
Appeal Decision

Site visit made on 29 July 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2019

Appeal Ref: APP/J3720/W/19/3226581

The Loft, Green Farm, Combrook, Warwick CV35 9HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Noel and Nicola Grayson against the decision of Stratford-on-Avon District Council.
 - The application Ref: 18/02775/FUL, dated 21 September 2019, was refused by notice dated 23 November 2018.
 - The development proposed is two storey extension to first floor flat. Change of land use designation from 'agricultural' to 'residential'. Erection of raised decking adjacent to extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether the proposal would provide a suitable site for development, having regard to local policies which seek to protect the countryside, and
 - b) the effect of the proposed development on the character and appearance of the host property and surrounding area, including whether it would conserve or enhance the character or appearance of the Combrook and Compton Verney Conservation Area (CA), and preserve the setting of the Green Farmhouse Grade II Listed building (LB).

Reasons

Suitability of site

3. The appeal site comprises a one-bedroom flat above a garage block within a barn conversion in the Green Farm complex, and a grassed area with trees. The Loft barn conversion dwelling includes an area of residential amenity space to the rear and a strip of land on the eastern side of the building for the external staircase.
4. Whether the appeal site is within the main built-up area of the village or the countryside is disputed. The Council does not have a formally adopted boundary for Combrook's main built-up area, and there is no such boundary before me in a Village Design Statement or Neighbourhood Plan. As such,

whether the appeal site lies inside the physical confines of the village or the countryside is a matter of planning judgement.

5. Some of the grass area to the east of the host building is used for keeping chickens and some has timber decking, garden furniture and a rotary washing line in place. Nonetheless, the majority of the site, broadly east of the host building, is part of a spacious area of grass and trees which runs from the garage building south of the host building to the rear of dwellings on Church Hill which face the village church. This spacious area forms a verdant buffer strip between dwellings which face onto the south-eastern side of Church Hill, and larger scale open grass fields which rise up the valley side. The spaciousness and verdancy of this buffer area distinguishes it from the built-up area of buildings, which are set around and accessed off the 'wishbone' shaped road layout of Church Hill and School Lane.
6. The above factors together lead me to find that whilst the host building is within the confines of the built-up part of the village, the majority of the appeal site - east of a line extending from the south-eastern gable end of the host building - is in the countryside. This means that, in planning terms, the proposed extension to the flat, and the decking, would be in the countryside, and the proposed residential curtilage would be partly in the village and partly in the countryside.
7. The appellant considers that the site defines the village boundary, and cites a number of appeal decisions¹ in other villages which, it is suggested, support similar conclusions in similar circumstances. I acknowledge the presence of other built form near two sides of the appeal site. However, the appeal site has its own specific characteristics and setting on the edge of Combrook, which inform my findings, as described above. Moreover, I do not have full details of the other cases and, I therefore have no certainty that they are analogous to the proposal before me. Accordingly, I assess the proposal on its own merits.
8. Countryside and Villages Policy AS.10 of the Stratford-on-Avon Core Strategy 2011 to 2031 (2016) (CS) sets out the forms of development and uses in the countryside that are acceptable in principle. It has not been put to me that the proposal falls into any of those categories. CS Policy AS.10 also requires 'all other types of development', such as that proposed, to offer significant benefits to the local area, and to not be contrary to the overall development strategy for the District. Within the development strategy of the CS, the Council explains that Policies CS.15 and CS.16 set out where new housing will normally be distributed, and seek to focus the development within a hierarchy of defined settlements according to their scale and available facilities.
9. Policy CS.15 categorises Combrook as an Other Settlement. The policy restricts development in all Other Settlements to small-scale community-led schemes which meet a need identified by the local community, subject to satisfying a number of principles, including meeting requirements to complement the character of the settlement and its setting.
10. The appellant indicates that the proposal would enable a local family to stay in the village and help look after ageing relatives. Be that as it may, and whilst I do not underestimate the importance of the above matter to those involved, the scale of benefit to the local area would be modest and therefore not

¹ Refs: APP/J3720/W/18/3195979, APP/J3720/W/18/3212293, App/J3720/W/183196928.

significant in planning terms. Moreover, there is not substantive evidence before me that the proposal is a community-led scheme.

