
Appeal Decision

Site visit made on 19th June and 24th July 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 5th September 2017

Appeal Ref: APP/J3720/W/17/3171218

The Spinney, Hall Lane, Harbury, Warwickshire CV33 9HG

- 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 Messrs Laycock, Price, Snell and Greengrow against the decision of Stratford on Avon District Council.
 - The application Ref 16/01440/FUL, dated 12 July 2016, was refused by notice dated 25 November 2016.
 - The development proposed is change of use of land from agricultural to residential C3 and erection of 2 residential dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect on the character and appearance of the area.
 - the effect on the setting of the Harbury Conservation Area.
 - whether there is a need for housing in the locality.

Reasons

Character and Appearance

3. The appeal site is located in the category 1 Local Service Village of Harbury. Accessed off Hall Lane, it is a Y shaped parcel of open land that sits behind a site given planning permission for the erection of 2 dwellings which are currently under construction. The proposal is to erect 2 dwellings, sharing the same access as the houses that are being built.
4. The Council has not defined a settlement boundary for Harbury. The emerging Harbury and Deppers Bridge Neighbourhood Plan 2015-2031 does set a boundary in which all of the site except the access road would be excluded from development. However, this carries very limited weight because of its current status.
5. There is some variation in the building pattern along Hall Lane on the same side as the appeal site. The general trend however is for some set back from the main road but regardless of orientation, for development to be located at the front of the site with a notable gap between the built development and the railway behind. For this reason I find that the railway line does not mark the physical confines of the village. The built development of the proposal would be

set back some distance from the building line created by other properties on Hall Lane and as the site is positioned between woodland and an open field it would not present an obvious extension to the village. Whilst there are limited public viewing points of the site, the proposal would create backland development that would be incongruous and detract from the open character of the countryside.

6. The appellant has referenced other sites that he argues support the principle of development on the appeal site, namely Tom's Barn and the permission currently under construction. I however consider these to be materially different in that they are located closer to Hall Lane and fall within the existing band of development along the road. A third development referred to by the appellant is on the opposite side of the road and so the circumstances are different.
7. The proposal would therefore conflict with Policies AS.10 and CS.15 of the Stratford-on-Avon District Core Strategy (2011-2031) (Core Strategy) which direct residential development to locations within the physical confines of Local Service Villages. The proposal would also conflict with Policy CS.9 of the Core Strategy which requires development to reflect and be sensitive to the character and distinctiveness of the locality.

Setting of Conservation Area

8. Harbury is a rural village that utilises vernacular architecture alongside more modern, less sympathetic additions. The village is surrounded by open countryside with views onto fields and mature vegetation both at the edges of the settlement and between buildings in more built up areas. This makes a positive contribution to the openness and rural character of the area and thus its significance.
9. Access to the appeal site falls within the Harbury Conservation Area with the proposed built development outside of it but forming part of its setting. Given the encroachment into the countryside that the development would generate, the proposal would have a negative impact on the open character of the setting of the designated heritage asset. Although the development currently under construction blocks some views of the site, the current open character of land behind it is visible from the access road. This would be lost through the proposal and be replaced with a view of one of the properties. The proposal would result in less than substantial harm and although 2 additional dwellings would be a public benefit this is outweighed by the harm the development would generate. The proposal would therefore conflict with Policy CS.8 of the Core Strategy which requires development to protect and enhance the historic environment.

Housing Need

10. The Council's housing completions and commitments information dated March 2016 identifies 133 dwellings built or committed in Harbury with at least 2 additional approvals since this time, taking the total to 135. This exceeds and therefore conflicts with the requirement in Policy CS.16 of the Core Strategy which directs no more than around 25% of the 450 homes allocated to Category 1 Local Service Villages. It has not been demonstrated that there is a need for additional housing in Harbury and in any event the benefits of the provision of an additional 2 dwellings in this Local Service Village are

outweighed by the harm of the proposal to the character and appearance of the area in the location of the appeal site and to the setting of the Conservation Area.

Conclusion

11. For the reasons outlined above, and having regard to all other matters raised the appeal is dismissed.

K Ford

INSPECTOR