
Appeal Decision

Site visit made on 25 June 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 09 July 2019

Appeal Ref: APP/J3720/W/19/3224138

The Tree Place, Church Hill, Combrook CV35 9HP

- 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 Ian Bailey against the decision of Stratford on Avon District Council.
 - The application Ref 18/03788/FUL, dated 21 December 2018, was refused by notice dated 18 February 2019.
 - The development proposed is described as the change of use of part of land from agricultural to domestic curtilage, demolition of existing barn/dwelling and construction of replacement dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site is located outside of the settlement of Combrook, and within an area of open countryside forming part of the locally designated Feldon Parkland Special Landscape Area (the SLA).
3. The site comprises several small outbuildings, land and a large building which the evidence indicates was a barn. In December 2018, a Lawful Development Certificate was granted which established that part of the building was a separate residential unit and further confirmed an area of garden associated with that residential use.
4. Although the Council has given three reasons for refusal, having reviewed the evidence I have considered it appropriate to identify a single main issue.
5. Consequently, the main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

6. The appeal proposal seeks to replace the buildings at the site with a substantial two storey residence and which would further include a detached two bay garage also incorporating a car port/log store and home office. The proposal also seeks to change the use of part of the land which surrounds the site, to domestic curtilage.
7. In respect of the proposed change of use of land, there is dispute between the main parties as to the extent of land that was included within the Lawful Development Certificate with regards domestic curtilage. However, in my view,

the Council decision regarding the extent of the land to be included as domestic curtilage was well reasoned, particularly given the previous use of the site which included a tree nursery. By reason of the evidence before me, and from observations made on my site visit, I have no reason to disagree with the Council's assessment of the area which would be considered to be curtilage.

8. Policy AS.10 of the Stratford-on-Avon Core Strategy 2011-2031 (the Core Strategy) concerns development in the countryside and villages. This Policy provides examples of the forms of development that may be permitted within the countryside. The change of use of agricultural land to domestic curtilage is not specifically provided for. However, this Policy confirms that other forms of development may be permitted where there is justification in doing so, or that the proposal would provide significant benefits to the local area. In this regard, the evidence before me does not appear to provide any substantive reasoning that would lead me to conclude that such a change in the use of this land is justified or would provide significant benefits to the local area.
9. The proposed change of use of the land to curtilage would be likely to result in the introduction of domestic paraphernalia. This would alter the agricultural appearance of the area to that of a domestic one and, consequently, would have an urbanising effect on this rural countryside location. This would be harmful to the character and appearance of the surrounding area and detrimental to local distinctiveness. Whilst I acknowledge that the site is, to some degree, screened from views from Church Hill by vegetation, it would be likely to be visible during the winter months and from the nearby public footpath located south of the appeal site.
10. In light of the above, the proposed change of use of the agricultural land would be in conflict with Policies AS.10, CS.5, CS.9 and CS.12 of the Core Strategy which, amongst other things, requires development, including development within the SLA, respect local distinctiveness and does not harm the character and appearance of the surrounding area.
11. Policy CS.20 of the Core Strategy concerns housing stock and buildings. Part C of this Policy provides that replacement dwellings may be considered to be appropriate if the proposed development was not visually intrusive and would not be significantly larger than the building which it replaces.
12. In this respect, the evidence indicates that the height of the replacement building would be several metres higher than that of the existing structure and overall would be significantly larger in terms of scale and bulk. Consequently, by reason of this significant increase in overall scale, there would be conflict with Policy CS.20 of the Core Strategy.
13. Whilst I acknowledge that the existing building is somewhat run down, the scale and appearance of this structure is typical of agricultural buildings which are part and parcel of a farmed landscape and, consequently, does not look out of place within the context of the surrounding area. The proposed replacement dwelling would be substantial in terms of its scale and would be in sharp contrast to the existing building.
14. By reason of the scale and bulk of the proposed dwelling and associated garage, the proposal would be highly prominent within the wider landscape. Due to this scale and prominence, and given the change in character of the surrounding area resulting from the proposal as described above, the proposed

- dwelling would be a visual intrusion within the context of the surrounding area and would therefore be harmful in terms of character and appearance.
15. Consequently, the appeal scheme would conflict with Policies AS.10, CS.5, CS.9, CS.12 and CS.20 of the Core Strategy which, amongst other things, seek to ensure that development is of high quality design which is not harmful to the character and appearance of the surrounding area including the SLA.
 16. In support of the appeal my attention has been drawn to a development at Brailes, which it is maintained is comparable to the appeal scheme and which was granted planning permission by the Council. In this regard, I have only been provided with limited information, but it is noted that whilst that development concerned the construction of a large dwelling within the countryside, that site does not appear to share the same character and appearance of that of the appeal site. I further understand from the limited evidence before me in this regard, that that development was considered at a time when the Council could not demonstrate a five year housing land supply. Consequently, I have determined this matter on its own merits.
 17. Further to the above, I have also been referred to development at Gaydons, which was approved following an appeal. However, in this respect it is noted that that appeal concerned a site which was located on a road which also served a number of properties and which was within the physical confines of a village. These circumstances do not reflect the situation in relation to the appeal site and, consequently that matter does not appear to represent a direct parallel to the appeal proposal. As above, I have therefore considered the appeal scheme on its own merits.
 18. It has been further put to me that the existing building could be converted to a residential dwelling under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). However, the evidence before me does not provide any details of how the proposal would satisfy the criteria that is applied to such a conversion under Class Q, and without any application which provides such details to a sufficient degree, there would be no certainty that the conversion would be permitted under the GPDO. This significantly limits the weight that I can attach to this as a fallback position.

Other Matters

19. In the determination of this appeal, I have also considered the details submitted by interested parties. In this instance, however, I have found the proposed scheme is in conflict with the development plan, and there is no further information put forward by interested third parties which outweighs the harm that would be caused by the development.

Conclusions

20. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet INSPECTOR