



Appeal Decision

Site visit made on 12 August 2019

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2019

Appeal Ref: APP/J3720/W/19/3231161

Land at Evesham Road, Salford Priors WR11 8UU

- 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 Russell Thompson (Cotswold Oak Ltd) against the decision of Stratford-on-Avon District Council
 - The application Ref 18/02505/FUL, dated 22 August 2018, was refused by notice dated 17 December 2018.
 - The development proposed is 7 no. new building dwellings. Mixture of semi-detached and detached.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the appeal stage, the appellant sought to submit a number of new documents and revised plans that had not been before the Council when they made their decision. Bearing in mind the 'Wheatcroft Principles', it was confirmed with both parties that these would not be considered in determining the appeal.

Main Issues

3. The main issues in the appeal are:
 - Whether or not the site is a suitable location for residential development having regard to the policies of the development plan;
 - The effect of the proposal on the character and appearance of the area including the setting of nearby heritage assets; and
 - The effect of the proposal on highway safety.

Reasons

Suitability of site for residential development

4. The appeal site is a fairly level area of open land to the north west of Evesham Road, one of the main roads through the Salford Priors. Although adjacent to houses within the village, the land forms part of a much larger tract of open largely agricultural land that extends to the north and west.
5. Within the *Stratford-on-Avon Core Strategy 2011 -2031 (adopted July 2016)* (CS) Salford Priors is defined as a Category 2 Local Service Village. Policy

CS.15 of the CS indicates that within such villages development will take place on sites identified within 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. CS Policy CS.16 indicates that in total over the plan period around 700 dwellings should be provided in Category 2 villages, of which no more than around 12% (84) should be provided in any one settlement.

6. The *Salford Seven Neighbourhood Development Plan 2015-2031* (NP), which covers Salford Priors, was made in July 2017. Policy SP6 of the NP allocates 3 sites for housing within the village and indicates that these together with existing commitments within the NP area will provide significantly more new dwellings over the plan period than the CS requires. The NP indicates that this additional provision is being made to enable growth to support local services, to meet local housing needs and to provide an opportunity to physically link the two separate halves of the village. Although I understand that the site was considered as a potential housing site as part of the NP process, it is not one of the housing allocations within it.
7. The NP does not define the Built-Up Area boundary for Salford Priors but the emerging Site Allocations Plan does, and the site lies outside of the boundary. However, given the current stage that this plan is at, I can only give limited weight to this boundary. As a result, I have assessed whether the site is within the physical confines of the village based on what I saw during my site visit, and the evidence before me.
8. The site in part lies adjacent to housing and is within walking distance of some of the services and facilities within the village. However, even though it did not appear to be being used for agricultural purposes at the time of my visit, it forms part of a much larger area of open, agricultural land that closely bounds the housing and sweeps around both parts of the village. Apart from the small area, immediately adjacent to Evesham Road, its character and nature reflects that of the open countryside surrounding the village. As such, it visually relates to the countryside rather than the built environment of the village. Given this, I do not consider the site lies within the physical confines of the village.
9. Policy AS.10 of the CS sets out the types of residential development that is acceptable within the open countryside. It is no part of the appellant's case that the development of open market housing would accord with any of the types of development considered acceptable.
10. The appellant suggested that the Council's ability to demonstrate a 5 year supply of deliverable housing sites is in doubt. However, the Council have indicated the latest housing land supply figure, using data as of 31 March 2019, is that it has a 6.51 year supply. This has not been disputed by the appellant. Given this, paragraph 11(d) of the *National Planning Policy Framework* (the Framework) is not engaged.
11. I accept that the housing figures are not maximum figures. Nevertheless, the latest figures show the committed developments within the village since the start of the plan period provide 142 new dwellings. This is substantially higher than the suggested figure for the village given in the CS and is also higher than outlined in the NP. In my view, to continue to allow the development of further sites would undermine the strategy of the development plan for a pattern of balanced dispersal.

12. Consequently, I consider that the site would not represent a suitable location for new housing having regard to the policies of the development plan as outlined above.

Character and Appearance

13. The part of the site adjacent to Evesham Road lies within Salford Priors Conservation Area, and the wider site forms part of its setting. To either side of the entrance to the site are Grade II Listed cottages. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area. Preserving the local built heritage and the rural character of the parish is also one of the key objectives of the NP.
14. The Conservation Area covers the historic core of the village with the Grade I Listed St Matthew's Church at its heart. It clearly shows the evolution of the village over the ages, with dwellings reflecting the changing styles of architecture and design. Godiva and Jasmine Cottages are respectively 16th and 17th century timber framed partially thatched cottages with later additions. Their significance lies predominantly in their value as attractive examples of the vernacular architecture of their time and in the contribution they make to the street scene.
15. The part of the site within the conservation area is an opened grassed area, with the remains of a former structure visible. The plans indicate that it would remain as such, and therefore the contribution it would make to the character and appearance of the conservation area would remain unchanged.
16. The NP identifies that the character of the village is strongly defined by its surrounding countryside and landscape setting. In an otherwise built up road frontage the views afforded across this site from either side of Godiva Cottage to the open countryside that forms the rural setting of the village, in my view provides an important link to the historic agricultural nature of the village. From the site attractive views towards St Matthew's Church are also possible. As such, I consider the site provides key views into and out of the conservation area and its open and rural character of the site makes a positive contribution to the setting of the conservation area.
17. In addition, the proposed staggered layout of the development curving around a turning circle at the top of the site would not be in keeping with the historic form and layout of housing within the conservation area which generally has a linear form. It would thus introduce a suburban layout into the historic part of the village that would detract from the character and appearance of the locality. Although the appeal scheme proposes to improve the open area closest to Evesham Road, it would project further into the countryside than other housing along Evesham Road, resulting in a detrimental incursion of the built form into the countryside.
18. I have not been provided with any evidence that indicates that there is any specific historic link between either of the two listed cottages and the

