



Appeal Decision

Site visit made on 13 October 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/J3720/W/21/3276921

Meadow Cottage, Station Road, Claverdon CV35 8PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs R Gilzean against Stratford on Avon District Council.
 - The application Ref 20/03716/FUL, is dated 9 January 2020.
 - The development proposed is alterations to Meadow Cottage and erection of a new house with replacement detached double garage and widening of existing access to Station Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Part of the appeal site is located outside the village boundary for Claverdon as shown in Figure 2 of the Claverdon Neighbourhood Plan – Made version December 2019 ('NP'). The Council argues that there is no evidence that part of this land is within the curtilage of Meadow Cottage and has a lawful use as garden land.
3. The appellant disputes that there has been any change of use at the appeal site and has provided a land registry plan. This, however, does not determine the use of the land for planning purposes. Nonetheless, the application form identifies the appeal site as presently being in residential use. Therefore, and in the absence of any evidence to the contrary, I have proceeded with the appeal on that basis. My findings on this matter are strictly for the purposes of determining this appeal.
4. The Council has drawn my attention to structures which have been constructed at the appeal site and are on land that is outside the village boundary. These are not shown on the submitted drawings and do not form part of the proposal before me and are therefore outside the scope of my decision.

Main Issues

5. Although there is no formal decision from the Council, it has offered putative reasons for refusal. Based on these, the main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the development plan and the National Planning Policy Framework ('the Framework');

- ii) the effect of the proposal on the character and appearance of the area;
- iii) the effect of the proposal on the living conditions of the occupiers of Meadow Cottage; and,
- iv) if the proposal would be inappropriate development whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Development in the Green Belt

6. The appeal site comprises a semi-detached cottage ('Meadow Cottage') and land surrounding this including outbuildings as shown on the existing site plan. The site is located within the Green Belt. The proposal involves the part demolition of Meadow Cottage, including part of an extension, a detached garage and a shed. The demolition would facilitate the erection of a new detached dwelling and double garage.
7. Part of the appeal site falls within the village of Claverdon. This is a Category 3 Local Service Village ('LSV') as defined by Policy CS.15 of the Stratford-on-Avon District Core Strategy 2011 to 2031 ('CS').
8. Policies CS.15 and CS.16 of the CS, identify LSVs as appropriate locations for some additional housing. Furthermore, CS policies CS.16 and CS.10 along with Policy H1 of the NP support infill housing development within the Village Boundary in accordance with Green Belt Policy.
9. Paragraph 149 of the Framework indicates that, other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate development within the Green Belt. One such exception is: e) limited infilling in villages.
10. There is no definition of 'limited infilling' within the Framework or the development plan. However, in its pre-application advice, the Council advised: "Infill would generally be considered to be development of a gap in an otherwise built up frontage; however, it must be acknowledged that its definition is not limited to this. A recent appeal decision, ref. APP/J3720/W/16/3155450, has provided an alternative definition of infill, including 'the small scale development of a plot of land which fills a gap within an otherwise built up area.'"
11. Whilst the full details of the above appeal are not before me, based on the above definitions, in my view 'limited infilling' would be filling of small gap within existing development e.g., the building of one or two houses on a small vacant plot in an otherwise built-up frontage or area.
12. The proposal is for a single house. The appeal site forms part of the north-eastern edge of the village where built development along this side of Station Road is sparse and surrounded by open countryside. Whilst the proposed dwelling would be flanked on one side by the extent of development at Meadow Cottage with some development on the opposite side of the road, to the rear (east) and along the south, the site is immediately bound by open fields. In particular, the area to the south of the appeal site is not built-up nor

is it part of a built-up frontage. Consequently, and irrespective of the extent to which the site is within the village, it does not comprise a plot in an otherwise built-up frontage or area.

13. The proposal, therefore, would not meet the exception of limited infill set out in the Framework, nor has it been clearly shown that the proposal would meet any of the other exceptions listed within Paragraph 149 of the Framework. Accordingly, the proposal would be inappropriate development within the Green Belt.
14. As set out under Paragraph 137 of the Framework, the essential characteristics of Green Belts are their openness and their permanence.
15. In this case, the new development, cumulatively in terms of its height, volume and footprint, exceeds the scale of the development to be demolished. Therefore, the proposed development would reduce the visual and spatial openness of the site and Green Belt. This is a further aspect of Green Belt harm.
16. Whilst I have acknowledged that the site is in residential use at present, the garden for the new dwelling, in part, is outside the village boundary and therefore for the purposes of the development plan forms part of the countryside. As a consequence of the proposal there is likely to be a requirement for boundary treatments to ensure privacy, resulting in a degree of enclosure and subdivision of the site. This, along with some residential paraphernalia associated with an additional family dwelling, would result in the further reduction in openness and encroachment of the countryside, contrary to one of the purposes of the Green Belt.

