



Appeal Decision

Site visit made on 9 June 2020

by Robert Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/J3720/W/20/3246211

Land to the rear of 8 Aston Cantlow Road, Wilmcote CV37 9XX

- 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 A Worton against the decision of Stratford on Avon District Council.
 - The application Ref 19/01628/FUL, dated 11 June 2019, was refused by notice dated 8 August 2019.
 - The development proposed is the erection of one dwelling and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development is taken from the Council's decision notice as this provides a more accurate description of the proposed development. It does not change the development for which planning permission is sought. The Council advertised the proposed development using the revised description and the Appellant used it on their appeal form. Consequently, I am satisfied that no party will be prejudiced by my use of it. I have proceeded on this basis.
3. There is some discrepancy between the main parties as to the lawful status of the land subject of this appeal. For the avoidance of doubt, it is not for me, under a section 78 appeal, to determine whether or not an existing development is lawful. To that end, it is open to the Appellant to apply for a determination under s191 of the Town and Country Planning Act 1990 and my determination of this appeal under s78 does not affect the issuing of a determination under s191 regardless of the outcome of this appeal.
4. The appeal property lies close to the Masons Arms, a grade II listed building. Further to the east is the grade I listed Mary Arden's House and associated listed farmstead. There is no dispute between the main parties that the proposed development would have no adverse effect on the setting of those, or other listed buildings. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the setting of the nearby listed buildings and I shall make no further reference to this matter.

Main Issues

5. The main issues are:

- whether the proposal would be inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- whether or not the proposed development would provide a suitable location for housing;
- whether or not the development would preserve or enhance the character or appearance of the Wilmcote Conservation Area (CA) and the locality; and,
- if the development is inappropriate, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

6. The site lies within the Green Belt and the Government attaches great importance to Green Belts. Section 13 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policy CS.10 of the Stratford-on-Avon Core Strategy (2016) (CS) seeks to resist inappropriate development in the Green Belt in a manner consistent with the Framework.
7. Paragraph 145 of the Framework makes it clear that new buildings are inappropriate in the Green Belt subject to a limited number of exceptions. Of those exceptions the Appellant draws my attention to Paragraph 145 e) which relates to limited infilling in villages. The term 'limited infilling in villages' is not defined within the Framework, however, Policy WP9 of the Wilmcote and Pathlow Neighbourhood Development Plan (2018) (NP) supports new housing within the existing village of Wilmcote when it is 'limited infilling, including residential gardens'. This is subject to demonstrating, amongst other things, that 'it would not lead to encroachment into the open countryside and is infilling within an existing built-up frontage or infilling on a small plot within the existing built envelope of Wilmcote village'.
8. There is currently no defined extent to the settlement, which is washed over by the West Midlands Green Belt. In support of the development, the Appellant has drawn my attention to the emerging Stratford on Avon District Site Allocations Plan, Proposed Submission Consultation Draft July 2019, which contains proposed Built Up Area Boundaries (BUAB) for those settlements which do not have such boundaries identified in Neighbourhood Plans, and a method for defining them. The Appellant advises that there are no objections to the BUAB as it relates to Wilmcote, a matter which is not contested by the Council. However, in the current absence of an adopted BUAB the prevailing policy test is that of the NP which limits new residential development to small infill plots within the existing built envelope of the village.

9. The site lies to the rear of a ribbon of built development along the northern side of this part of Aston Cantlow Road. The land to the north of development fronting the road, and nearby Station Road, is in a variety of uses including that for pasture, managed grassland (including gardens), woodland and rough vegetation. Whilst 8 Aston Cantlow Road sits within a built-up frontage, the site, which forms an uncharacteristically large garden plot in the context of the wider village, is set well back from the roadway and bordered by substantially undeveloped land on three sides. Thus, it would fall outside the scope of a built-up frontage.
10. The open kept grassed and treed area of the appeal site forms part of an area which extends behind the neighbouring gardens at 10, 12 and 12A Aston Cantlow Road. It is visually separate from the land immediately rear of No8 on account of intervening fencing and a gateway along the access track. The land appears transitional between the smaller garden areas and the maintained grassland beyond the rear boundary of the site.
11. Although some buildings are present behind the row of development fronting the road, these are generally limited to small ancillary sheds and outbuildings. Beyond the frontage ribbon are some more dispersed buildings including a workshop at the far extent of the appeal site. However, I observed that the building utilises profiled green sheet cladding and appears more typical of the size and design of utilitarian rural buildings than the intimately scaled and sited domestic outbuildings visible in the locality. Accordingly, it has little visual linkage with the domestic property at No8.
12. Despite the presence of the workshop, the large area of the plot - which would be greater than the majority of residential plots within the vicinity, its distance from the road frontage and outward projection away from the close pattern of built development to the south, leads me to the conclusion that it would be neither small-scale or lie within the built envelope of this part of the village.
13. For those reasons, I conclude that the development would not fall within the exceptions to development in the Green Belt outlined in the Framework. As such, it would constitute inappropriate development within the Green Belt and be contrary to Policy CS.10 of the CS, which seeks the aforesaid aims. This is a matter to which I attach substantial weight.

Openness

14. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Most of the appeal site is free from built development. The construction of a dwelling and garage upon the central part of the land would cause moderate harm to the existing spatial openness of the land by its presence. Additionally, although views into the site are limited, some views will be afforded from the road frontage and a public footpath along a field boundary to the rear of the site. This would be particularly so during winter months when the mainly deciduous trees and vegetation about the site would not be in leaf. As such the two-storey scale of the proposed development would be visible and result in a limited loss of visual openness.
15. For the above reasons, I conclude that the proposal would result in a loss of openness to the Green Belt, contrary to national policy to protect it and Policy CS.10 of the CS. This is also a matter to which I attach substantial weight.

Suitable location for housing

16. Policy AS.10 of the CS supports small-scale housing schemes to meet an identified local need and within the BUAB of a Local Service Village (where defined), or otherwise within its physical confines, in accordance with Policies CS.15 and CS.16 of the CS. As above, in relation to Wilmcote, Policy WP9 of the NP references this limit to infill housing development as that within the existing built envelope of Wilmcote village.
17. Although there is a difference between the wording of the policies in relation to 'physical confines' and 'built envelope', if there is an intended detailed distinction between the two, then Paragraph 30 of the Frameworks leads me to the latter wording on the grounds that the NP post-dates the Council's local plan. This is recognised in the Appellant's submission.
18. The main parties agree that there is a requirement for new housing within the village and the proposal would contribute to that identified need. However, for the reasons set out above and from my observations on the ground, I have concluded that the development would lie outside the built envelope of the village.
19. Accordingly, the proposal would fail to deliver housing in a manner consistent with Policies CS.15 and AS.10 of the CS and Policy WP9 of the NP which seek to direct housing development to within the physical confines and built envelope of the existing settlement area.

Character and appearance

20. The site is situated within the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the CA.
21. The significance of the CA arises from the historic development of the village core alongside local commercial activities. The older parts of the village feature a number of listed buildings including the Grade I Mary Arden's house and associated farm buildings. In the historic core of the village lie good examples of stone vernacular buildings which are intertwined with later infill plots from various periods. The CA includes the substantially undeveloped meadowland north of that core, of which the appeal site forms part.
22. In common with the adjacent open garden and scrub land lying alongside the site, the side and rear boundaries of the appeal site appear to align with the historic field boundaries. Although the vegetated boundaries have matured to form high screens, these areas provide a verdant buffer to the edge of the built area of the village. The former meadowlands about the northern edge of this part of the village otherwise remain open and substantially free from built development and contribute positively to the character and appearance of the CA.
23. The proposal would introduce a modest building into the land area north of the built edge of the village and result in the further subdivision of a plot identified in early mapping. Here, the proposal would contrast with the predominant undeveloped open character of the area and the density and layout of development characteristic of this part of the CA.

