



Appeal Decision

Site visit made on 26 August 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/J3720/W/19/3244081

Home Holdings, Lane End, Lower Tysoe, Warwickshire CV35 0BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Malcolm Thorne against the decision of Stratford on Avon District Council.
 - The application Ref 19/02213/VARY, dated 5 August 2010, was refused by notice dated 1 October 2019.
 - The application sought planning permission for the approval of reserved matters (access, layout, scale, appearance and landscaping) of outline planning permission 14/03055/OUT without complying with a condition attached to planning permission Ref 16/02653/REM, dated 14 November 2016.
 - The condition in dispute is No 1 which states that: The development hereby approved shall be carried out in accordance with the following plans: LT-2016-03-01: proposed site layout block plan dated August 2016; LT-2016-03-02: proposed plans and elevations Plot 1; and LT-2016-03-03B: proposed plans and elevations Plot 1.
 - The reason given for the condition is: To define the permission and to ensure that the development meets the design quality and environmental requirements of Policy CS.9 of the Stratford-on-Avon Core Strategy (2011- 2031).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. Policy AS.10 of the Stratford-on-Avon District Core Strategy (CS) confirms that small-scale housing schemes can be acceptable where they are within the Built-Up Area Boundary (BUAB) of a Local Service Village or otherwise within the physical confines. The appeal site is not located within a BUAB. In addition, due to its location beyond the existing ribbon development, it is also not located within the physical confines of a village or small settlement. Accordingly, it represents an undeveloped parcel of land within the countryside.
4. The site benefits from an extant planning permission for two detached dwellings. The proposal would see plot 2 move further west on the appeal site, close to the curved site boundary, beyond which is open countryside. Within the evidence before me, there is some dispute in relation to the status of the

land due to the red line of the approved application. However, I am satisfied that the benefit of an extant planning permission does not change the status of the land. It remains outside of a settlement boundary and beyond the physical confines of the adjacent ribbon development.

5. The revised location would separate the two dwellings further than the extant permission. As a consequence, the proposal would result in built form extending further from the adjacent development and into the countryside beyond. I note the comments in relation to land levels and proximity to the adjacent highway, however, the revised layout would demonstrably alter the character and appearance of the western portion of the site by introducing a substantial building into an area which would have otherwise been undeveloped. The adjacent development does have a varied grain but as identified above, this proposal would be located beyond the established built form and on an undeveloped parcel of land. Accordingly, the alteration to the approved scheme would create a more distant relationship with the adjacent development and would see the relocated dwelling encroach into the pleasing rural surroundings. This would be to the detriment of the character and appearance of the area.
6. As identified above, the aim of local policy is to contain development within the confines of a physical settlement. The proposal would still be contained within the original red line of the extant permission, but due to the increased distance from the adjacent development, and the consequent harm to the surrounding countryside, I conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. It would therefore fail to accord with Policies CS.5, CS.9 and AS.10 of the CS, which taken together, establish the requirements for residential development within the countryside and seek design which is sensitive to its surrounding landscape.

Other Matters

7. The comments in relation to the perceived benefits of the revised layout, including a more spacious feel on the site and the relationship with existing trees are noted. However, the existing layout has already been determined to be acceptable and consequently, this does not represent a benefit of the proposal. Accordingly, it does not weigh in favour of the appeal.

Conclusion

8. For the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR