



Appeal Decision

Site visit made on 26 November 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd January 2020

Appeal Ref: APP/J3720/W/19/3236338

Ladbroke Hall East, Penn Lane, Tanworth-in-Arden, Warwickshire B94 5HJ

- 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 & Mrs S Marsh against the decision of Stratford-on-Avon District Council.
 - The application Ref 19/01465/FUL, dated 12 April 2019, was refused by notice dated 29 July 2019.
 - The development proposed is the sub division of coach house habitable accommodation to separate dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is a suitable location for the proposed development, having regard to the Council's policies for the distribution of development and housing in the countryside.

Reasons

3. The appeal site forms part of a small cluster of buildings focussed around Ladbroke Hall, a period property which has been subdivided into a number of separate dwellings, including Ladbroke Hall North, West, and East. The building is located within the grounds associated with Ladbroke Hall East, separated from the public highway by a shared driveway serving the cluster of houses. The land surrounding the group of dwellings is predominantly open countryside comprising of farmland. The proposal would introduce an additional residential dwelling in the countryside.
4. Policy CS.15 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (the CS) sets out the Council's strategic strategy for the distribution of development. This seeks to deliver a balanced dispersal with Stratford-upon-Avon being the main focus for housing in the hierarchy approach to housing distribution. There is no dispute that the appeal site falls outside of this identified hierarchy, and so constitutes countryside for the purposes of the adopted housing strategy. The site is located within the designated Green Belt, where new development is strictly controlled.
5. Policy CS.10 of the CS lists the forms of development in the Green Belt that are not inappropriate in principle. This includes small-scale development which meets a housing, employment or other need identified by a local community, in

accordance with Policy AS.10 of the CS, subject to it not being harmful to the openness of the Green Belt. The proposal consists of the re-use of an existing building, both parties agree that there would be no effect on the openness of the Green Belt. Given only minor alterations are required externally I concur with both parties that the openness would not be affected, and that the proposal is not inappropriate development, in Green Belt terms, consistent with Paragraph 146 of the National Planning Policy Framework (the Framework).

6. However, whilst Policy AS.10 of the CS makes exceptions for certain forms of countryside development it does place specific limitations on such developments. Notably, criterion d) allows for the conversion to a residential use of a redundant or disused building in open countryside, constructed of brick or stone, that is listed or of local historic, architectural or other merit. In such cases, residential should be the only viable use and the building should be capable of conversion in a manner that is appropriate to its character and setting.
7. The Council officer's report concludes that the building is not listed, and that there is no evidence that the building is of local historic, architectural or other merit. This is not specifically contested by the appellants and based on the evidence available to me I find no reason to disagree with the Council's findings in this respect. Therefore, the proposals are not consistent with Policy AS.10 of the CS in this regard.
8. Policy AS.10 of the CS lists the Development Management Considerations, in particular part (5) explains that there may be circumstances where the conversion to residential use of a building of historic or other interest which is situated in open countryside offers the only viable prospect of maintaining that building in a good state of repair. However, evidence must be produced to show that the building has been marketed for a business use. During the time of my site visit the building contained tools and materials and appeared to be used as a joinery workshop. The appellants have not provided any substantive evidence to support the position that the building is redundant or disused, furthermore no evidence has been advanced in relation to the marketing of the building. Therefore, the proposals are not consistent with Policy AS.10 in this regard.
9. Planning permission (Ref 14/02106/FUL) has previously been granted for the conversion of the building to habitable accommodation associated with the existing dwelling. The appellants and the Council both agree that this permission is extant. The appellants submit that because the above permission is extant that the proposal should be considered as a sub-division of a dwelling. Paragraph 79 of the Framework supports the sub-division of existing dwellings in isolated rural areas. However, whilst there is an extant planning permission, the building is currently used as a workshop and not as part of an existing dwelling. Even if I were to accept that the building forms part of an existing dwelling, the appeal site forms part of a small cluster of dwellings, and is physically attached to two other houses, with further properties in close proximity to the north. Whilst the property is not within an identified settlement boundary, the physical characteristics of the area and the proximity to other dwellings needs to be considered. Considering the buildings close proximity to adjacent dwellings, it is not isolated. In coming to this conclusion,

I have considered the Braintree case¹. Therefore, paragraph 79 of the Framework does not support the proposed development.

10. I have considered the appellants' submission in relation to paragraph 11 of the Framework, and the view that the development plan is 'silent' on subdivision in rural areas. However, I am satisfied that there are development plan policies before me, which are relevant to the provision of housing in the countryside and are consistent with the Framework, and it has not been put to me that these policies are out-of-date. Therefore, the presumption in favour does not apply in this case, and the proposals must be considered against the relevant development plan policies for the area without engaging the tilted balance.
11. For the foregoing reasons, therefore, the appeal site would not be a suitable location for the development proposed. The proposal would be contrary to Policies CS.10, CS.15 and AS.10 of the Stratford-on-Avon Core Strategy 2011 to 2031, which collectively seek to direct new development to sustainable locations, and to maintain the vitality of rural communities. These policies are consistent with the Framework in respect of rural housing.

Other Matters

12. I have considered paragraphs 77 to 79 of the Framework in relation to rural housing, paragraph 009 of the Planning Practice Guidance in relation to new housing in rural areas, and that the housing needs survey (2016) has identified a need for more 2 and 3 bedroom properties. However, the contribution of one additional dwelling would have a limited effect on the supply of local housing, which does not outweigh the harm in terms of the strategic policies for the location of housing within the area.
13. Policy CS.10a of the CS states that small-scale development in the Green Belt would not be inappropriate, provided it meets a housing need identified by the local community and is in accordance with policy AS.10. As I have found harm to policy AS.10 and have no evidence that the proposal is advanced by the local community, the proposal would not accord with CS.10 in this regard.
14. Whilst permitted development rights exist for the conversion of rural buildings, they do not apply in this case, and planning permission is required. The proposals have to be considered against relevant local planning policies, and the Framework. Therefore, this matter does not alter my conclusions on the main issues above.
15. I have considered the site's proximity to the village of Wood End, and the limited access to public transport and local services, and the likely reliance on a private car. Whilst paragraph 103 of the Framework accepts sustainable transport solutions will vary between urban and rural areas, the likely reliance on the private car by residents of the development does not go in favour of the development. Therefore, this does not alter my findings above.
16. The appellants have advanced various social, economic and environmental benefits related to sustainable development. These include: the appeal site does not benefit from statutory protection and is not within a designated area (other than Green Belt); the development frees up part of existing housing stock, provision of additional smaller and more affordable housing; reduces the

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2018] EWCA Civ 610

need for new build dwellings in the countryside and Green Belt; the site is previously developed land; and social benefits and additional expenditure at local shops. Considering that the proposal is for one dwelling, as a whole the scheme would provide only limited benefits in this regard.

17. The new dwelling would meet the needs of the current owners, allowing them to stay in the area. However, these personal circumstances do not outweigh the harm identified above.

Conclusion

18. Although the proposal satisfies national Green Belt policy, this does not set aside the strategic spatial objectives of the development plan. As such, the limited benefits advanced in favour of the proposal do not outweigh the conflict with the spatial strategy for the area. Accordingly, these merits do not indicate that a decision should be made other than in accordance with the development plan.
19. For the above reasons, the appeal is dismissed.

R Cooper

INSPECTOR