
Appeal Decision

Site visit made on 24 April 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 12 May 2017

Appeal Ref: APP/J3720/W/17/3168689

**Waylands Farm, Wharf Road, Fenny Compton, Southam, Warwickshire
CV47 2XD**

- 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 Rees Hughes against the decision of Stratford-on-Avon District Council.
 - The application Ref 16/02958/FUL, dated 30 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is construction of a detached two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be in a suitable location, given local and national planning policies.

Reasons

3. The appeal site is located on the northern side of Wharf Road, with the access opposite the entrances to Wayland Business Park and Fenny Marina. It consists of a roughly square, grassed paddock area which is well screened from the road by mature trees, though there is a public footpath along the western boundary of the site. There are scattered domestic dwellings on generous plots along the road and buildings in commercial use. However, there are also paddocks and field areas between the sporadic development with open countryside beyond.
4. Policy CS.15 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS)¹ advises that the distribution of development during the plan period will be based on a pattern of balanced dispersal, in accordance with the character and function of a wide range of sustainable locations across the District. Those locations include the main town of Stratford-upon-Avon, main rural centres, new settlements and Local Service Villages (LSVs).
5. Fenny Compton is identified, within Policy CS.15, as an LSV, where development will take place through small-scale schemes on unidentified but suitable sites within their Built-Up Area Boundaries (where defined) or

¹ Adopted 11 July 2016

otherwise within their physical confines. Similar wording is included in CS Policy AS.10 which deals with the countryside and villages.

6. The village of Fenny Compton does have facilities including a primary school, shop, post office, doctor's surgery, public house and public transport links. However, according to the Council, the appeal site is located some 1.3km from the centre of the village, which has not been disputed. It is beyond the railway bridge on the road leading out of the village to the north east. Therefore, although the proposal would be a small-scale scheme and there is other development along Wharf Road, it would still be located beyond the physical confines of the village itself. For planning purposes, therefore, it is regarded as in the open countryside.
7. Policy AS.10 does also allow for small-scale schemes for housing on land within or adjacent to a village, but that is only in the case of a need identified by a local community in a Parish Plan, Neighbourhood Plan or other form of local evidence. However, there is no Neighbourhood Plan for Fenny Compton and no other community local need has been formally evidenced. Consequently, the proposed development would conflict with Policy CS.15 and Policy AS.10.
8. Although the site is not a considerable distance from the village, there is no continuous footpath. Whilst there is some grass verge, the road also narrows under the railway bridge towards the village, where pedestrians would have to walk in the road. Wharf Road has a 60mph speed limit and is described by the Council as busy, which is in accord with what I saw on my site visit, though I appreciate that it only provides a snapshot of conditions. Whilst there are some other limited facilities in the form of the Chandlers at Fenny Marina, opposite the appeal site, and the Wharf Inn public house, to the north east, they would not be sufficient to provide for day-to-day living requirements. Therefore, as the main facilities would not be easily accessible on foot or by bicycle, it seems highly likely that future occupiers would be mainly reliant on the private motor car.
9. There is a new dwelling being constructed on an adjacent plot on the road, but I have not been provided with details of the planning permission relating to it. Therefore, I do not know when or on what basis that application was approved and cannot be sure that it represents a direct parallel to the appeal scheme. However, the Council have advised that planning permission for it was given before the adoption of the CS. In any case, I have determined the appeal on its own merits.
10. The appellant says that the dwelling is essential to the operation of a small holding and the Design and Access Statement refers to the appellant's wish to relocate an existing cattle breeding business to the site. However, beyond those brief references, insufficient evidence has been provided to justify a permanent dwelling for an agricultural worker and the planning application form indicates that the proposal is for market housing. Therefore, I cannot give that aspect significant weight.
11. Paragraph 7 of the National Planning Policy Framework (the Framework) advises that there are three dimensions to sustainable development: economic, social and environmental. There would be some economic benefits during the construction period and from the contributions of future occupiers to the viability of local services. Socially, there would be a contribution to the supply of housing, though the Council advise that they can demonstrate a five year

housing land supply, which has not been disputed. However, such benefits would inevitably be limited as the proposal relates to the provision of one bungalow. Environmentally, the likely reliance of future occupiers on the private motor car to access services and facilities weighs against the proposal.

12. I consider that any limited benefits offered by the proposal are outweighed by its conflict with CS Policies CS.15 and AS.10, which form part of the Council's strategy for delivering sustainable development. Therefore, overall, I conclude that proposed development would not be in a suitable location having regard to the CS and the Framework.
13. My attention has also been drawn by the Council to three recent appeal decisions but I have not been supplied with copies. However, as I am dismissing the appeal, the absence of these details is not fundamental to my decision.

Other Matters

14. I note that whilst there were some objections, there were also a number of letters in support of the proposal. In addition to the matters already dealt with, it was suggested that the development would enhance the street scene. As it would be largely screened from road and the public footpath by mature trees which are likely to remain to reduce traffic noise, I do not consider that it would improve the street scene.
15. It is also submitted that it would alleviate overdevelopment in Fenny Compton village and that it accords with the Fenny Compton Parish Plan (FCPP). However, the CS identifies Fenny Compton as an LSV where some housing development should be accommodated, subject to it meeting CS policies, during the development plan period of 2011-2031. Development outside villages is restricted to certain exceptions by the CS. As the FCPP pre-dates both the Framework and the CS, it can only be given limited weight.
16. Some local residents have expressed the hope that the 60mph speed limit on Wharf Road is reduced and it is suggested that further development along the road might assist that cause. However, that aspect is not a matter that falls within my jurisdiction and it does not lead me to alter my decision.

Conclusion

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

Jonathan Tudor

INSPECTOR