



Appeal Decision

Site visit made on 8 August 2017

by B Bowker Mplan MRTPI

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

Decision date: 11 September 2017

Appeal Ref: APP/J3720/W/17/3174782

Land adjacent to The Hollies, Rouse Lane, Oxhill CV35 0NZ

- 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 & Mrs M Groves against the decision of Stratford on Avon District Council.
 - The application Ref 16/03429/FUL, dated 18 October 2016, was refused by notice dated 9 February 2017.
 - The development proposed is construction of new detached dwelling and formation of new vehicular access to Rouse Lane.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character or appearance of the Oxhill Conservation Area (OCA) and on the settings of the Grade II listed buildings known as The Hollies and The Homestead.

Reasons

3. The appeal site is within the OCA and comprises an overgrown section of land located between The Hollies and The Homestead. The Homestead lies on a slightly elevated piece of land that gradually slopes down towards The Hollies. Properties with a comparatively modern design are to the immediate north west of the site.
2. It is put to me that the cruck construction feature of The Homestead identified within the listed building schedule would remain unharmed and that the overall quality and character of the building should be questioned. Furthermore it is contended that the ground surrounding the listed buildings was not designed to complement them. Nonetheless, I have a statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving a listed building or its setting, a consideration the Courts have held to be of considerable importance and weight.
3. The site was incorporated into the conservation area in 1998 and the OCA review describes Rouse Lane as having an intimate character with significant walls and hedges to the front of the plots. The Oxhill Parish Plan identifies modern infill development with inconsistent building lines within the OCA. The

- Parish Plan also highlights that the OCA incorporates a rural setting comprising undeveloped land that contributes positively to its character and appearance.
4. The hedgerow planted to the front of the site is a recent addition. However, during my site visit it was apparent that the undeveloped and overgrown appearance of the site as a whole provides a pleasant verdant and rural setting to both listed buildings. Despite being elevated above the lane and previously containing a barn, the site and adjoining private garden areas contribute to the verdant and rural character prevalent to the immediate south of Rouse Lane.
 5. This verdant and rural character is noticeable when viewed from vantage points along Rouse Lane, including from the junction at Main Street. When viewed from these vantage points, the undeveloped appearance of the site forms an important part of the foreground of The Hollies and the backdrop of The Homestead. This verdant and rural setting contributes positively to the significance of both listed buildings. I also agree with the Council that the site contributes to the rural character identified within the OCA.
 6. The dwelling would be in scale with its surroundings and sited to the rear of the site behind the side elevation of The Homestead. Additional planting could also reduce views of the proposed dwelling. However, the two storey scale of the dwelling would remain prominent next to both listed buildings when viewed from the above noted vantage points. Whilst the proposal would comprise limited infill and linear development, it would nonetheless unacceptably harm the verdant and rural setting of both listed buildings. Furthermore, the positive contribution of the site to the rural character of the wider OCA would be diminished.
 7. In the context of paragraphs 131 - 134 the National Planning Policy Framework (the Framework) and Core Strategy (CS) Policy CS.8, I consider the extent of harm to the significance of the OCA and to the settings of the listed buildings to be less than substantial. In such circumstances, the Framework advises to weigh harm against the public benefits associated with the proposal.
 8. The proposal would contribute an energy efficient dwelling of vernacular design towards housing supply. Also, the Council acknowledge that the appeal site is sustainably located. Based on the modest scale of the proposal, both of these benefits are afforded modest favourable weight. The proposal complies with the Council's minimum separations distances relating to neighbouring living conditions and the Council raise no concern in this respect. However, an absence of harm cannot be considered as a public benefit. In addition, the proposal would not secure the optimum use of a heritage asset as set out in the Framework and the Planning Practice Guidance.
 9. I have a statutory duty under the Act to have special regard to the desirability of preserving a listed building (or its setting) and to preserving or enhancing the character or appearance of a conservation area. This is a consideration that the Courts have held to be of considerable importance and weight.
 10. Whilst the harm of the proposal to the OCA and the settings of The Hollies and The Homestead would be less than substantial, sections 66 and 72 of the Act are clear that such harm should be given considerable importance and weight. In this context, the considerable weight afforded to the harm of the proposal to the OCA and to the settings of the listed buildings would outweigh the combined modest weight afforded to the public benefits described above.

11. Therefore the proposal would have a harmful effect on the character and appearance of the OCA and on the settings of the Grade II listed buildings known as The Hollies and The Homestead. Consequently the proposal would not meet the requirements of CS Policy CS.8 and paragraph 134 of the Framework. Combined these policies seek to ensure that great weight and priority is afforded to conserving the significance of heritage assets.

Other Matters

12. The proposal has received support from the Oxhill Parish Council. In addition, the proposal would accord with section 10 of the Oxhill Parish Plan which indicates that residents have a preference for limited infill development that enables young people to remain local. However, these factors do not outweigh or justify the harm I have identified to the OCA and to the setting of the listed buildings.
13. I also note the pre-application advice provided by the Council. However, it is common practice that pre-application advice is provided without prejudice and cannot pre-determine the outcome of a subsequent application.
14. In addition, concerns raised regarding the way in which the Council processed the application are outside my remit and do not prevent, justify or reduce the harm identified above.

Conclusion

15. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker

INSPECTOR