agricultural land to the rear. Nevertheless, the site forms part of the context within which they are viewed, and in particular, the rural open setting of Godiva Cottage would be lost. I consider that the harm this would cause would not be outweighed by the improvements proposed to the open space around entrance to the site.

19. Overall, although the character of the small part of the site within the conservation would remain unaltered, I consider the proposal would not preserve, and would unacceptably harm the setting of the conservation area and the adjacent listed buildings. Consequently, it would conflict with Policies AS.10, CS.5, CS.8, CS.9 and CS.15 of the CS and Policies SP1 and SP4 of the NP which seek to ensure that developments: maintain the character of the landscape; avoid detrimental effects to features that make a significant contribution to the character, history and setting of settlements; protect and enhance historic assets; and have a high quality of design that protects, reflects and enhances the character and distinctiveness of settlements and their setting.
20. Having regard to paragraph 196 of the Framework, whilst the harm caused to the setting of the Listed Buildings would be less than substantial, given the housing land supply situation in both the district and the village, I consider the limited public benefits that would result from the creation of new houses, would not outweigh the harm to the heritage assets.
21. In support of the appeal my attention was drawn to a development of 14 houses taking place further along Evesham Road, that is also in the conservation area. However, I do not know the full circumstances that led to this scheme being considered acceptable and so cannot be sure that it represents a direct parallel to the appeal scheme, including in respect of the contribution the site made to the conservation area and its relationship with listed buildings. In any case I have determined the appeal on its own merits.
22. The appellant has highlighted that pre-application advice for a larger scheme on the site found that it would not have a detrimental impact on the conservation area. Be that as it may, it did identify that the scheme may cause some harm to the listed buildings and so would need to be weighed against the public benefits. Moreover, the advice dates from 2014, before the adoption of the CS and the NP, and at a time when the Council did not have a 5 year housing land supply. As such, the policy context was significantly different. In any case, pre-application advice only represents the informal views of the Officers and is not the formal decision of the Council, which in this case concluded it would cause harm to heritage assets

Highway safety

23. The development would utilise the existing access that serves the 3 dwellings along Orchard Close. It is disputed between the main parties whether initially this would be of sufficient width to enable two cars to pass, and so prevent a car having to wait on the highway should a car be exiting the site. However, given that one side of the proposed access would be left as open space, there would be the potential to enlarge the width of the access should this be necessary. This could be secured by a condition were I minded to allow the appeal.

24. The plan shows that visibility splays of 2.4m x 42m would be provided in both directions. The Highways Authority have indicated that a speed survey for another nearby residential development showed that visibility splays of 100m were necessary. In the absence of any specific speed data for this site, given this, I am not satisfied that the visibility splays shown would be adequate to provide users with a safe access.
25. The plans, which the Council have stated show the wrong size of vehicle, indicate that large vehicles, such as refuse wagons, servicing the development would have to cross the central line of Evesham Road if turning left on leaving the site. Whilst I appreciate that large vehicles such as this may only visit the site on an infrequent basis, given that I am not satisfied that adequate visibility splays would be provided, this too indicates that the access would not be safe or suitable. Although I note the appellant's suggestion that, if necessary, occupiers could be required to bring bins to the main road for collection, this would require some occupiers having to move potentially heavy bins over a significant distance.
26. Therefore, I consider that the proposed development would be detrimental to highway safety. As such, it would be contrary to Policy CS.26 of the CS which requires proposals to contribute towards improving safety of all road users and to mitigate against unacceptable transport impacts.

Other Matters

27. Policy CS.6 of the CS requires that proposals minimise impacts on biodiversity and, where possible, secure a net gain in biodiversity. Given the location and nature of the site at present, there is potential for the site to have ecological interest. However, in the absence of any ecological appraisal it has not been satisfactorily demonstrated that the proposal would not harm biodiversity or make adequate mitigation measures.
28. The site is classified as Grade 2 agricultural land. Whilst both national and local policies seek to avoid the loss of such land, the amount of land that would be lost is limited. Policy SP12 of the NP states that developments on such land will only be supported where it will not adversely affect the viability of the relevant land holding and no poorer quality land is available. Although the land is not currently in active agricultural use there is no evidence as to how long this has been the case or to confirm that its development would not affect the viability of the landholding.
29. The Officer's report indicates that a contribution towards off-site affordable housing would be necessary. This has not been disputed by the appellant, but no S106 agreement or Unilateral Undertaking to secure this is before me. However, as I am dismissing the appeal for other reasons, I have not determined whether this contribution is necessary.

Conclusion

30. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR