



Appeal Decision

Site visit made on 8 October 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2019

Appeal Ref: APP/J3720/W/19/3233904

**Water Tower Holding, Ufton Road, Harbury, Leamington Spa,
Warwickshire CV33 9HQ**

- 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 Norman O'Sullivan against the decision of Stratford-on-Avon District Council.
 - The application Ref 18/03732/FUL, dated 14 December 2018, was refused by notice dated 29 March 2019.
 - The development proposed is to demolish two rows of derelict small agricultural barns and to replace them with two Class C3, 2-bed bungalows, designed specifically for elderly and/or disabled people with a local connection to Harbury, including access arrangements and the provision of a footway to connect the site to an existing village footpath.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since its decision, the Council has fully adopted the Development Requirements Supplementary Planning Document (SPD). Whilst not forming part of the development plan, the SPD provides guidance to supplement relevant development plan policies. The appellant has commented on its provisions and so I am satisfied no party would be prejudiced or caused injustice by my consideration of the SPD in the determination of this appeal.

Main Issues

3. The main issues are (i) whether the proposal would be in a suitable location having regard to development plan policies and (ii) the effect on the character and appearance of the area.

Reasons

Development Plan Policies

4. Policy CS.15 of the Stratford-on-Avon Core Strategy 2011 to 2031 (CS) sets out a development distribution strategy. Harbury is defined as a Local Service Village, where development should take place either on sites identified in a Neighbourhood Plan or within Built-Up Area Boundaries (BUAB). Also, Part G of policy CS.15 and CS policy AS.10 allows community led schemes that meet a need identified by that community on land adjacent to settlements.

5. Policy H.01 of the Harbury and Deppers Bridge Neighbourhood Development Plan 2018 to 2031 (NDP) states new housing development will be concentrated within the defined Harbury village settlement boundary. Policy H.04 states that, where it can be demonstrated through robust and up to date local housing needs information, housing development for local needs will be supported subject to criteria. These include that the site should adjoin the settlement boundary and the use of housing is secured in perpetuity to meet a local need.

Suitability of the location

6. Most of the appeal site lies outside the defined settlement boundary. However, the appellant contends the appeal scheme complies with CS policies CS.15 part G and policy AS.10 as well as NDP policy H.04. Compliance with these policies depends upon the proposal being adjacent to the BUAB, the development fulfilling an identified need as well as measures being in place that ensure the housing is used to meet the local need.
7. The proposed dwellings would be positioned outside and a distance away from the BUAB. The strip of land where the proposed footway would be constructed stretches just into the settlement boundary. However, the footway is an incidental element of the appeal proposal and the inclusion of this land in the appeal site fails to overcome the positioning of the proposed dwellings away from the settlement boundary. Consequently, the proposed dwellings would not be adjacent to the BUAB and therefore fail to accord with CS policies CS.15 and AS.10 as well as NDP policy H.04 in this respect.
8. The proposal is not community led as required by CS policy CS.15 and I have not been referred to any part of the NDP that identifies a local need for affordable bungalows. The appellant refers to evidence in the most recent Harbury Housing Needs Survey. However, this was carried out in 2011 and due to its age, it fails to represent robust and up to date local housing needs information as required under NDP policy H.04. The comments provided regarding properties built since 2011, local demographics and the views expressed by a local councillor fail to constitute substantive evidence that convincingly demonstrates a current local need for the proposed dwellings. As such, insufficient information has been submitted to show compliance with NDP policy H.04 and CS policy AS.10. In the absence of such information, the proposal attracts no support from the National Planning Policy Framework (the Framework) which promotes the provision of rural affordable housing where it would meet identified local needs¹.
9. I do not have full details of the referred to planning permission relating to the site at Long Itchington or the considerations that led to that decision. However, NDP policies would not have been relevant in the determination of that application and so the policy context is different with this appeal.
10. The appellant has submitted draft heads of terms setting out the basis for planning obligations. However, I have received no completed undertaking or agreement that secures the terms of residency of the proposed dwellings. As such the scheme fails to comply with policy H.04 of the NDP. I have not pursued the submission of a planning obligation as this would not fully overcome my other concerns in respect of the location of the site away from the BUAB and the lack of up to date and robust housing needs evidence.

¹ Paragraph 77.

11. For these reasons, I conclude the site would not be a suitable location for the proposal having regard to the development plan policies as outlined above.

Character and appearance

12. The agricultural buildings on the site are partially screened from the road and adjacent public right of way by trees on the boundary. Adjoining the site is an office building, a bungalow and a business park, however fields and roadside hedgerows help maintain a degree of rural character to the area.
13. The erection of the proposed bungalows would follow the removal of existing buildings, thereby avoiding any loss of openness. The existing buildings are of little architectural quality and so their demolition would have no negative effect on the character and appearance of the area.
14. The proposed residential use would not be markedly incongruous given the mix of uses surrounding the site. The proposal would have no impact on the adjacent fields and nearby agricultural uses would remain, thereby avoiding a dominant urbanisation of the area. The proposed buildings would be of a similar scale and appearance to the adjacent bungalow and they would not be prominent due to screening and positioning away from the road. Concerns over the appearance of the bungalows could be addressed through the imposition of a planning condition requiring approval of external material details.
15. For the reasons outlined above, I conclude the development would not cause harm to the character and appearance of the area. Consequently, and in this regard, it would accord with policies CS.5 and CS.9 of the CS and policy H.05 of the NDP, which aim to ensure development protects and reflects features which make a significant contribution to the character of an area.

Other Matters

16. The appellant has made a number of points in support of the proposal. The definition of previously developed land as set out in the Glossary of the Framework excludes land that is occupied by agricultural buildings. As such, the proposal would not represent the use of brownfield land as claimed.
17. Demolition of the existing buildings would make it easier to access the adjacent approved dwelling, however the proposed bungalows are not essential to provide this access. Also, no evidence has been submitted to substantiate the claim that the proposal would improve biodiversity by adding garden space. As such I give no positive regard to these factors in my assessment.
18. The scheme is acceptable in terms of highway safety, noise, flood risk, ground contamination and drainage. The proposed development would represent high quality design and include energy efficiency measures. However, acceptability in these respects is a neutral factor that fails to weigh in favour of the scheme.
19. The proposal would contribute to the supply of housing, create employment during construction and residents would support local businesses and community facilities. The proposed pavement would facilitate walking to the nearby bus stop and services in the village from the proposed development and adjacent properties, thereby promoting sustainable modes of travel. I give these factors positive regard, although consider the benefits would be modest given the scale of the proposed development and the limited number of properties that would benefit from the pavement.

20. The appellant has raised concerns over the actions of the Council, Parish Council and Highway Authority in respect of the way the application has been processed and comments that have been made. The procedural workings of these bodies are outside my remit and the comments of the Parish Council are not in themselves conclusive in determining this appeal.
21. Overall, the benefits of the proposal are modest and insufficient to outweigh the conflict with development plan policies relating to the location of development.

Conclusion

22. Whilst I have found no harm would be caused to the character and appearance of the area, the proposed development would not be in a suitable location when having regard to the policies of the development plan. The proposal conflicts with the development plan when read as a whole, and this is the overriding consideration. Other material factors do not lead me to a decision otherwise.
23. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR