



Appeal Decision

Site visit made on 26 June 2019

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/J3720/W/18/3211773

Former Bowling Green, Fosse Way, Halford, Shipston-on-Stour CV36 5BZ

- 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 Lioned Limited against the decision of Stratford on Avon District Council.
 - The application Ref 18/00580/FUL, dated 22 February 2018, was refused by notice dated 8 May 2018.
 - The development proposed is the erection of 4 detached 2-storey dwellings with new access off the A429 (Fosse Way) and all associated site works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) whether the development is acceptable in principle having regard to the suitability of the settlement to accommodate further dwellings and the need to safeguard sports facilities and
 - b) whether the proposal would fail to preserve the character or appearance of the Halford Conservation Area, its effect on the setting of the Grade II Listed Halford Bridge Inn, and its impact on the significance of each of these designated heritage assets.

Reasons

Principle of development

In Policy CS.15 of the *Stratford-on-Avon District Core Strategy 2011-2031* Halford is classified as a Local Service Village (LSV). This classification has had regard to a scoring system relating to the presence and quality of 3 key services, namely a general store, a primary school and public transport. In such villages the policy does not stand in the way of small-scale housing schemes in certain instances. Rather, it says

'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 (where defined) or otherwise within their physical confines.'*

3. I consider this development of 4 dwellings to be 'small-scale'. However, the Parish Council contended that the level of bus service provision in Halford means its status in Core Strategy Policy CS.15 should be changed from an LSV to one of 'All other settlements', where development would be restricted to small community-led schemes for local needs. I accept the policy states that

'the status of an individual settlement could alter if the availability of services changes'.

However, the District Council did not say the village should be reclassified in this way and I was told of no formal consideration being given to such a change. I will therefore continue to assess Halford as being an LSV.

4. There is no Neighbourhood Plan for the settlement, and the village has no built-up boundaries that were defined in the adopted development plan. The Council nonetheless contended that reliance should be put on the means of defining the Built-Up Area Boundary (BUAB) that was brought forward in support of the previous Local Plan, and this definition excluded playing fields from settlement boundaries. Considering it to be similar in nature, the Council therefore contended that this bowling green should also be excluded from within the settlement.
5. This way of defining the BUAB though has not been adopted in the current development plan framework and so, although it was tested some years ago by an independent Inspector, the weight it can now be afforded is limited. Whilst the Council may use it elsewhere and so seeks its application here for consistency, that alone does not justify me affording it greater weight.
6. The appeal site is on the southern side of Halford, with housing and built development to its north and east and, across the road, to the west. Open countryside is to the south, though the adjacent housing on its east side extends further southwards than any part of the appeal site. Given this apparent enclosure, I consider the site falls within the physical confines of Halford. Therefore, as there is no Neighbourhood Plan or BUAB, the scheme satisfies Core Strategy Policy CS.15 in this regard.
7. Paragraph 97 of the *National Planning Policy Framework* (the Framework) says
- 'existing open space, sports and recreational buildings and land ...should not be built on unless*
- a) an assessment has been undertaken which has clearly shown the ... buildings or land to be surplus to requirements...'*

I understand the site has not been used as a bowling green since about 2013, and there has been an unsuccessful attempt to make it an Asset of Community Value. Whilst I am not aware a specific assessment being undertaken, in the light of the above I am nonetheless satisfied that if the site falls under this paragraph in the Framework then it can be considered as surplus to requirements. I am aware of no other reason why, in principle, this may not be a suitable site for housing

8. Accordingly, I conclude that this is a small-scale development on a suitable site within the physical confines of an LSV. Therefore, in principle this is an acceptable location for housing having regard to the suitability of the settlement to accommodate further dwellings and the safeguarding of sports land, and so I find the scheme does not conflict with Core Strategy Policy CS.15.

The effect on the conservation area and listed building

9. The significance of the Halford Conservation Area lies in part in it being a collection of buildings that, along with the private and public spaces in between, show it to be a rural settlement that has grown up and evolved over the centuries. The Halford Bridge Inn was originally a coaching inn, and its significance is partly due to the way in which its roadside location, its detailing and its layout mean this historic role is still clearly apparent.
10. The 4 houses would result in the loss of the bowling green, which has been a recreational resource for many years. On the evidence before me though I am not satisfied that the green has a link to the inn that affects the inn's significance or that its contribution to Halford has been such to mean its loss would harm the significance of the conservation area. Moreover, although the houses would be elevated above the road they would be set well back from the site's western side and, even after trimming to achieve sight lines, they would be concealed to a great extent by the thick planting along that boundary. As such, their impact on the streetscape would be limited. Given this and mindful that the Halford Bridge Inn has been experienced for many years as part of a settlement, I also see no reason why their effect on the setting of this listed building should detract from its significance.
11. However, while some of the trees at the southern end of the site might be of limited value in their own right, collectively they form a pleasing copse that makes a positive contribution to the conservation area when approaching the village up the hill along the main road, as it helps to soften the settlement edge and integrate it into the rural landscape. Although parts of this copse would be retained, a significant opening would be created to allow an access. Bounded by retaining walls the drive would then rise up from the main road to the higher level of the site and run through the remaining copse to approach the new houses through the line of trees on the southern side of the bowling green. A turning facility for larger vehicles would also be in the copse.
12. To my mind, the combined effect of the driveway and the associated tree-removal would appreciably compromise the role played by the copse as a buffer when approaching and entering the village. As a result, the historic relationship of the conservation area to the surrounding countryside would be harmfully eroded as the settlement's edge would become harsher, more abrupt and more urbanised.
13. In coming to this view, I accept that replacement planting could occur but on the evidence before me I have no reason to consider that would necessarily allay this concern. I also note that housing is apparent along the edge of Halford to the east and west, but those houses are outside the conservation area and in any event the appeal site's position at a historic entrance to the village next to the main road gives it a particular importance.

14. The harm caused to the significance of the conservation area would be less than substantial, but I am aware of no public benefits that would outweigh that harm. An extra 4 houses would be provided but as it is uncontested that the Council has a 5-year supply of deliverable housing land the weight I can afford this benefit is limited. I accept that the stated 5-year supply is not a maximum provision, but I have no reason to consider any further housing over-and-above that level should be provided here given the harm I have identified. Similarly, it has not been shown that any ecological benefits outweigh the stated harm.
15. Accordingly, I conclude that the proposal would not preserve the character or appearance of the Halford Conservation Area, causing less than substantial harm to its significance. In the absence of any public benefits to outweigh this harm it would therefore conflict with Core Strategy Policies CS.8 and CS.9 and guidance in the Framework, which aim to protect heritage assets and local distinctiveness.

Other matters

16. With suitable trimming of the boundary trees, I consider visibility from the site entrance would be suitable to allow drivers to enter and leave the site safely, and I also consider there is sufficient separation from other junctions to cause no undue conflicts.

Conclusions

17. For the reasons stated I conclude the appeal should be dismissed.

J P Sargent

INSPECTOR