



Appeal Decision

Site visit made on 27 February 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 23rd March 2017

Appeal Ref: APP/J3720/W/16/3161696

The Gables, Village Road, Preston-on-Stour, Warwickshire CV37 8NG

- 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 M Wyldbore-Smith against the decision of Stratford on Avon District Council.
 - The application Ref 16/00533/FUL, dated 15 February 2016, was refused by notice dated 28 April 2016.
 - The development proposed is the demolition of existing structures and erection of 3 dwellings with associated works (revised scheme to that submitted under 14/03057/FUL).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development description changed during the process to retain the existing stables on the site. I have considered the scheme with the stables retained.
3. The appeal site consists of a reasonably large area of grassland. The proposed 3 dwellings are split on the site, with a single dwelling at the south east corner of the site accessed off Preston Road, and a pair of semi-detached dwellings located in the north west corner of the site. Prior to my visit an alternative scheme for the single dwelling had been approved by the Council. However, the scheme before me remains for the 3 dwellings.
4. Subsequent to the refusal of the planning application that is the subject of this appeal, the Council adopted their Core Strategy¹ and therefore policies in the previous Local Plan have now been superseded. Both parties have had the opportunity to refer to this change in the development plan in their submissions.

Main Issue

5. The main issue in this case is whether the scheme would preserve or enhance the character or appearance of the Conservation Area and any effect on the setting of nearby listed buildings.

¹ Stratford-on-Avon District Core Strategy, July 2016

Reasons

6. Preston-on-Stour is primarily an estate village located to the south of Stratford-on-Avon and to the west of the river Stour. The village, the vast majority of which lies within the Conservation Area (CA), is centred on St Mary's Church and is characterised by a planned main street and various side streets which loop round, to and from the main street. The village is characterised by a range of historic buildings including brick built and half-timbered properties. There is very little modern development within the village.
7. Aside from the planned uniform main street, consisting of the old school building and 8 pairs of impressive two storey cottages, the village and CA is characterised by scattered groupings and detached properties. The character of the CA is considerably enhanced by open space within the village, set between properties, substantial and mature landscaping, and the peaceful atmosphere within the village that this helps to engender.
8. The appeal site is located towards the southern end of the village and comprises a large open green paddock area. The whole of the site falls within the CA. To the west of the site at its top end lies the Old Manor House, a Grade II listed building. The eastern side of the site is delineated by a public footpath, which travels from Preston Road, past the site and continues to an open space at the centre of the village opposite the church. On the other side of the path lies the Gables, a substantial Grade II* listed building.
9. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
10. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
11. Policies CS.5, CS.8, and CS.9 of the Core Strategy together state that the landscape character of the District will be maintained by avoiding detrimental effects on features which make a significant contribution to the character, history, and setting of a settlement, the District's historic environment will be protected and enhanced and that all forms of development will enhance the sense of place reflecting the character and distinctiveness of the locality.
12. The Old Manor House is a Grade II listed building, which the listing notes was previously 3 timber framed buildings, but is now 1. The eastern elevation of the building runs along the boundary of the site area where 2 dwellings are proposed. From the site and the public footpath that runs alongside it, the side of The Old Manor House is clearly visible and experienced, with the distinctive black and white timbered with brick infill flank elevation added to by a brick

side extension to rear. As such, the setting of the property clearly encompasses the appeal site, as well as the footpath; the space that the field provides gives breathing space to the building. From views from further south along the footpath the side elevation remains clearly visible, with the field contributing positively to the setting of both the Old Manor House, as well as the Grade I listed Church of St Mary at the top of the village.

13. The Gables is a substantial timbered sixteenth century property with 19th century additions, which the listing notes was restored in the 20th century. The garden to the west is overlooked by the long rear wing of the building. This garden is well screened on its boundaries by substantial vegetation, including mature trees. This restricts the setting of the impressive property to a certain degree.
14. The proposed semi-detached dwellings would be set off the lane which fronts the Old Manor House and the Gables, and would involve the removal of some of the existing hedgeline which constitutes the north west boundary of the site. A shared drive and parking area would then be constructed in front of the proposed dwellings, which would be designed in a traditional manner, being 1 ½ storeys high with substantial exposed chimney stacks at each side.
15. The two dwellings would fill a substantial proportion of the width of the north east of the paddock. A submitted Heritage Statement contains a map of the village thought to date from around the 1800s. This shows a long building in a similar position to that proposed now, although it is set further forward. The statement speculates that this could have been a single large building or a range of smaller servant's cottages. However, there is no further evidence on this point; the buildings could have been cottages or may have been outbuildings of some description. Furthermore there is no evidence submitted of such buildings in existence at any time since circa 1800.
16. By virtue of their width, siting, scale, and height the proposed cottages and their residential curtilages would appear prominent within the CA, particularly in views from the footpath to the south east. Whilst I consider that the setting of The Gables would not be affected by the proposal and note that elements of the eastern elevation of the Old Manor House may still be visible after the proposal was constructed, the proposal would adversely affect the setting of this heritage asset by introducing built development into the adjacent open space which contributes positively to the setting of the listed building. The infilling of the land would also neither preserve nor conserve the character or appearance of the conservation area, by removing an area of open space which contributes to the character of the area, both from the footpath and from the adjacent road.
17. The proposed detached dwelling on the south east corner of the site would be sufficiently divorced from both the Old Manor House and the Gables and would not have an adverse effect on the setting of these buildings. The house would be accessed directly off Preston Lane and would involve construction on an area of land between the access to the Gables and a tennis court, which is very well screened from most public views. This element of the proposal, subject to details, would be in character with the general pattern of development within the settlement and therefore would not have an adverse effect on the CA, which would be preserved.

18. Having regard to the advice in the Government's planning practice guidance I consider that the scheme would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the heritage assets. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.
19. The public benefits of the scheme may be considered to include the construction of 3 houses, and the economic and social benefits that would arise from this. A housing needs survey² identified a need for 9 new homes in the village for people with a local connection. A submitted unilateral undertaking confirms that the proposed dwellings would be defined as 'local market units', which would mean that the dwellings would effectively be limited to prospective purchasers/tenants with a strong local connection. Policies AS.10 and CS.15 of the Core Strategy state that in villages such as Preston-on-Stour development is restricted to small scale community led schemes which meet a need identified by the local community in some form of local evidence, which the proposal would comply with.
20. However, as noted above, an application for the single dwelling site has now been approved, as a local market unit. The benefits that would arise from the scheme would therefore be of 2 new local market units. I note the evidence provided as to the lack of new housing in and around the village in recent times, the gentrification of the village that has occurred, and the cost of local housing, and I do not dispute the clearly identified need for such housing. I also note the limited sites that would be available in a settlement such as Preston-on-Stour, of limited size and largely lying within a CA. However, whilst 'local market units' would likely be lower in price than open market housing due to the limited market that they are available to, they do not appear to be fully affordable dwellings, as defined in the Framework and I am not convinced that the identified public benefits arising from 2 such units would outweigh the less than substantial harm that the proposed development would cause to the significance of the CA and the setting of the Old Manor House. In this context it is important to note that less than substantial harm does not equate to a less than substantial objection. The Framework notes that heritage assets are irreplaceable and as such any harm requires clear and convincing justification and I do not consider that the scheme provides this.
21. The appellant notes that the government states that more housing is required in the right places and states that the Framework says that the purpose of planning is to help achieve sustainable development. However, whilst elements of the proposal would comply with paragraphs 54 and 55 of the Framework, in that the scheme would help to reflect local housing needs and would help to maintain the vitality of the community, for the reasons given above I consider that the proposal would be contrary to paragraphs 132 and 134 of the Framework, and it would thus not constitute sustainable development.
22. At present due to the appellants work, the appeal site is in reasonable condition. Whilst I note that this could alter and the site could become overgrown, the land would still remain open and would continue to contribute to the surrounding heritage assets.

² Preston on Stour Housing Needs Survey, Preston on Stour Parish Council in partnership with Warwickshire Rural Community Council, June 2015.

Conclusion

23. To summarise, I conclude that the proposal would fail to preserve the setting, and therefore the significance of the Grade II listed Old Manor House and would neither preserve nor enhance the character or appearance of the Conservation Area. Although I have concluded that the proposed development would cause less than substantial harm to these heritage assets, I do not consider that the identified public benefits of the proposal would outweigh the clear harm caused. The proposal would conflict with the Framework and the Core Strategy Policies CS.5, CS.9 and CS.12.
24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR