
Appeal Decision

Site visit made on 24 November 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2020

Appeal Ref: APP/J3720/W/20/3251341

Land fronting School Lane, Bearley, Stratford-upon-Avon CV37 0SQ

- 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 A and R Rajkowski against the decision of Stratford-on-Avon District Council.
 - The application Ref 19/03368/FUL, dated 2 December 2019, was refused by notice dated 27 March 2020.
 - The development proposed is the erection of single storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the West Midlands Green Belt for the purposes of the National Planning Policy Framework (the Framework) and the development plan policy;
 - the effect of the proposal on the openness of the Green Belt if the development is inappropriate;
 - whether any harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances to justify the development;
 - the effect of the proposal on trees;
 - the effects of the proposal on the character and appearance of the Bearley Conservation Area and;
 - the suitability of a dwelling in this location having regard to the accessibility of services/facilities.

Reasons

Whether the development would be inappropriate

3. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. Criterion (e) makes an exception for limited infilling in villages.

4. Whilst there are two dwellings to the north side of the appeal site, there are none to the other side, and a couple to the rear. These buildings appear as a random scattering of houses in the countryside rather than a discernible built up area. Indeed, from both School Lane and Old Snitterfield Road the appeal site is seen in conjunction with a predominance of trees and open spaces rather than buildings. The field opposite the site is also conspicuous. To the south the recreation ground is an open area of grass, which has a pronounced sense of openness and therefore does not define the limits of the village. Indeed, the Bearley Neighbourhood Development Plan NDP (NDP) shows designates it as local green space. The few houses around the appeal site do not amount to defining the built-up extent of the village.
5. I note the extract from the Landscape Sensitivity Assessment 2012, which does not show the site within the surrounding landscape. I am not aware of the methodology and significance of this document, but in any event, the site and its environs have not been included in settlement limits in more recent planning policy documents: The NDP and Council's Proposed Submission Site Allocations Plan show the Built-Up Area Boundary excluding the appeal site.
6. The timber/cement fibre outbuilding is small in relation to the site's size and the site appears naturally vegetated and there is no evidence that the site has any particular established use but rather it appears to be naturalised scrub. I note that the historic OS maps do not annotate the site as having any use. Consequently, the site does not appear to be previously developed land.
7. I acknowledged the appeal decision at The Old Post Office, Rowington Green¹. However, I have found that site is not comparable with this appeal site in terms of its relationship with the buildings in the village. I also note the appeal decision at Coppull Moor Lane². However, the Inspector concluded that the site was within a clear continuum of development spreading out from the settlement, which would not be the case here. In the Wayside³ case, the Inspector concluded that the site and a line of dwellings were within the village. I have not found such a line of dwellings here. I am not aware of all the particular circumstances relating to the Countrywide store and therefore cannot conclude on its significance and relevance.
8. The few houses around the appeal site are sparse and do not amount to defining the built-up extent of Bearley. I therefore conclude that the proposal would not be limited infilling within a village. Consequently, the proposal would be inappropriate development in the Green Belt.

The effect on openness

9. The site is immediately adjacent to two roads and is very prominent. It does have a few trees, but they do not obscure it from view and consequently, it has an open appearance.
10. The proposed building would be 'L' shaped occupying a significant part of the site. The physical presence of the building would visibly undermine the openness of the site, even at single storey height. The proposal would spoil the openness of the Green Belt.

¹ APP/T3725/W/17/3174151

² APP/D2320/W/16/3154595

³ APP/Q4625/W/16/3143166

The effect on trees

11. The site is within the Arden Special Landscape Area, and it makes a positive contribution particularly from the several trees present on the site. The proposed dwelling would be sited in the middle of the site with the access drive alongside. An ecological appraisal and tree report has been submitted which shows an oak tree very close to the dwelling. Its canopy and root protection area would overlap with the footprint of the proposed dwelling, necessitating its removal. The oak tree was still in leaf at the time of my site visit and appeared in good health, and whilst it is still relatively young, it has the potential for growth, particularly as it has space on the site. The above report classifies it as only C2 and concludes it could be replaced. However, the tree is a visible feature of the site, from both the adjacent roads as well as the bus stop on the through village road to the south where it contributes to the backdrop to the view from the bus stop.
12. The above report also identifies a sycamore tree, nearer the site frontage. This would be close to the access drive and potentially shadow the dwelling. Consequently, its loss would also be likely. The report again classifies it as only C2, but it is prominent on the School Lane frontage and does contribute to the rural character.
13. There would be room on the site to plant replacement trees, which could be the subject of a condition. However, such replacements would take time to establish and flourish, which would only partially mitigate the impact.
14. Whilst these two trees are not overly distinguished, they are prominent and contribute to the character of the area and their loss would be harmful. Policies CS.5, CS.9 and CS.12 of the Stratford-upon-Avon Core Strategy (CS) seek to resist loss of trees, respect distinctivity, and avoid harm to the character and appearance of the special landscape areas. Policy BNE1 of the NDP seeks to ensure that development responds to the local character. The proposal would be in conflict with these policies.

Conservation Area

15. The site is within Bearley Conservation Area. This is characterised by low key traditional buildings, often cottage scale which are scattered and subsumed by the landscape. Informal groups of trees also fragment and soften the nature of the buildings.
16. Whilst this site is not distinctive in its own right it contributes to the landscape dominance over the buildings in the conservation area. The proposal would build over an open space and being prominent would undermine the balance of buildings in the landscape.
17. The site is currently unmanicured and naturalised scrubland, and the proposed dwelling with its associated paraphernalia, hardstanding for the drive and parked cars would result in its domestication. It would visibly change this part of the Conservation Area from a rustic to suburban character.
18. I therefore conclude that the proposal would harm the Conservation Area. Policy CS.8 of the CS gives priority to protecting and enhancing historic assets and the distinctive character of villages. Policy BNE1 of the NDP seeks to

preserve, enhance and protect heritage assets and Policy BNE2 refers to the preservation or enhancement of Conservation Areas. The proposal would be in conflict with these policies.

Accessibility to services

19. Whilst there is a village hall and church, the nearest primary school, shop and public house are at Snitterfield village, which the NDP quantifies as 2-3 miles away which would not be practical to walk regularly. Employment and other facilities are further afield.
20. The site is within walking distance of the bus stop and there are services to Stratford. However, the NDP shows that these services are limited, and I conclude would be unlikely to meet the needs of the occupants. Similarly, the railway station on the other side of the A3400 may be within cycling distance but that would not conducive to many occupants particularly in poor weather or limited daylight. The NDP is also cautionary about the busy nature of the A4300 trunk road and its crossing.
21. The village does have a Built-Up Boundary, which allows for the potential of a new dwelling but this site is outside and has no such provision. Notwithstanding this, given the minimal facilities within the village, the proposed dwelling would be car dependent for its everyday functioning. I therefore conclude that the site would not be a suitable location for a new dwelling.
22. Policies CS.15 and AS.10 of the CS distributes development towards settlements with facilities unless for local needs. Development is also required to respect the integrity of the settlement and minimise the impact on the landscape. The policies allow for new dwellings for rural workers and any exceptional quality and design which makes a positive contribution to the local area. Similarly, Policy H1 of the NDP resists new dwellings outside the Built-Up Area Boundary. The proposal would be in conflict with these policies.

Other matters

23. There are several Listed Buildings in the village. However, these are distanced from the appeal site and within their own context, so would not be harmed by the proposal.
24. The additional dwelling would contribute to the housing land supply. It would also have social and economic benefits. However, these benefits would be very limited from only one dwelling.

Planning balance

25. In the context of the Framework paragraph 196 the harm to the heritage asset arising from the proposal would be less than substantial. Nevertheless, when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. In this case, the harm would not be outweighed by the public benefits of the proposal.
26. Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts. Thus, when considering any planning application, substantial weight should be given to any harm to the Green Belt. That is a

high hurdle to overcome. In this appeal I have found harm to the Green Belt by way of inappropriateness and to its openness and the above paragraph confirms that the essential characteristics of Green Belts are their openness and permeance. Balanced against that are the other benefits referred to above but also the harm to the Conservation Area, the loss of trees, and the car dependency of the proposal. The benefits of the proposal, for the reasons given, do not clearly outweigh the harm to the Green Belt.

27. The very special circumstances necessary to justify the development have not been demonstrated. Consequently, the proposed development conflicts with the Green Belt protection aims of Policy CS.10 from the Core strategy and the Framework.

Conclusion

28. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR