is no reason why I should consider the CS is not up-to-date in the context of the Framework. CS policy CS.1 identifies that development should be located and designed so as to contribute towards the maintenance of sustainable communities within the District. These are set out in detailed policies of the plan.
8. CS policy CS.15 sets the overall housing requirement and distribution of development for the District for 2011-2031. It is based on a pattern of balanced dispersal. It is not disputed that Tredington is identified a Local Service Village where housing development that is appropriate to each village will take place. That is as specified in CS policy CS.16. 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, or otherwise within their physical confines. There is no Neighbourhood Plan and the Parish Plan does not identify this for small scale housing as required by CS policy AS.10.
9. Whilst I note that the application is for up to 37 dwellings, to grant permission would allow for that number and the indicative plan shows that number of dwellings. The scheme is predicated as allowing for that figure. I note that there is no definition of small scale development brought to my attention, but that has to be considered against the type of settlement, the quantum of development including the land take and how it relates to the settlement.
10. It is not disputed that Tredington is a Category 3 Local Service Village which the policy identifies combined should have some 450 additional homes in total of which no more than around 13% should be in any one settlement. This would amount to some 59 dwellings in each settlement.
11. There have been no dwellings built in Tredington recently but 37 (43 minus 6 wrongly accounted for by the Council) have been granted planning permission in the appropriate period. That some of those might not comply with current policy is immaterial to the numbers. Nothing suggests that those will not be built.
12. To add a further 37 dwellings to this total, albeit that it would not be so large a development as the 56 dwellings previously applied for, would far exceed the

- expectations of the Council for the whole of the Plan period for Tredington, outside its settlement limits and not proposed in any Neighbourhood Plan. Whether the remainder can be provided within the settlement limits, only time will tell, but there is a substantial period left until 2031.
13. Furthermore, the Council says that it has already committed some 334 dwellings in addition to the 64 dwellings already built in Category 3 villages in the plan period, amounting to some 398 dwellings so far for the plan period to 2031. Even allowing for some discounting in relation to Tredington referred to earlier, this would leave not many to be still provided in the Category 3 villages in the many years to 2031 for other sites to come forward.
 14. It would not be appropriate for me to comment on the outcome or acceptability of any future schemes within the settlement limits of Tredington or elsewhere once the approximate figure has been reached. Nonetheless, I accept that the 59 dwellings figure for each village is approximate and the housing figures are not minimums.
 15. I note the connectivity to services and facilities elsewhere and that it would seek to make provision for affordable housing in accordance with CS policy CS.17 contributing to fulfilling need in the District, but this does not outweigh the development plan provisions. This is not put forward as an exception site. In these circumstances, whilst acknowledging the national imperative to boost significantly the supply of housing, and that housing targets should not be considered as ceilings, there seems little justification for allowing an extension to the village.
 16. The appellant refers to another appeal in respect of a site elsewhere but that is aged, related to a site considered in a different policy context elsewhere, and is therefore not comparable to the appeal proposal.² Other local decisions referred to by the appellant appear to have been considered before the adoption of the CS. The decision APP/L3245/W/15/3137161 referred to by the appellant was in a different Local Authority area against a different development plan.
 17. The site is also not within the physical confines of the village or small scale when considered against the limited size of Tredington and its relatively limited facilities. It would conflict with the spatial settlement strategy of the Council which seeks to deliver a sustainable pattern of development. I conclude that the development would conflict with CS policies CS.1, CS.15, CS.16 and AS.10.
 18. It is not necessary for me to conduct the balancing exercise in paragraph 14 of the Framework since paragraph 12 specifies that development that conflicts with an up-to-date local plan should be refused unless material considerations indicate otherwise.

Character and appearance

19. CS policy CS.15 requires that development should protect and enhance the character of the settlement and its settling. Whilst not any designated landscape, this undulating farmland, a greenfield site, would be developed with an estate layout that would be suburban in character. In the indicative layout it would be dominated by built development, albeit that there would be a landscape buffer to Blackwell Road and extensive open space adjacent to a

² APP/J3720/A/11/2163206

public right of way on the northern boundary. The connection to the public right of way suggested would not give much greater connectivity to the village. Any connectivity benefits would be more leisure related than anything else.

20. The estate would be quite unlike the historic character of Tredington, based on the village core. Whilst I acknowledge the more modern development to the north and east of the school, which this would screen somewhat, this development would take the village character and appearance further away from its historic context, and would be development within the open countryside setting of the village contrary to CS policies CS.15 and AS.10.

Other matters

21. I note the concerns expressed about highway safety matters but since it is common ground that these matters could be resolved by planning conditions, I need not consider that matter further.
22. The appellant has not provided a planning obligation in respect of the provision of affordable housing, education provision or off-site open space, although it is indicated that the appellant is willing to do so. This was not a reason for refusal. Since I am dismissing the appeal on other grounds, any conclusions on the contributions and affordable housing the Council seeks by way of a planning obligation would not lead me to a different decision on the appeal.

Conclusions

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

Decision

24. The appeal is dismissed.

Julia Gregory

Inspector