



Appeal Decision

Site visit made on 22 June 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/J3720/W/19/3237033

**Westways, Little Wolford Road, Cherington, Shipston-on-Stour,
Warwickshire CV36 5HX**

- 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 Ryan Humphriss against the decision of Stratford on Avon District Council.
 - The application Ref 19/01215/FUL, dated 30 April 2019, was refused by notice dated 26 June 2019.
 - The development proposed is the demolition of existing outbuilding and erection of replacement ancillary outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal was originally described as the erection of replacement ancillary outbuilding, but this was changed by the Council on their decision notice. The Appellant has agreed the revised description and I consider that this accurately describes the proposal before me. I have therefore determined the appeal with this in mind.
3. In addition to the above, as part of the appeal proceedings the Council has withdrawn the fifth reason for refusal following additional information from the Appellant. Having considered this submitted information I have no reason to disagree with that view.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is located on the south side of Little Wolford Road in the village of Cherington. The site consists of a semi-detached dwelling, together with a detached two-storey outbuilding and an area of land which appears to be used as a domestic garden. The outbuilding and garden area are separated from the main dwelling by an access driveway to other residential properties to the rear of the host dwelling.
6. The site is also located within the Cherington Conservation Area (CCA) which from my site visit largely contains buildings constructed of Cotswold stone with

either slate or clay tiled roofs. However, the existing outbuilding, and the dwellings which front onto the access driveway are constructed of brickwork. The Council have set out that the site is believed to be part of a Victorian Courtyard associated with Leys House.

7. As the site is located within the CCA, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of the Conservation Area.
8. I also note that the site is located adjacent to the Old Red Lion which I understand is a grade II listed building. The Council have not raised any concern over the effect of the development on the setting of this listed building (or any other nearby Listed Buildings) and from what I observed on site I have no reason to disagree with that view.
9. The appeal proposal includes the demolition of the existing outbuilding and the erection of a new two storey building set further to the south. The appeal building would provide a garage, cycle store, games room, hall and stairs, together with a bedroom, bathroom and home office at first floor level. Whilst the accommodation proposed does provide some primary living space, it is also clear that what is proposed does not include all the facilities necessary to provide an independent dwelling. Thus, anyone using the bedroom facility would be reliant on the facilities in the host dwelling.
10. Whilst I accept the point that internal works to provide such facilities may not require planning permission, I am also conscious that the application is clear that the proposal is for a replacement outbuilding. If there were any concerns over its use as an independent dwelling this could easily be addressed by the imposition of a suitably worded planning condition to restrict the use of the building as such.
11. Turning to the design of the proposed building, this includes small windows on the front elevation along with timber side hung garage doors. The rear elevation has larger domestic scale windows including French doors and inset photovoltaic panels.
12. In terms of the overall appearance of the new outbuilding, there are some similarities in design features with those of the existing building which already exhibits some domestic scale window openings. When taking this into account, it is clear that the replacement outbuilding would not be any more domesticated in its appearance than the existing building.
13. However, in contrast to the prevailing character of the CCA, the appeal proposal includes timber cladding to the front elevation of the outbuilding. Whilst other buildings in the CCA have timber garage doors and timber canopies, the use of timber cladding to a building in itself was not evident at my site visit. To my mind, the use of this material in the method proposed would detract from the character of the CCA.
14. In coming to the above view, I acknowledge that the overall building reflects a rural agricultural design and the timber cladding adds an element of interest. However, this does not disguise the fact that the introduction of this design element is an unwelcome addition.

15. In addition to the above, the siting of the replacement building is set further to the south than the existing building. It is common ground that there have been significant changes to the Victorian courtyard over the years, including the front extensions and alterations at the properties fronting onto the shared driveway. That said, the loss of the existing building would further erode the historical character of this courtyard and would also have a minor adverse impact on the character of the CCA. Whilst the new outbuilding would help to re-instate this, given that it would be sited around 15 metres further southwards, it would not preserve the remnants of the courtyard. To that end, as a result of the siting of the new outbuilding, there would be additional harm to the CCA.
16. The appeal site is also located within the Cotswolds Area of Outstanding Natural Beauty (AONB), and the Council are concerned that the proposal would conflict with Policy CS.11 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (CS) insofar as it would not preserve the historic character and local distinctiveness of the Cotswolds AONB.
17. Although not referred to in the Council's reason for refusal, the Council consider that Policy AS.10 does not include new outbuildings as being acceptable development within villages. However, whilst the policy does list forms of development which are acceptable (and new outbuildings are not included in the list) there is nothing in the policy which explicitly states that they are not acceptable.
18. In this case, the fact that the new building replaces an existing one is a significant factor. Whilst the proposed building would be larger than the one it replaces, I am of the opinion that this does not adversely affect the character of and appearance of the area, including the AONB as a result of its size. In summary, I find that the main element of harm to the AONB therefore arises from the use of timber cladding on the proposed building. However, the level of harm is clearly very small. Nevertheless, some harm does result.
19. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as the CCA), this harm should be weighed against the public benefits of the proposal.
20. The Appellant has outlined that the proposal would provide improved parking facilities, would reduce domestic paraphernalia as there is an internal bin store, and would improve the conservation area as the existing building is in poor condition. It is also suggested that it would also provide some amenity benefits to the occupiers of 2 The Leys.
21. Whilst all of these would provide some limited benefits, to my mind, they do not provide such a benefit which would outweigh the harm I have identified in respect of the effect of the proposal on the CCA.
22. For the above reasons, the proposal would harm the character and appearance of the area (including the CCA and the AONB) and would be in conflict with Policies CS.5, CS.8, CS.9, CS.11 and CS.20 of the CS which amongst other matters seek to ensure that development takes into account its location, the character and distinctiveness of the locality, should protect or maintain designated heritage assets and that it should not harm the historic or built

character, local distinctiveness or landscape quality of the AONB. It would also be at odds with the heritage and overarching design aims of the Framework.

Conclusion

23. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR