



Appeal Decision

Site visit made on 19 November 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th February 2020

Appeal Ref: APP/J3720/W/19/3235805

Land off Langley Road, Claverdon CV35 8PJ

- 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 Jackson Developments against the decision of Stratford-on-Avon District Council.
 - The application Ref 18/01410/FUL, dated 15 May 2018, was refused by notice dated 25 February 2019.
 - The development proposed is the change in site levels to a paddock.
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Decision

1. The appeal is allowed, and planning permission is granted for the proposed change in site levels to a paddock at land off Langley Road, Claverdon CV35 8PJ in accordance with the terms of the application, Ref 18/01410/FUL, dated 15 May 2018, subject to the following conditions:
 - 1) Within three months of the date of this permission, a land drain and collector drain shall be installed in accordance with approved drawing Ref. SS05 (Sept 2018), and the levelling works completed, and shall be permanently retained thereafter.
 - 2) The development hereby permitted shall be carried out in accordance with the following plans: Location Plan 1/2500; 180276 FL 'Final Levels'; SS01; SS02; SS03; and SS04.
 - 3) Within the first planting season following completion of the levelling works, the site shall be grass seeded.
 - 4) Within three months of completion of the levelling works, a scheme for the position, design, materials, means of construction of all site enclosures and boundary treatments including a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved scheme and permanently retained thereafter.

Procedural Matters

2. The levels have already been altered, with the topsoil and earth having been scraped back and stockpiled on the appeal site. The appellant's statement and the Council officer's report refer to the planning application as part retrospective. At the time of my site visit the works did not appear complete, and part of land the subject to this appeal was being used as a construction compound and laydown area for the construction site to the north. Given that

the development on site does not fully reflect the proposals in the application itself, I have considered the appeal on the basis of the proposals detailed in the submitted plans and supporting information.

3. The Claverdon Neighbourhood Plan was formally made in December 2019 and is now part of the Council's development plan. Therefore, the plan is now given full weight in the decision-making process. The Council has provided copies of the relevant Neighbourhood Plan Policies and the appellant has had the opportunity to comment on these in respect to their relevance to this appeal. I have therefore had regard to the neighbourhood plan in the reason for my decision.

Main Issues

4. The main issue is the effect of the proposals on the character and appearance of the area with regard to the Arden Special Landscape Area.

Reasons

5. The appeal site is located to the south of a development of 4 dwellings and is within the open countryside. The wider landscape is characterised as undulating farmland. The planning permission for the residential development to the north also included the use of the appeal site as a paddock for equestrian use, although I understood that the levels submitted with that proposal differ to those that are now sought through this appeal. Policies AS.10, CS.5 and CS.12 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (the Core Strategy) collectively require proposals to have regard to the local distinctiveness and historic character of the district's diverse landscapes and minimise impact on the character of the local landscape.
6. The appeal site is located with an area identified in the Stratford-on-Avon District Special Landscape Area Study (June 2012) (the study) as the Arden Special Character Area (the SCA). The character of the SCA comprises former wood pasture and ancient farmlands with features of significant historic interest. It includes a number of landscape types with an underlying character of hilltop woodlands and steep valley sides, often with an irregular and well treed field pattern that was created from woodland assarting. Some areas have fewer trees and more regular fields but form a rolling countryside complementary to the more wooded areas.
7. The appeal site overall consists of an irregular shaped field, of undulating topography, with the site becoming steeper and sloping down in the eastern part of the site. Whilst works have not been completed, broadly speaking the site reflects the characteristics of the SCA identified above. The Council argues that the re-profiling of the site appears artificial and at odds with the surrounding landscape, however, the works have not been completed, and I must consider the proposal based on the submitted details, and not how the site currently looks. The proposals would result in a flat part of the paddock in the north western part of the site, creating a small plateau relative to the surrounding topography. The plans and cross sections show that the land would gently slope away towards the south, and the appearance of the steeper slope in the eastern part of the site would be retained.
8. At the time of my site visit the land had been significantly excavated, substantial amounts of earth had been scraped back, and there were a number

of earth stockpiles. Whilst the current appearance of the site may appear unnatural compared to the surrounding land, this is because the levels and works detailed in the appellant's application have not yet been completed. Significant re-grading is still required, and the topsoil would be spread back over the land, and the site grassed, so it could be used as a paddock again for equestrian purposes. From the information provided I am satisfied that following the completion of the works the land would blend into the surrounding landscape. The finished levels and appearance would respect the local distinctiveness and historic character of the local landscape, would protect landscape character and avoid detrimental effects on features which make a significant contribution to the character of the area.

9. Furthermore, the evidence provided outlines that there would be improvements, by removing materials that appear to have been historically landfilled, and there would be drainage improvements. Overall this would contribute to enhancing and restoring the landscape character of the local area. In coming to my decision, I have considered the wider visual impacts, and views from the Public Right of Way (PRoW) to the south, and the existing trees and landscaping which screen the site.
10. Therefore, the proposals would not harm the character and appearance of the area and would preserve the Arden Special Landscape Area. The development accords with Policies CS.5, CS.12 and AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016). I have also considered the Council's adopted Stratford-on-Avon District Design Guide Supplementary (2001), and the Development Requirements Supplementary Planning Document (2018) however, given that I have concluded that the proposals would not harm the character and appearance, or the local landscape value of the area the proposals are consistent with these documents.
11. I have considered the Neighbourhood Plan, the relevant policies contained within it, and I understand it must be given full weight. Given that I have concluded the proposal would not harm the character and appearance of the area and preserve the landscape, the proposal is consistent with Policies NE1 and NE5 of the Neighbourhood Plan, which collectively seek to preserve the valued landscape features and views.
12. I have also considered Policy BE1 of the Neighbourhood Plan, and the principles of good design it supports. Whilst the appellant's supporting information does not directly refer to the Village Design Statement, it does take account of the surrounding landscape character, and views of the site from public vantage points. Whilst the proposals do not include new buildings, I am satisfied that the proposals are consistent with the general thrust of BE1.

Other Matters

13. The proposed works to change the levels of the land constitute engineering operations, and the appeal site is located within the Green Belt. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 146 b) of the Framework states that engineering operations are not inappropriate development provided they preserve its openness and do not conflict with the purposes of including land within it.

14. Following the regrading of the land, it would be grassed and used as a paddock for equestrian purposes, no buildings or hard surfacing is proposed, therefore the proposals would preserve the openness of the Green Belt, not conflict with the purposes of including land within it, and would not contribute to urban sprawl and would safeguard the countryside from encroachment. Therefore, it would not constitute inappropriate development in the Green Belt, and I agree with the Council officer's report that the proposal accords with Policy CS.10 of the Core Strategy and is consistent with the Framework in this regard.
15. The Parish Council notes that the field was previously used as a pony paddock, and that they consider the only reason for the earth works was to enhance saleability, however this matter is not relevant to the main issues. Furthermore, I have considered the concerns from neighbouring residents, the representations and associated photographs, and the effect on living conditions of nearby occupiers, the stability of the land and Policy CS.9 of the Core Strategy. However, these do not alter my findings on the main issues.

Conditions

16. I have considered the Council's recommended conditions in accordance with Planning Practice Guidance and the Framework and reworded them where necessary. Given that the operations have commenced onsite I have not imposed a standard time limits condition. I have imposed a condition specifying the approved plans and timing to implement the drainage proposals as this provides certainty. Conditions relating to grass seeding and boundary treatments are necessary in the interests of the character and appearance of the area.

Conclusion

17. For the reasons outlined above, the appeal is allowed.

R Cooper

INSPECTOR