



Appeal Decision

Site visit made on 25 January 2022

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2022

Appeal Ref: APP/J3720/W/21/3283316

Brook End House, Stratford Road, Wootton Wawen B95 6BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr P Coleman against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/01552/PIP, dated 5 May 2021, was refused by notice dated 2 July 2021.
 - The development proposed is erection of 1 no. dwelling.
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Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of one dwelling at Brook End House, Stratford Road, Wootton Wawen B95 6BE in accordance with the terms of the application, Ref 21/01552/PIP, dated 5 May 2021.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. When granting permission, the decision must specify the minimum and maximum net number of dwellings which are, in principle, permitted. Details of the proposal that might properly fall for consideration at the technical details consent stage have been treated as indicative.
4. In accordance with section 66(1) and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special regard to the desirability of preserving those listed buildings potentially affected, and of preserving or enhancing the character or appearance of the Wootton Wawen Conservation Area (the conservation area).

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Main Issues

5. The main issues are whether the site is suitable for residential development, having regard to location, land use and amount of development proposed, with particular regard to:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the character or appearance of the conservation area and on the setting of nearby listed buildings and a scheduled monument; and
 - the effect of the proposal on highway safety.

Reasons

Green Belt

6. Policy H1 of the Wootton Wawen Neighbourhood Plan (made 2017) (NP) establishes the village boundary which wraps tightly around the rear and side boundary of the appeal site. It is not a matter in dispute between the main parties that the proposal falls within the village boundary. The policy confirms that this boundary defines the village's built up area. It also provides in principle support for new housing development within that boundary.
7. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (2016) (Core Strategy) lists certain forms of development that, in principle, are considered not to be inappropriate development in the Green Belt. Criterion e. of this policy establishes that limited infilling in Local Service Villages identified in accordance with Policy CS.16 of the Core Strategy, would not be inappropriate development. Wootton Wawen is identified as a Local Service Village.
8. Policy CS.10 is broadly consistent with paragraph 149 of the National Planning Policy Framework 2021 (Framework) which sets out the categories of development which may be regarded as not inappropriate in the Green Belt. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages (paragraph 149 e)).
9. Although the appeal site is not bound by built development on both sides, the proposal would be contained within the existing garden of Brook End House and entirely within the village boundary. Land outside of the appeal site, on the opposite side of the appeal site to Brook End House, is grassed and bound by a low picket fence. Beyond this, the land slopes down to the level of the surrounding fields and appears as a transition between the two levels. There are open fields to the rear of the site giving the character of open countryside.
10. Approaching the site from Wootton Bridge, the boundary between the fields and road is lined with vegetation and trees, with intermittent gaps. These gaps afford partial views of the appeal site, with Brook End House partially visible behind. The appeal site has an elevated position relative to the adjacent pond and adjoining fields. This change in levels distinguishes the appeal site from the wider countryside.

11. Consequently, from the main road and from the public right of way to the south west, the site reads as a domestic garden associated with the existing house. Therefore, rather than encroaching on land outside of the village boundary that has the character of open countryside, the proposal would appear to infill part of an existing garden within the village confines. From the site access, views into the appeal site are limited by existing domestic planting, close boarded fencing and a gate. Moreover, I am satisfied that erection of a single dwelling on this site could be sufficiently controlled through the technical details consent such that the scale of the proposal would be limited.
12. Accordingly, the proposal would amount to limited infilling in a Local Service Village in accordance with criterion e. of Policy CS.10 of the Core Strategy. It would also fall within the exception to inappropriate development under paragraph 149 e) of the Framework.

Character and Appearance

13. The appeal site is located on the approach to the historic village centre, where the pattern of residential development is predominantly linear. Houses are positioned to the south and west of the main road that sweeps through the village. There is considerable variation in building design along the road. Due to the proximity of houses to one another and to the road, and intervening boundary treatments and planting, visibility of residential gardens is limited.
14. Housing density appears greatest opposite the Church of St Peter (the church) where houses and a village shop are positioned adjacent to the pavement, fronting on to the road. Brook End House and adjacent Greenfields house appear to have been constructed at a similar time and to a similar typology. They are positioned at right angles to one another, with Greenfields set further back from the main road. This gives a slightly lower density feel, albeit when viewed from the main road immediately outside these houses, both properties are well screened.
15. The landscape around the village has an open character due to areas of parkland and low lying land adjacent to the River Alne. The site appears as an edge of village location, but well associated with existing built development there. Erection of a single dwelling on this plot would appear similarly well related to the existing built form of the village, continuing the linear pattern of development. On approach from Wootton Bridge the site would appear to retain its edge of settlement character, distinct from, and without encroaching on, the wider open countryside.
16. The reduction in garden area associated with Brook End House would not appear contrary to the character of the area where open gardens are not a common feature. Given the variety in building styles within the village I am satisfied that a suitable house design, appearance and position, could be achieved through the technical details consent that would make a positive contribution to the character and appearance of the area.
17. Therefore, the principle of development of a single dwelling on this site would accord with Policy ENV8 of the NP which aims to ensure proposals contribute positively to local character. Similarly, it would accord with Policy H4 of the NP which, amongst other matters seeks to ensure proposals in garden land protect the character of the area. It would also comply with Policy H5 of the NP which

requires that proposals demonstrate efficient use of land and are of a density that would enhance the character and quality of the locality.

18. The proposal would also accord with Policy CS.5 of the Core Strategy which seeks to maintain the character and quality of the landscape, and Policy CS.12 of the Core Strategy which seeks to avoid harm to the character of Special Landscape Areas. In so far as it is relevant at this stage, the proposal would accord with Policy CS.9 of the Core Strategy which seeks to ensure developments reflect the character of the locality and achieve high quality design.
19. For similar reasons, it would accord with paragraph 130 of the Framework in comprising an appropriate amount of development on a site that could function well and be designed to add to the overall quality of the area.

Heritage

20. The site is located approximately centrally within the conservation area. It includes many notable buildings that are individual in style, representing different periods of architecture, surrounded by landscape that has an open character. Due to the broad ranging building styles, building materials are similarly varied. As a residential garden associated with a more modern house, the appeal site currently makes a neutral contribution to the conservation area.
21. When approaching the village from Wootton Bridge on the main road or adjacent footpaths, the proposal would not restrict open views towards the open countryside. The proposal could deliver a density of development in keeping with adjacent residential plots. Therefore, and given the variety of architectural styles within the conservation area, I see no reason to doubt that the proposal would preserve or enhance the character and appearance of the conservation area.
22. The grade I listed church is prominent in the local landscape being sited on a slight hill. The church tower is visible from the appeal site with Brook End House in the foreground, however that view is likely to be an incidental rather than planned vista. Similarly, grade II* listed Wootton Hall is visible from the front of the site. It is set within open parkland that extends up to the road on the opposite side to the appeal site. Wootton Hall is orientated such that it faces slightly away from the appeal site and again, visibility of the hall from the appeal site is likely to be incidental rather than planned.
23. Also on the opposite side of the road to the appeal site is the grade II listed Gate Lodge, a single storey, gable fronted building that is likely to have historic association with both the church and Wootton Hall. It is set behind the grade II listed cast iron gates and gate piers to Wootton Hall which form a prominent entrance to the Wootton Hall estate. The gates adjoin a low parapet wall which comes under the same grade II listing as the gate and gate piers along with Wootton Bridge. The wall extends to Wootton Bridge, forming a visible boundary to the parkland, along the main road.
24. The site is separated from these heritage assets by a relatively busy main road with pavements to either side. A modern brick bus shelter is located close to the appeal site access which comprises a tarmac driveway. The appeal site has the appearance of a domestic garden, with domestic boundary planting and close board fencing along its road facing boundary. Consequently, I find that

the appeal site makes little contribution to the significance of the setting of those assets. Furthermore, given the appeal site's location in a residential area and within the confines of the village, I am satisfied that it could accommodate a suitably designed single dwelling without harm to the setting of these heritage assets.

25. The Scheduled Monument on land to the rear of the site known as ponds SW of Wootton Bridge, is understood to comprise historic fish ponds. These appear as areas of low lying land and raised banks that may have historic connections with the village and River Alne. The appeal site is visually separated from the site of the ponds due to the considerable difference in ground levels between the two, as well as its domesticated appearance in contrast with adjacent rural fields. Therefore, I find that the existing appeal site makes little contribution to the significance of this Scheduled Monument. Further, given the residential character of the existing site, the proposal could be designed without harm to the setting of the Scheduled Monument or to the ability to appreciate its significance.
26. Little Croft is a grade II listed two storey dwelling accessed from a side road off the main road and can be glimpsed from the rear of the appeal site, over intervening vegetation. Its front door is centrally located on the elevation that faces towards open land to the rear of the appeal site. As a domestic garden of an existing dwelling, with limited intervisibility between the two, the appeal site makes very little contribution to the significance of the setting of this heritage asset. Although the proposal would introduce development on land that is currently a garden, such development could be designed to sit comfortably alongside Brook End House, without harm to the setting of Little Croft.
27. A grade II listed telephone kiosk is located within the grass verge of the main road, slightly further into the village than the appeal site, and with no intervisibility with the site. As such the proposal would not harm the setting of that asset.
28. Accordingly, whilst there are a number of heritage assets in the vicinity of the site, I find that in respect of the proposed location, land use and amount of development, the proposal would preserve or enhance the character or appearance of the conservation area and would not harm the setting of nearby listed buildings or the scheduled monument. Further scrutiny of detailed design proposals and any implications on these heritage assets would follow at technical details consent.
29. Therefore, the appeal proposal would comply with Policy ENV7 of the NP which aims to control the effects of development on designated heritage assets. It would comply with Policy CS.8 of the Core Strategy, which overall seeks to protect and enhance the historic environment. The proposal would also accord with paragraph 199 of the Framework which requires that great weight is given to the conservation of heritage assets that may be impacted by development proposals.

Highway safety

30. The Council's final reason for refusal related to concerns over the ability of the site to accommodate sufficient space for turning of vehicles associated with the proposed dwelling as well as those of the existing occupants of Brook End House. Further concerns were raised in respect of the visibility at the site

access on to the main road. However, the site appears sufficiently large such that a suitable layout incorporating vehicle manoeuvring space could reasonably be achieved, providing for the occupants of both the existing and proposed dwelling. The detailed internal layout of the site is not a matter for consideration within this appeal.

31. Moreover, the proposals are to make use of the existing vehicular access for Brook End House. No robust evidence is before me to indicate that use of that access has given rise to highway safety concerns. Therefore, it appears likely that the existing access could be designed to accommodate an additional dwelling without unacceptable harm to highway safety.
32. Consequently, I find that the proposal would accord with criterion d. of Policy H4 of the NP, which requires that proposals provide safe and suitable access and parking arrangements. I also find no conflict with Policy CS.26 of the Core Strategy, which requires developments to provide any mitigation necessary to ensure transport impacts would be acceptable.
33. The proposal would accord with paragraph 110 and 111 of the Framework which, respectively, require that safe and suitable access to the site can be achieved, and that developments should only be refused on highway grounds if impacts on highway safety would be unacceptable, or residual cumulative impacts on the road network would be severe.

Conclusion

34. I therefore conclude that the site is suitable for residential development, having regard to location, land use and amount of development proposed, and the appeal should be allowed.

Rachel Hall

INSPECTOR