



Appeal Decision

Site Visit made on 7 September 2021

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2021

Appeal Ref: APP/J3720/W/21/3277031

3 Blundells Croft, Welford On Avon, Stratford-Upon-Avon CV37 8EP

- 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 Brian Lewis (Housestyle Countrywide Ltd) against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/03477/FUL, dated 3 December 2020, was refused by notice dated 19 March 2021.
 - The development proposed is the construction of 5 single storey dwellings with associated access, turning facilities and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have determined this appeal in the context of the revised Framework, on which the parties have been given the opportunity to comment.
3. The appellant has included revised drawings as part of this appeal, namely GA-DWG-01, GA-DWG-02, 7808_150k and CLPD 017 R01. I have considered the revised drawings under the principles established by the Courts in *Wheatcroft*¹, and to consider them would deprive those who should have been consulted on the change, the opportunity of such consultation. I have therefore determined the appeal on the basis of the drawings considered by the Council.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - The character and appearance of the Welford-on-Avon Conservation Area (the WACA); and,
 - Highway safety, with particular regard to refuse vehicles.

Reasons

Character and Appearance

5. The appeal site is a large field which stretches behind properties on Headland Road, it is connected to 3 Blundells Croft and appears to be used as part of its garden. The site is surrounded by open fields, large gardens and a cemetery,

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

and is bordered by mature hedgerows. It contains a number of trees, including fruit trees, and a small timber structure.

6. The appeal site is within the WACA which is largely focused around Church Street, High Street and Chapel Street, but also includes some adjoining fields. This area contains buildings of various ages, styles and materials including a number of timber-framed cottages with thatched roofs, as well as much later red brick terraces. While varied, the buildings collectively demonstrate the growth and development of the settlement and this forms part of the significance of the WACA. The significance of the conservation area also stems from the rural character of the area, including the small number of fields retained behind the High Street which I understand to have once been orchards.
7. I note that the appeal site is not designated within the Welford-on-Avon Neighbourhood Development Plan (the NDP) as a Local Green Space. However, it is present within the Stratford-on-Avon District Landscape Sensitivity Assessment for Villages (the LSAV) which defines it as being part of Zone We03. Notwithstanding its designations, the site is visible through the surrounding vegetation and although it is privately owned with no public access, the site still provides an open space which contributes towards the WACA visually.
8. Whilst at the time of my site visit the grass was cut to a lawn, resulting in a somewhat residential appearance, the openness of the site and its fruit trees still contribute towards its importance as a green space and the historic rural character of the landscape. This would also be legible through the vegetation from the nearby footpath, cemetery and the backs of neighbouring properties. Although the proposed dwellings are only single storey, they would still introduce large solid features which would be visible through the vegetation and adversely affect the character of the surrounding area. This would be more pronounced in the winter as vegetation dies back and clearer views would be afforded. Although the site is lower than some of the surrounding land this difference is modest and would not materially affect the visibility of the proposed development.
9. Although trees have been proposed to replace those which would need to be removed in order to accommodate the development, they would not be sufficient to mitigate the visibility of the new dwellings. Moreover, the fruit trees are of particular importance in this area given the history of the site and surrounding fields which had been orchards. As the surrounding orchards appear to have largely been lost, to development or other uses, this field is the last connection with this previous use and is of greater significance to the conservation area as a result. The limited number of replacement trees would not be sufficient to maintain this legibility which would be lost by the erection of the new dwellings.
10. The proposed dwellings would also result in noise and activities such as from people using their gardens, children playing, or from vehicles manoeuvring. given the close proximity of the dwellings to the open fields, the development would harm the sense of tranquillity and separation the fields maintain from the residential development which surrounds them. The construction works would also harm the tranquillity of the surrounding fields, but as this would only be for a short period of time it would not be unacceptable.

11. Notwithstanding the appellant's argument that the style and layout of the bungalows would be suitable for the appeal site and would not be harmful to its surroundings, including the WACA, given the above harm the proposal would fail to preserve or enhance the character and appearance of the conservation area. I am mindful of the scale of the development in relation to the designated heritage asset, the WACA, and find that the harm caused would be less than substantial. However, the Framework is clear that great weight should be given to an asset's conservation. In this case the harm that I have identified needs to be weighed against the public benefits of the development.
12. The appellant has submitted that the proposal would result in new dwellings in an accessible location within the village, and that they would meet a need for bungalows suitable for the elderly or vulnerable. Moreover, the spending power of future occupiers would provide social and economic benefits to the settlement. The provision of additional dwellings would contribute towards the Government's aims of increasing housing supply, however, it has not been demonstrated that there is a specific identified need for this type of dwelling. Although accessible to services and facilities, given the scale of the development I find the proposal would only result in a small economic and social benefit. Therefore, given the above, I attach these matters, collectively, only moderate weight.
13. Accordingly, I find that there is no public benefit cited which outweighs the considerable importance and weight I give to preserving the character of the WACA and conserving the heritage asset as identified above. As such, the development would harm the character and appearance of the conservation area and the surrounding landscape, contrary to Policies CS5, CS.8 and CS.9 of the Stratfor-on-Avon District Core Strategy (the CS) and Policies HLU2, HLU5, HE4 and HE7 of the NDP. These Policies, amongst other matters, require that development is of a high quality design that protects the landscape and green infrastructure and conserves the historic environment. It would also be contrary to the overarching heritage aims of the Framework.
14. In reaching this decision I have been mindful of examples of nearby residential development within Zone We03². However, I have been provided with only limited information on each case, and from the evidence before me I find that the circumstances of each are not directly relevant to the proposal before me. In particular the residential development behind Fairlea, although within Zone We03, was in an area where some residential development was considered acceptable and was allowed at a time when the Council could not demonstrate a five-year housing land supply. Similarly, the residential development to the south of the appeal site, at Purbeck House was outside of this zone. With regard to the appeal at the Ashes, the access to that site and the one before me do not appear to be similar, while the permission at Kehlstein³ was in a significantly different location. These matters have not, therefore, materially affected my determination of this appeal.

Highway Safety

15. Headland Road is relatively narrow and I did not note any parking restrictions along the road. As a result of on-street parking it is only wide enough to allow

² APP/J3720/A/14/2215042 on land behind Fairlea, APP/J3720/W/17/3174376 at Purbeck House and APP/J3720/W/15/3009726 at the Ashes

³ 19/03113/FUL

a single line of traffic at a time. During my site visit vehicles were parked on the opposite side of the road to the junction with Blundells Croft and no vehicles were parked directly opposite the junction, however as there are no restrictions this could vary at different times.

16. Given the narrowness of Headland Road, any vehicle parking opposite the junction would make it more difficult for vehicles to access or exit Blundells Croft. This would be more acute for refuse vehicles due to their larger size. If the junction was blocked in this way it could result in a refuse vehicle being unable to serve the furthest properties of Blundells Croft, or needing to undertake a manoeuvre in the road. Given the width of the roads and proximity of nearby junctions, such a manoeuvre would be a risk to highway safety. The submitted swept paths do not show vehicles parked opposite the junction and so do not demonstrate that such a vehicle could access or leave Blundells Croft safely. Whilst this issue is existing, refuse vehicles would be required to drive in to Blundells Croft to serve the furthest dwellings, which is currently unnecessary, as such it would exacerbate the existing issue and highway safety concerns.
17. Although the swept path analysis shows that refuse vehicles could manoeuvre within the site to allow them to enter and exit in a forward gear, this would not be sufficient to overcome the likely difficulties with access to Blundells Croft.
18. As such, the proposed development would not provide suitable or safe access for larger vehicles including for refuse collection, the proposal would therefore conflict with CS Policy CS.26 which requires that any adverse impacts are properly mitigated.

Conclusion

19. The government's objective is to significantly boost the supply of housing and the proposal would provide five dwellings in an accessible location where they would provide some economic and social uplift. The proposal would also provide bungalows which are suitable for the elderly and vulnerable. However, given the small scale of the proposal and that there is no dispute over the Council demonstrating a five-year housing land supply, and that it has also not been demonstrated that there is an identified need for this type of housing, these matters cumulatively attract only moderate weight.
20. Conversely, the proposal would result in harm to the WACA, a heritage asset and to highway safety. These matters attract significant weight and outweigh the benefits associated with the proposed development.
21. Therefore, the proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. As such, for the reasons given above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR