



Appeal Decision

Site visit made on 23 November 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2021

Appeal Ref: APP/J3720/W/21/3267339

Close End, Brook Hill, Great Wolford, Shipston on Stour CV36 5NQ

- 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 Richard Whittaker against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/02303/FUL, dated 21 August 2020, was refused by notice dated 6 November 2020.
 - The development proposed is the creation of a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the proposed development from "The application relates to a change of use for a small part of a woodland creation project. The total area of the site is 0.762 ha of which 97.2% will remain in existing use. The proposal is for a single storey dwelling and secure implement store in support of the woodland project. Following Pre-App advice, the Application is made under Core Policy AS10(j). To determine the required architectural merit the project has been referred to an Expert Panel of Architects and Landscape Architects who support the scheme. This was done on the advice of the District Council" to "creation of a new dwelling".
3. I consider that the amended description represents a more concise description of the proposed works and have therefore determined the appeal on this basis.

Main Issues

4. The main issues relevant to this appeal are:
 - the suitability of the site as a location for the proposed residential development;
 - the effect of the development upon the character and appearance of the surrounding area;
 - the effect of the development upon the setting of the Great Wolford Conservation Area; and
 - the effect of the development upon highway safety.

Reasons

Suitability of the site

5. The appeal site is located outside of the boundaries of the settlement and is within the countryside. The surrounding land uses include various agricultural uses.
6. Although the appeal proposal would be located near to other dwellings, there would be a degree of separation between the appeal site and the settlement. In addition, the services on offer within the nearest settlement are comparatively limited. In result, residents of the appeal site are likely to need to travel to other settlements in order to access the services and facilities that they are likely to require on a day-to-day basis. In consequence, the proposed development would be somewhat isolated.
7. The National Planning Policy Framework (the Framework), at paragraph 80, states that the planning process should avoid the erection of isolated dwellings in the countryside. There are some exceptions to this. However, the evidence before me does not indicate that the proposed development would represent a dwelling for an essential rural worker; and would not result in a subdivision of an existing building; re-use of a building; or secure the most viable use for a heritage asset.
8. However, there is the potential for a dwelling to be acceptable if it were to be constructed to an exceptional design, raise standards of design and enhance the development's setting.
9. The proposed development would represent a dwelling of a design that is relatively unembellished and functional in nature. In addition, it includes features, such as patio doors, that give the proposed development a more suburban appearance.
10. Furthermore, the palette of materials is also reflective of some other dwellings in the surrounding area. This includes the use of red bricks, which are identified on the submitted drawings. In consequence, the proposed development would represent a development with design features reflected elsewhere in the settlement.
11. Therefore, the appeal proposal would represent an extension of the settlement into the countryside. This means that the proposal would not represent an opportunity to increase the standard of design within the locality for it would represent a replication of the developments within the surrounding area.
12. The proposed development would, by reason of its scale and form would not require significant amounts of change to the appeal site's ground levels. Whilst this is noteworthy, it would not overcome my concerns arising from the design of the proposed development.
13. I note that the appellant, in submitting the application, undertook a design review process. However, whilst this might have resulted in improvements to the intended design of the proposed development, it does not overcome my concerns or result in a design that is exceptional. In addition, the submissions before me are indicative that whilst this process has resulted in improvements to the proposed design, it has not necessarily resulted in a dwelling that would raise standards, or enhance the development's setting.

14. Therefore, the proposed development would not result in an enhancement of the surrounding area and drive up standards in design within the locality. Whilst the development features landscaping and potentially has good internet access, these do not overcome my previous concerns.
15. I therefore conclude that the proposed development represents an inappropriate location for the proposed residential development. The development, in this regard, would fail to comply with the requirements of Policies AS.10, CS.15 and CS.16 of the Stratford-on-Avon Core Strategy (2016) (the Core Strategy); and the Framework. Amongst other matters, these seek to ensure that isolated developments in the countryside are avoided unless of exceptional quality and design; that development will be based on a pattern of balanced dispersal; and direct development to a hierarchy of locations.

Character and appearance

16. The appeal site consists of an undeveloped site outside of the settlement. The surrounding area is therefore predominantly rural and undeveloped in nature. The surrounding land uses includes agricultural activities. To the side of the appeal site is a stream with the site itself being located on a gradient.
17. The proposed development would result in an increase in the overall level of built form within the surrounding area as a result of the size of the proposed building and its footprint. The proposed development would therefore extend the settlement into the countryside given the appeal site's currently undeveloped appearance. This would occur even though there are dwellings on the opposite site of the road.
18. In addition to the dwelling, the proposal also includes the provision of a storage area. Whilst this would be separate to the proposed dwelling it would be located on a similar alignment to the dwelling. Therefore, in unison, they would provide an increase in the overall level of built form in an otherwise rural context.
19. In consequence, the development would lead to an erosion of the surrounding area's rural character and less developed surroundings due to this notable increase in built form.
20. In addition to the proposed building, the development would include a driveway, which would have a perceptible more engineered appearance. This would also result in an erosion of the site's current rural character.
21. Furthermore, as a dwelling, there is a likelihood that future occupiers of the proposed development would wish to place items of domestic paraphernalia within the garden of it. Whilst such items might fall outside of the definition of development, the cumulative effect of such installations would be to result in a more domestic appearance that would conflict with the rural and less built up and engineered appearance of the surrounding area.
22. Therefore, for the preceding reasons, the proposed development would appear incongruous due to the erosion of the area's character.
23. This raises a concern given the general prominence of the appeal site. In addition to views from the road, such as the site access point, views would also be possible from surrounding properties. In result, the incongruous form would be readily perceptible from a significant number of different vantage points in the surrounding area.

24. In addition, the topography of the area is such that views of the appeal proposal would be possible from some distance away. Although some trees have been planted on the site, in addition to more mature trees elsewhere, the topography of the vicinity and gradient of the appeal site is such that the development and its incursion into the countryside would remain readily perceptible. Therefore, these trees do not render the appeal proposal less prominent.
25. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy CS.5, CS.9, CS.12 and AS.10 of the Core Strategy. Amongst other matters, these seek to ensure that landscape character and quality is maintained; proposals, including layout and orientation, are sensitive to their setting; protect high-quality landscapes; and minimise impact on the character of the local landscape.

Effect on the Conservation Area

26. The appeal site is located outside of the Great Wolford Conservation Area (the CA). However, the appeal site's boundaries are relatively close to a side boundary of the appeal site. For the purposes of this appeal, the significance of the CA is, in part, derived from the presence of traditionally designed buildings within a landscaped setting. In consequence, the setting of the CA contributes to its significance.
27. In this particular instance, the proposed dwelling and associated storage building would result in an increase in the overall level of built form beyond the boundaries of the CA. In result, its more landscaped setting would be eroded by reason of this increase. This adverse effect would be supplemented by reason of the proposed driveway.
28. In result, the traditional landscape that surrounds the CA would be eroded due to the proposed development having a more urbanised appearance due to the creation of an additional dwelling with other associated elements of the development.
29. Whilst I am aware that there are dwellings on the opposite side of the road, these form part of a cluster of other buildings that make up a notable portion of the village. In contrast the appeal proposal would be separated from other developments by reason of the road and also an undeveloped piece of land to one side of the appeal site.
30. In result, the proposed development would appear divorced from the rest of the settlement and therefore the rural setting of the CA would be eroded. This would not be overcome by the presence of other buildings elsewhere.
31. I therefore conclude that the proposed development would have an adverse effect upon the setting of the CA. The development, in this regard, would conflict with Policy CS.8 of the Core Strategy. Amongst other matters, this seeks to ensure that new developments protect and enhance the historic environment.

Highway safety

32. The proposed development includes the provision of a driveway. This would run from the proposed development to the highway. The development also includes

room for vehicles to turn and park. The sides of the road are marked by hedges.

33. Although vehicles would not need to leave the site in a reverse gear owing to the presence of turning areas, views for motorists leaving the site would be obscured by the hedges that mark the side of the road.
34. In result, this would potentially cause a conflict between vehicles leaving the site and other road users as neither would have sufficient advance warning of the others presence. In consequence, this conflict has the potential to cause accidents and therefore erode highway safety.
35. Although the vicinity of the surrounding area features a lower speed limit, the lack of warning of approaching vehicles and pedestrians would still result in an adverse effect on highway safety.
36. I note the appellant's suggestion that the visibility splays could be improved. However, some of these works would take place in land that appears to be outside of the control of the appellant. In result, a condition requiring that these works are implemented and maintained would be unreasonable. Therefore, this suggestion does not overcome my previous concerns.
37. The appeal site is located some distance away from the commencement of the lower speed limit within the village. Whilst this means that it can be anticipated that vehicles would approach the appeal site at lower speeds, this would not overcome my concerns arising from the lack of visibility of and for those leaving the site.
38. I therefore conclude that the proposed development would have an adverse effect on highway safety. The development, in this regard, would conflict with the requirements of Policy CS.26 of the Core Strategy. Amongst other matters, this seeks to ensure that developments improve the safety of all road users.

Other Matters

39. I note that the proposed development received a relatively small number of objections at the planning application stage. In addition, the appellant undertook public consultation in the formulation of the proposals. Whilst these are matters of note, they do not overcome my findings in respect of the main issues.
40. I also acknowledge concerns regarding the manner in which the planning application was determined by the Council. However, in considering this appeal, I have limited my assessments to the planning matters before me.

Planning Balance

41. The harm that would occur to the character and appearance of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
42. The proposed development would generate some benefits arising from the increase in the local housing supply, whilst generating some economic benefits arising from the construction process. However, these benefits would be limited due to the scale of the development and, in some instances, would be of a time-limited duration. Owing to the nature of the surrounding land uses, the

proposed development would not offer significant support to services and facilities in the surrounding area.

43. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character and appearance of the CA, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

Conclusion

44. The proposal would not be appropriately located, would have an adverse effect upon the character and appearance of the surrounding area, would erode the character and appearance of the CA and have an adverse effect on highway safety. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR