
Appeal Decision

Site visit made on 27 August 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th October 2019.

Appeal Ref: APP/J3720/W/19/3230950

Land adjacent to Burnside, Church Lane, Shotton CV37 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 Rakesh Singh against the decision of Stratford on Avon District Council.
 - The application Ref 18/02616/FUL, dated 4 September 2018, was refused by notice dated 28 February 2019.
 - The development proposed is 2 replacement outbuildings housing a total of 5 en suite bedrooms for the adjacent Bed and Breakfast. These replace the 2 existing outbuildings, currently used for storage.
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Decision

1. The appeal is allowed and planning permission is granted for 2 replacement outbuildings housing a total of 5 en suite bedrooms for the adjacent Bed and Breakfast at land adjacent to Burnside, Church Lane, Shotton CV37 9HQ in accordance with the application, Ref 18/02616/FUL dated 4 September 2018 subject to the schedule of conditions at the end of this decision.

Procedural Matters

2. The Council have stated Policies AS.13 of the Stratford-on-Avon District Core Strategy (2016) and H.2 of the Stratford-upon-Avon Neighbourhood Plan (2018) have been incorrectly referred to in the second reason for refusal. The correct policies are CS.13 and BE.2 respectively. I have taken this into account in making my decision.

Main Issues

3. The main issues in this appeal is the effect of the proposal on the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Shotton Conservation Area (CA).

Reasons

4. The appeal site comprises an area of land associated with a Bed and Breakfast known as Burnside. The site contains two buildings sited parallel to the road constructed from timber with shallow pitched roofs. The remainder of the site is predominantly laid out to hardstanding. The buildings are set lower than the road and the land falls away to the rear with mature trees behind. Whilst the tops of the buildings are visible from Church Lane they are largely obscured by

an existing brick boundary wall. The overall sense is one of a spacious local scene.

5. Whilst the proposed buildings would be larger than the existing ones the development would not diminish the sense of openness or separation between buildings that currently exists or obscure views of the mature landscape beyond the appeal site. The proposed site levels, design of the buildings and landscaping scheme would enhance the appearance of the site and ensure that the development would blend into the surrounding environment. As such the development would not harm the character and appearance of the surrounding area or the open nature of this section of Church Lane.
6. Shottery is an established visitor destination including Anne Hathaway's cottage and is near to Stratford-upon-Avon the principal town in the district and a major tourist destination. Activity associated with tourism is an established characteristic of Shottery and the surrounding area. Whilst the nature of the appeal site would change to visitor accommodation there is no substantive evidence before me to suggest that the development would intensify the use of the site to such an extent that it would harm the character of the village, particularly as the Council accept that there would be no harm in relation to highways, noise or impact on living conditions.
7. As such the development would accord with Policies AS.10, CS.5, CS.13 and CS.15 of the Stratford-on-Avon District Core Strategy (2016) and BE.2 of the Stratford-upon-Avon Neighbourhood Plan (2018) which require development to positively contribute to local character, protect and maintain the district's landscape and Areas of Restraint, maintain the vitality of rural communities, support the provision of visitor accommodation and disperse development to suitable locations across the district.
8. This section of the CA is characterised by scattered development along the road with open stretches between buildings. The development proposed would blend into the surrounding environment and maintain gaps between buildings preserving the character and appearance of the CA.
9. The proposal would preserve the significance of the Shottery Conservation Area in accordance with the Framework, Policy CS.8 of the Stratford-on-Avon District Core Strategy (2016) and Policy BE.8 of the Stratford-upon-Avon Neighbourhood Plan (2018) which seek to conserve the historic environment.

Other Matters

10. I have considered the representations received in relation to the appeal. There is no substantive evidence to suggest that the development would harm highway safety, particularly as the Highway Authority raise no objection. In relation to job creation, whilst it would be modest it would still be a positive of the scheme. Finally, whether there is a need for further visitor accommodation in this area is not a determining factor as there is no requirement under Policy AS.10 to demonstrate such need. The main thrust of the policy is to maintain the vitality of rural communities and rural economies which the development would assist in doing.

Conditions

11. I have considered the imposition of conditions in accordance with the National Planning Policy Framework and Planning Practice Guidance. I have imposed a

condition specifying the relevant drawings as this provides certainty. Conditions relating to materials and landscaping are necessary in order to ensure the satisfactory appearance of the development. A condition relating to a Construction Method Statement is imposed in the interests of highway safety and safeguarding residential amenity. A condition relating to the laying out of car parking spaces is imposed in the interests of highway safety and a condition requiring details of electric vehicle charging points is necessary in the interests of sustainable travel.

12. For the reasons outlined above the appeal is allowed.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans Proposed Elevation Plan Drawing No 985:08D; Location Plan Drawing No 985.01D; Existing Site Plan Drawing No 985.02D; Existing Elevations Plan Drawing No 985.19; Existing Elevation Plan Drawing No 985.07D; Burnside Site Plan Drawing No 985.18C; Proposed Site and Floorplans Drawing No 985.03E.
- 3) No development above slab level shall commence until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include earthworks showing existing and proposed finished levels or contours; means of enclosure and retaining structures; boundary treatments; vehicle parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; lighting, floodlighting and CCTV; an implementation programme. The landscaping works shall be carried out in accordance with the approved details before any part of the development is brought into use in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;

- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) The development shall not be occupied until space has been laid out within the site in accordance with drawing Burnside Site Plan 985.18C for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 8) The development shall not be occupied until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be implemented in accordance with the approved details and shall thereafter be retained.