24. The design of the building would reveal its later arrival within the CA and would assist in limiting its overall scale. Consequently, public views of the building would be seasonally restricted to partial glimpses along the driveway and from the public footpath to the rear. It would, nevertheless, be conspicuous for a significant part of the year against the pattern of primary built development in the locality as it would interject into the open ground and appear as a discordant feature. Whilst the effect on the appearance of the CA and locality would be limited, it would cause some harm to it.
25. This, and the contrast to the settlement pattern, would undermine the spacious setting and undeveloped character of this part of the CA and result in harm to the character and appearance of the CA. Whilst this harm would be no greater than less than substantial within the context of Paragraph 196 of the Framework, less than substantial harm does not equate to a less than substantial planning objection.
26. For the above reasons, I conclude that the proposal would fail to preserve the character or appearance of the locality and the CA. It would fail to meet the requirements of Policies CS.5, CS.8, CS.9 and AS.10 of the CS and Policy WP5 and WP9 of the NP as they seek to protect or enhance the historic environment and the distinctive character of villages and their landscape settings.

Other considerations

27. In support of the principle of development within the CA, the Appellant refers to the existing presence of the workshop and other instances of backland forms of development. Whilst I am not provided with the full details of its planning history to enable comparison with any assessment of the workshop's impact on the character and appearance of the locality, I observed that the building was set within an excavated area such that its profile was low within the further extent of the plot. Furthermore, as identified above, the degree of detachment, scale and character of the building has greater affinity to the local countryside character than the domestic and commercial buildings fronting Aston Cantlow Road.
28. Of the other forms of backland development, there is also little detailed evidence to enable me to draw comparisons between the proposal and the circumstances of those developments. Nevertheless, their presence does not justify further encroachment into the open character of the land in this part of the CA. Accordingly, these are matters of limited weight.
29. I note the potential public benefits of the proposal in that the development would deliver a single private three-bedroom dwelling freeing up the existing family-sized dwelling. This would add to the housing supply for the Borough and an identified housing type needed in the locality. It could be secured for local occupation only. However, as a single residential unit this would be of limited public benefit in terms of housing delivery or support for existing local services. It is therefore a matter of limited weight.
30. I also note the potential private and public benefits of retaining an active business in the locality, however, there is little within the evidence to demonstrate that the business could not continue either in its current form or in an alternative manner at the existing property or elsewhere within the locality. However, as a social and economic benefit, I attribute this moderate weight.

31. I recognise the desire of the appellants to continue to reside in a village where they have established bonds in the community. I also acknowledge that the development would provide improvements to the family living conditions which may be more manageable and provide suitable future access requirements for some visitors than their existing house.
32. Whilst I acknowledge those benefits, I note that they are not necessarily dependent on the specific detail of the proposals at hand and could be achieved by other, less impactful, forms of development. Consequently, although a refusal of planning permission may deprive the family of improved accessibility accommodation, it would not prevent or prejudice the ability to achieve improved accessibility or alternative accommodation by other means. Accordingly, those circumstances are not a strong justification for setting aside national and local policies with the legitimate aim of protecting the essential characteristics of the Green Belt in the public interest. I therefore attach them limited weight having regard to the particular circumstances of the case.
33. The main parties agree that the development would not cause harm to the living conditions of nearby residents, ecology or highway safety and it would maintain suitable levels of parking and amenity space for future occupiers of the existing and proposed dwellings. However, these are not benefits in favour of the development and are therefore matters of neutral weight.

Other matters

34. I acknowledge the comments of third parties in support of the development, particularly in respect of their interpretation of Policy WP9 of the NP at the time of its referendum. However, in the absence of a definitive settlement boundary, this is a matter for consideration on the individual circumstances of each case. Accordingly, I have assessed the proposal on its own merits.

Conclusion

35. The erection of the dwelling on the site would be inappropriate development in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight should be given to that and any other harm to it. The proposal would also cause harm to the openness of the Green Belt and the character and appearance of the CA and the locality. It would also conflict with the local development plan's policies for housing delivery.
36. The considerations presented by the Appellant, taken individually or cumulatively, do not clearly outweigh the totality of the harm that I have identified. Consequently, the public benefits to outweigh the harm to the CA or the very special circumstances necessary to justify granting planning permission in the Green Belt do not exist. Furthermore, the development would be contrary to the adopted development plan and there are no other material considerations to indicate a decision otherwise than in accordance with it.
37. For the above reasons, the appeal should be dismissed.

R Hitchcock

INSPECTOR