11. The appellant considers that the proposal would comply with paragraph 78 of the National Planning Policy Framework² (the Framework), which sets out that housing should be located where it will enhance or maintain the vitality of rural communities. However, the small scale of the proposed development would substantially limit the proposal's contribution to supporting the vitality of Combrook and surrounding villages.
12. Taking the above together, I find that the elements of the proposal which would be in the countryside - the proposed extension to the flat, proposed decking and south-eastern part of the proposed residential curtilage - would not provide significant benefits to the local area. As such, these elements would fail to accord with Policy AS.10 of the CS. Moreover, the change of use of the north-western part of the proposed residential curtilage, which would be within the confines of the village, would not offer significant benefits to the local area and is not a community-led scheme. The north-western part of the proposed residential curtilage would therefore conflict with Policy CS.15 of the CS.
13. I conclude that the harm described above in respect of conflict with Policies AS.10 and CS.15 of the CS would be significant. Therefore, the proposal would not, in principle, provide a suitable site for development, having regard to local policies which seek to protect the countryside.

Character and appearance

14. The site is located within the Feldon Parkland Special Landscape Area (SLA), as defined by Policy CS.12 of the CS. The SLA in the vicinity of the site is distinguished by a small scale valley, set within a larger scale, rolling landscape.
15. Whether or not the appeal site is within the CA is a matter of dispute between the main parties. Based on the boundary shown on the Conservation Area Plan, and from what I saw during my site visit, the host building, the site of the proposed two-storey extension and part of the proposed residential curtilage and decking are within the CA. Part of the proposed decking and part of the proposed residential curtilage would be adjacent to the CA. As such, around half the appeal site is within the CA and around half is adjacent to it, and so within its setting.
16. The CA covers the villages of Combrook and Compton Verney, and areas of countryside around them. A Conservation Area Appraisal has not been provided. However, from what I have observed and read, the CA's significance lies in its combination of historic parkland and countryside, and the picturesque village of Combrook with its historic estate buildings.
17. Within this context, I consider that the appeal site contributes positively to the significance of the CA as a spacious area around a barn conversion within the Green Farm complex, which forms part of a verdant buffer between dwellings on the south-eastern side of the village and larger scale fields on the valley side. Moreover, the site is part of the rustic, historic farm complex setting of the nearby Grade II listed Green Farm house, which is an early 18th Century building of limestone construction.

² Published on 19 February 2019.

18. The proposal includes the change of use of approximately 645sq.m of land from agricultural to residential curtilage, which would approximately double the dwelling's area of residential curtilage.
19. Some domestic paraphernalia in the form of a washing line, decking and garden furniture is present on part of the site. I note the appellant's view that domestic paraphernalia will remain as existing. However, there is no guarantee of this. The appellant states that the appeal site has been used as informal garden area for Green Farm, and latterly for the Loft, for many years. However, there is no evidence before me of a Lawful Development Certificate for non-agricultural use of the proposed additional area of residential curtilage. In any case, given the proposed size of extended residential curtilage, there is a realistic likelihood of a significant expansion and intensification of domestic paraphernalia within it, even if permitted development rights were restricted by planning condition. This would erode the spaciousness of the landscape buffer which adjoins the larger scale valley-side fields.
20. Moreover, viewed from the south-eastern part of the access drive within the Green Farm complex, fields to the south-east of the site and adjacent land to the north-east, the extended residential curtilage would have an urbanising effect on the character of the site. It is noted that ground-level decking is present on site. Nevertheless, the proposed decking - by reason of its raised location above the ground level of the proposed extension, and close proximity to the latter - would add a further noticeable element of domestication, viewed from the south-eastern end of the Green Farm complex. Together, the above factors would be detrimental to the rural setting and identity of the village, and the agricultural heritage character of the Green Farm complex, at a localised scale.
21. Policy CS.20 of the CS allows for the possibility of extensions to existing buildings, subject to them being of appropriate scale and subservience in relation to the host building, and meeting a number of requirements including preserving and enhancing local character. The proposed building extension would elongate the host building by around two fifths which would, cut into the rising ground level, achieve an acceptable visual continuity to the building. As such, the proposed building extension would not, in my judgement, significantly affect the SLA, the setting of the LB or the CA. Moreover, I accept that the rising topography and other buildings within the Green Farm complex would substantially limit the visibility of the proposed development from the LB. Accordingly, the proposal would not conflict with Policy CS.20 of the CS. Nevertheless, these factors do not mitigate or lessen the identified harm that would be caused to the significance of the CA and the LB through development in the CA, its setting and the setting of the LB.
22. Thus I have found that the proposal would cause harm to the character and appearance of the area, undermine the defining characteristics of the CA and fail to conserve or enhance its character and appearance. It would also fail to preserve those elements of the CA's setting that make a positive contribution to how it is experienced. Furthermore, it would have a negative impact on the setting of the Green Farmhouse LB. I attach considerable weight and importance to this harm. However, the effect of the proposal would be localised and therefore would lead to less than substantial harm to the significance of these designated heritage assets. In such circumstances it is necessary to

weigh the harm that would arise to heritage assets against the public benefits of the proposal.

23. With regard to the above, the proposal would provide additional residential accommodation, which the appellant indicates would assist them to look after ageing family members in the village. The proposed additional residential accommodation would also provide socio-economic benefit during and after construction. However, the public benefits in these respects are limited by the scale of the development proposed. Consequently, they benefits do not outweigh the great weight given to the conservation of the CA and the setting of the LB - and the less than substantial harm to their significance which I have identified.
24. The appellants' reference to a previous car port with domestic seating area above, which the proposal would replace, is noted. However, during my site visit I saw that due to the ongoing construction work on site, such features were not evident. As such, I do not find the replacement of any such previous structure to be a particular benefit of the appeal scheme.
25. To conclude on this main issue, the proposal would fail to preserve or enhance the character and appearance of the CA, including the setting of the LB. It would also, at a localised level, be detrimental to the rural setting and identity of the village, including parts of the SLA which are both within and adjoining the CA. It would therefore conflict with Policies CS.5, CS.8, CS.9, CS.12 and CS.15 of the CS. These policies together seek to ensure that development is of appropriate design and appearance to conserve or enhance the historic environment, and is sympathetic to local character. Furthermore, the proposal would not accord with the approach of the Framework in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Other Matters and Planning Balance

26. Since the Council's decision on the appeal scheme, planning permission Ref: 19/00792/FUL has been granted on part of the appeal site for a two-storey extension to the first floor flat and change of use from agricultural to residential for approximately 130sq.m of land. During my site visit, I saw that building foundations on a similar footprint to the proposal before me were under construction.
27. However, the appeal proposal differs significantly from the permitted 'fallback' position that appears to be being built, notably in its much greater extent of proposed residential curtilage, in combination with the proposed decking. As such, while the 'fallback' position may weigh in favour of the development, it is not sufficient to outweigh the harm and development plan policy conflict identified above.
28. Bringing matters together, I have found that the proposal would fail to provide a suitable site for the proposed development, having regard to local policies which seek to protect the countryside. Furthermore, the proposed development would harm the character and appearance of the area, and the significance of heritage assets. Paragraph 193 of the Framework establishes that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As set out above, I have determined that the public benefits of

the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of heritage assets. Accordingly, I confirm that overall, the benefits of the proposal, are insufficient to outweigh the totality of the harm that I have identified in relation to the main issues in this case.

Conclusion

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

William Cooper

INSPECTOR