



Appeal Decision

Site visit made on 2 July 2019

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/J3720/W/19/3228525

7 Bidford Road, Broom B50 4HP

- 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 Ms L Preece against the decision of Stratford on Avon District Council.
 - The application Ref 19/00102/FUL, dated 15 January 2019, was refused by notice dated 4 April 2019.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide a suitable location for housing, having regard to the accessibility of services and facilities.

Procedural Matters

3. In support of her appeal the appellant has provided information relating to her health and caring responsibilities which the Council have had an opportunity to comment on. In taking these into account in reaching my decision I do not consider that the interests of any parties will have been prejudiced by my doing so.

Reasons

4. The appeal site comprises part of the rear garden areas of No 7 and 9 Bidford Road. The gardens are landscaped and contain a small number of sheds and glasshouses. It is proposed to construct a two-storey dwelling on the site, and in addition to Nos 7 and 9, the site will share boundaries with the neighbouring properties at 2 High Street and 11 Bidford Road.
5. The site is located within the small village of Broom which is categorised as open countryside by Policy H1 of the Bidford on Avon Parish Neighbourhood Plan 2011-2031 (BANP) (Adopted July 2017), as it is outside the village boundary of the Plan's principal village. Broom is not a 'Local Service Village', as defined by Policy CS.15 of the Stratford on Avon District Core Strategy 2011-2031 (SADCS), as the appellant contends.
6. BANP Policy H1 limits new housing in such locations to dwellings for rural workers, replacement dwellings and rural exception affordable housing

supported by Policy H2 of the BANP. The proposal would not fall into any of the categories listed by Policy H1 as exceptions.

7. Similarly, Policy AS.10 of the SADCS, limits the construction of new housing in the countryside and villages to small scale schemes that meet need identified by a Local Neighbourhood Plan, replacement dwellings or conversions to a residential use amongst other considerations. The appeal proposal does not meet any of the exceptions listed in Policy AS.10.
8. My attention has been drawn to the range of local amenities in Broom including two pubs and, a village hall as well as a farm shop located 1.5 miles away. These amount to limited services for the village, and I consider that they would be unlikely to prevent future occupiers being reliant on a car to access a wider range of services, facilities, education and employment opportunities. My view is reinforced by the supporting text in Policy H1 of the BANP which states that Broom is not considered suitable for new market housing as it does not have the range of facilities which would support sustainable living.
9. Bus services with links to settlements with services and facilities have also been highlighted. I also noted that there is a bus stop a short walk from the appeal site. While this gives potential for public transport to be used to reach these larger settlements, they would be unlikely to prevent future occupiers being reliant on a car to access a wide range of services and facilities, and therefore would not make the bus services highlighted an attractive or probable option for all journeys.
10. I have carefully considered the information provided in support of the appeal relating to the health of the appellant and her elderly dependents as well as the locational benefits the development would have to both enabling easier care for those relatives living close by bearing in mind both the appellant's and those relative's particular needs. The appellant has suggested that a Planning Obligation can be entered into based on these personal circumstances and to prevent the market sale of the proposed dwelling during her lifetime, although as I have not been presented with any obligation, I cannot afford this any weight. Whilst I am sympathetic with the circumstances described and can appreciate the personal benefits of locating the proposed dwelling at this site, I do not consider that these outweigh the harm I have identified.
11. The proposed development would not be in a suitable location for new housing, as it has not been demonstrated that the proposal would meet one of the exceptions outlined in Policy AS.10 of the SADCS to which it would be contrary. These, in part, require development to meet a need identified by a Local Neighbourhood Plan, involve a replacement dwelling, or a residential conversion. The proposal would also be contrary to Policy H1 of the BANP, in that it does not meet any of the housing criteria that would be acceptable in the village. The material considerations in this case have not indicated that the development plan, should not be followed.

Other Matters

12. Furthermore, I have been referred to several other developments for dwellings that have gained planning permission in the village. However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure they represent a direct parallel to the appeal proposal, including in respect of the development plan policy. Furthermore, the Council points out

that some of these permissions' pre-date the formal adoption of the Neighbourhood Plan. In any case, I have determined the appeal on its own merits and these other developments do not lead me to a different conclusion.

13. The appellant has also referred to an appeal decision to demonstrate that a precedent for a new house in Broom has been established. The appellant, however, has not provided a copy, but in any event the Council advise that the decision was quashed by the High Court, and has not carried any weight in my determination of this appeal.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR