



Appeal Decision

Site visit made on 17 June 2019

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2019

Appeal Ref: APP/J3720/W/19/3225779

**Wayland Farm Cottage, Station Fields, Fenny Compton, Warwickshire
CV47 2XD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Howells against the decision of Stratford-on-Avon District Council.
 - The application Ref 18/03676/OUT, dated 12 December 2018, was refused by notice dated 15 February 2019.
 - The development proposed is described as 'new dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development that appears in the banner heading above is taken from the planning application form. The Council's decision notice refers to the description of development as 'Outline application with all matters reserved for a new dwelling and access.' This more accurately describes the proposal and clarifies that the application has been submitted in outline and all matters are reserved. I have therefore determined the appeal on this basis.
3. The National Planning Policy Framework (the Framework) was revised on 19 February 2019 and this post-dates the Council's refusal notice. I have determined this appeal in accordance with the Framework.
4. The Council indicate that since the determination of the application that a number of parts of the Development Requirements Supplementary Planning Document (SPD) have been adopted since the Council's refusal notice. These include parts C (Access and Connectivity), D (Buildings and Layout) and E (Architectural Style, Construction and Materials) that were adopted in April 2019. I have had regard to the updated SPD in the determination of the appeal.

Main Issue

5. The main issue is whether the proposed development would be in a suitable location, having regard to local and national planning policies.

Reasons

6. The appeal site is to the south of Wharf Road situated to the north-east of the village of Fenny Compton. The site is broadly rectangular with an existing American barn positioned centrally within the site between the dwelling of Wayland Farm Cottage and industrial units, with a canal to the rear. The site is currently accessed from Wayland Farm Cottage with a hedgerow forming the boundary with Wharf Road. There is sporadic residential development on Wharf Road, including to the south-west of the appeal site and on the opposite side of the road, although the predominance of development to the southern edge of the road is commercial. Development is interspersed by open areas including paddocks with open countryside beyond.
7. Policy CS.15 'Distribution of Development' of the adopted Stratford-on-Avon District Core Strategy 2011-2031 (CS)¹ states that the distribution of development will be based on a pattern of balanced dispersal, in accordance with the distinctive character and function of a wide range of sustainable locations across the District. Identified locations include the main town of Stratford-on-Avon, Main Rural Centres, New Settlements and Local Service Villages (LSVs).
8. The CS identifies Fenny Compton as an LSV. Policy CS.15 states that development will take place on sites identified in a Neighbourhood Plan; and through small-scale schemes on unidentified but suitable sites within their Built-Up Area Boundaries (BUAB) (where defined) or otherwise within their physical confines. The Council have provided details of the draft BUAB for Fenny Compton within the emerging Sites Allocation Plan. The site lies outside of the proposed BUAB although given that the Council advise me that this document is in draft form only, this should be afforded little weight.
9. It is noted that the appeal site forms part of a cluster of buildings within the parish of Fenny Compton. However, the site falls outside of the main village itself and according to the Council is around 1.5km from the centre and the services contained therein, including the shop and primary school. This distance is not disputed by the appellant. The host cluster of buildings is accessed from the village by a road running to the north-east, with the railway bridge where this road narrows providing a physical barrier. Whilst therefore the site falls within a group of buildings and development proposed is small-scale, it falls outside of the physical confines of the village itself for the purposes of policy CS.15.
10. Part G of CS.15 allows for Local Needs Schemes for small-scale development within and adjacent to settlements that meet a need identified by that community. Policy AS.10 'Countryside and Villages' also makes such provision if meeting a need identified by a local community in a Parish Plan, Neighbourhood Plan or other form of local evidence, on land within or adjacent to a village. Notwithstanding the site's relationship to the village identified above, the Council indicate that the Fenny Compton Neighbourhood Plan is some way from adoption and as such should be attributed little weight. The status of the Neighbourhood Plan has not been disputed by the appellant.

¹ Adopted July 2016

11. No further evidence of identified need within any other plan or local evidence has been provided. The appellant contends that they have support from local elected members although no substantive evidence has been provided of this and I afford this little weight. Given the lack of any further objective evidence before me regarding an identified community need, I consider that this has not been demonstrated. Noting the above, I find the proposed development would conflict with policies CS.15 and AS.10 of the CS.
12. The appellant contends that the site is well served by local amenities including commercial businesses and the services provided at the Wharf Inn, the shop at the marina, the bus stop and post box. Although there are some limited facilities within close proximity of the appeal site, I consider these would not be adequate to cater for the daily needs of future occupiers.
13. Whilst there are stretches of footpath linking the site to the village itself, there is no footway for a substantial part of this route adjacent to and under the railway bridge, that would require pedestrians to walk within the vehicular carriageway. The lack of a continuous footpath coupled with vehicular speeds, noting the 60mph speed limit on the road as advised by the Council, and those observed on site, would not be conducive to pedestrian movements to and from the village.
14. On the evidence before me, given the lack of adequate pedestrian facilities linking the site with the village, I consider it highly likely that future occupiers would be reliant on the private car to access a number of day-to-day local facilities. I consider that this further demonstrates the appeal proposal is at odds with the sustainability aims of policies AS.10 and CS.15 of the CS.
15. The appellant has commented that other consents for similar developments have recently been granted in the area. Whilst some detail has been provided, I am not familiar with the specifics of each individual case. The Council contend that a number of these sites were approved prior to the adoption of the Core Strategy; when a 5-year housing land supply could not be evidenced or there were other extenuating circumstances. They indicate that planning considerations of this scheme are different. These points have not been disputed by the appellant. On the evidence before me I have no reason to come to a contrary view. In any event, I have determined the appeal on its individual planning merits. The existence of other similar developments within the area does not alter or outweigh the identified conflict with relevant policies.
16. The appellant has sought to justify the proposal on the basis that it would provide housing to serve elderly relatives and that the proposals would assist in delivering a range of housing as advocated by the Framework. I consider that this does not provide justification for the proposals that outweighs the policy conflict with the policies AS.10 and CS.15 of the CS identified above.
17. Having considered all of the above, I find that the appeal site does not represent a suitable, sustainable location for the proposed development, and I am not convinced that contentions of the appellant outweigh the harm identified. As such the proposals are at odds with the Council's

development strategy and sustainable development aims of policies AS.10 and CS.15 of the CS, and Chapters 2 and 5 of the Framework.

18. I have had regard to parts of the Development Requirements SPD adopted since the date of the refusal notice. The guidance contained therein does not alter my conclusions with regard to the main issue outlined above.

Other matters

19. The appellant contends that the proposals would have no detrimental effect on the local area. It is noted that the application has been submitted in outline with all matters reserved and detailed design of any dwelling would be subject of further reserved matters applications. The Council have not refused the application on character and appearance grounds. Notwithstanding this I find any lack of apparent detriment to character and appearance does not outweigh the harm identified with regard to the main issue.
20. The appellant contends that the appeal development would offer increased security for next door commercial premises. However no substantive evidence has been provided of any such requirement and I attribute this little weight.

Conclusion

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

Robert Lankshear

INSPECTOR