
Appeal Decision

Site visit made on 14 May 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 23 July 2019

Appeal Ref: APP/J3720/W/19/3222541

Land at Godsons Lane, Napton on the Hill CV47 8LX

- 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 Nick Carr of Rosconn Strategic Land against the decision of Stratford on Avon District Council.
 - The application Ref 18/02493/FUL dated 21 August 2018 was refused by notice dated 25 January 2019.
 - The development proposed is construction of 5 detached dwellings, access and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form was submitted by Daniel Hatcher of Rosconn Strategic Land. The appeal form was signed by Nick Carr. Daniel Hatcher has confirmed that his colleague Nick Carr now has conduct of the appeal on behalf of Rosconn Strategic Land.
3. Napton-on-the-Hill is currently preparing a Neighbourhood Development Plan (the NDP). However, the parties agree that the NDP is at an early stage of preparation and can only be attributed with limited weight for the purpose of this appeal. The Parish Council has asked that I disregard their comments made on the 18th April 2019 with regard to the NDP. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the green space along public footpath SM42c between Vicarage Road and Fells Lane and the countryside beyond.

Reasons

5. The appeal site is a roughly square piece of land that is currently used for grazing on an elevated hillside location with the village. To the eastern edge of the appeal site is a public footpath SM42c (the footpath) which extends down the hill from Vicarage Road to the east of the appeal site to link to open countryside beyond Fells Lane.

6. Adjacent, but further down the hill is a development of 28 dwellings¹ granted on appeal (the AC Development) and currently under construction. To the east and west of the appeal site, there are small pastoral fields with dwellings beyond the fields.
7. The proposed access to the appeal site would link into the access road of the AC Development which in turn connects into Godsons Lane. Beyond the AC Development is Fells Lane with open countryside beyond. The appeal site boundary juts out at the south east corner so that the proposed access can link into the existing access road. However, the extended boundary at this point means that a section of the footpath falls inside the appeal site, before continuing through the AC Development, before reaching Fells Lane. The proposed access road would therefore cut across the section of footpath within the appeal site.
8. The existing green link is a feature that contributes positively to local distinctiveness and evidence indicates that it is enjoyed by village residents and other uses of the footpath. The Parish Council refers to the appeal site as valued green space that provides a connection to the wider countryside. Although separate, the AC Development and the appeal site would share vehicular access to Godsons Lane as well as having the footpath running through both sites.
9. The appeal site currently forms part of the green corridor that was referred to by the Inspector in the AC Development appeal decision. The Inspector said "the layout and overall design of the development also appears to have been carefully considered including the corridor of open space that would provide a pleasant spacious setting for the public footpath. Importantly, this area of proposed open space would also retain a physical and visual link to the open countryside to the south."
10. While the AC Development has changed the nature of the landscape of the wider site, the footpath currently provides a visual and physical link between the village and the open countryside beyond.
11. While the footpath would remain as a public route, the narrowing of the green corridor that would occur by creating built development in the open land between Vicarage Road and the AC Development would significantly impact upon the visual and physical green link provided by the path and the open space adjacent to it. Although a post and rail fence with hedgerow planting along the eastern boundary is intended to soften the built form, Plot 1 in particular would be in close proximity to the footpath which in combination with the access road running across the appeal site would detract from the existing rural and spacious corridor. The footpath does currently contribute towards local distinctiveness.
12. The Council refers to the reduced open space having a tarmac road and footpath which would be less attractive and less sensitive than what is existing. However, the appellant considers that the surface materials could be conditioned, but at the same time, refers to the landowner preferring a hard surface and intending to seek to rely upon permitted development rights to achieve that in view of the gradient and grass not being hardwearing in summer months. The appeal proposal would split the footpath into three

¹ APP/J3720/A/14/2217115

sections with the AC Development proposing paving slabs for their section of the footpath. I would therefore share the Council's concern that the use of hard materials would also erode the existing rural character of these features. The provision of open space within the AC Development close to the footpath is not replicated in the appeal proposal and is therefore not comparable.

13. The appellant's Landscape & Visual Impact Assessment (the Assessment) accepts that the views from the footpath would experience the largest scale of effect passing through the site. The magnitude of change would be high within the land itself and the changes would be most apparent at locations adjoining the public footpath and open green space directly to the east of the site. The existing feature of a rural footpath being retained in the upper field, through the AC Development to link directly to Fells Lane and the countryside beyond would be eroded.
14. I therefore conclude that the appeal proposal would harm the character and appearance of the area. It would therefore be contrary to Policy CS.9 A of the Stratford-on-Avon District Core Strategy (2011-2031)(the Core Strategy) which amongst other things, states that proposals which would damage or destroy features that positively contribute to local distinctiveness will not be permitted.
15. It would also be contrary to Policy CS.9 B (2) and (4) of the Core Strategy which, amongst other things, refers to proposals ensuring a continuity of design features and not harming existing views and enhancing footpaths and green infrastructure across the site. It would also be contrary to Policy CS.15(3) of the Core Strategy which, amongst other things, states that appeal proposals should be well related to and can be readily integrated with the existing form of settlement.

Other matters

16. Napton-on-the-Hill is a Category 2 Local Service Village. Policy CS.16 of the Core Strategy sets out housing requirements, which equate to around 84 houses at Napton-on-the-Hill. Currently there are around 65 commitments. However, there is no significant evidence that these will not be delivered or that the residual requirement will not be met during the plan period, which extends to 2031.
17. Whilst the appellant has sought to rely upon social, economic and environmental objectives to support the appeal proposal, with a scheme of five dwellings, these benefits would make modest contributions to the objectives.

Planning Balance

18. The appellant considers that the proposal is in accordance with the development plan when taken as a whole and that it constitutes sustainable development. Compliance with other elements of policy does not in itself overcome the harm that I have identified.
19. With regard to the overarching objectives of sustainable development referred to by the appellant, paragraph 9 of the Framework states that these are not criteria against which every decision can or should be judged. Planning policies should take into these criteria taking into account matters such as the character of the area and I have, in any event, found the collective benefits to be modest.

Conclusion

20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicated otherwise. I have not found that materials considerations outweigh the harm that I have identified.

21. For the reasons given, I dismiss the appeal.

E Griffin

INSPECTOR