Character and appearance

17. With regard to the site's immediate context, dwellings nearby along the western side of Station Road are mainly detached and in a range of sizes and designs. Most notably there is appreciable spacing between buildings which provides some relief to the built forms and contributes to a spacious character.
18. On the side of the road where the appeal site is located, as already stated, the extent of built development is limited and areas of open countryside are more prevalent. The development along here includes Opus Studios and the adjoining semi-detached dwelling to Meadow Cottage, which lie to the north of the site. These buildings are of a distinctly low-lying design. The existing extensions and outbuildings at the appeal site are subordinate in scale, which retain space to the side of Meadow Cottage. This provides an appropriate transition to the edge of the settlement and also facilitates some views towards the countryside.
19. Whilst there is an incremental increase in heights between Opus Studios and Meadow Cottage, these differences are subtle. As such, the existing built development along this side of the road is settled within its countryside setting.
20. Notwithstanding some attention to detailing and materials, the proposed dwelling would be close to and appreciably taller than Meadow Cottage. Despite being setback, the proposed dwelling would extend across most of its plot and therefore overall would appear disproportionate in scale to Meadow Cottage and an incongruous addition to the street scene. Therefore, due to its siting

and scale the proposed dwelling would fail to satisfactorily assimilate with the street scene.

21. Furthermore, the appellant's evidence suggests that trees on the site which comprised small scale fruit and garden trees have already been removed. Whilst there is nothing to suggest that the removal of those trees was unauthorised, the existing site plan shows a number of trees with appreciable canopy spreads. Therefore, the loss of those trees is regrettable particularly in the absence of any formal assessment.
22. Moreover, the site lies within the Arden Special Landscape Area ('SLA'). This is a District level designation and Policy CS.12 of the CS states that development proposals relating to settlements that lie within a SLA must respect the current and historic relationship of that settlement within the landscape. Therefore, the loss of existing trees and failure to show any new planting combined with scale of the proposed development would fail to preserve the character of this edge of settlement location.
23. The appeal site is close to the boundary of one of the village's two conservation areas which form Clarendon Conservation Area.
24. The nearest part of the conservation area incorporates the car park and access to the sports hall and tennis club to the south of the site. On the information before me and my observations, the impact on this part of the conservation area from the proposal would be negligible as there are very limited reciprocal views between the site and the car park. Therefore, the proposal would not have any adverse effect on the setting of this or other parts of the Clarendon Conservation Area.
25. Notwithstanding my findings in respect of the Clarendon Conservation Area, for the above reasons, the proposal would harm the character and appearance of the area. Therefore, I find conflict with CS Policy CS.9 which requires developments to reflect the character and distinctiveness of the locality and NP Policy H4, which seeks to preserve or enhance the character of its surroundings and does not support development which is at odds with the existing settlement character or pattern. I also find conflict with Policy BE1 which amongst other things seeks to retain space between buildings to preserve views. The proposal also fails to accord with CS Policy AS.10 which seeks to minimise impact on the character of the local landscape. Accordingly, I also find conflict with Policy CS.12 of the CS.

Living conditions

26. There are some windows along the rear of Meadow Cottage and an outdoor seating area. To an extent daylight to the existing windows and seating area and outlook from them is limited by the existing extension which extends beyond the principal rear wall of the cottage by about 3m. Due to its siting relative to the windows at Meadow Cottage, the proposed dwelling is unlikely to unacceptably affect daylight to these windows.
27. However, the proposed dwelling would be located beyond the existing extension and in close proximity of the shared boundary with Meadow Cottage. In particular, the flank elevation of the new dwelling would have a substantial enclosing and dominating effect and would appear unduly overbearing when

viewed from Meadow Cottage, also resulting in increased overshadowing to parts of this property.

28. A first-floor window along the flank elevation facing Meadow Cottage would directly overlook this property. The appellant advises that this would be obscure glazed. Other windows for the new dwelling would be orientated to face the frontage of the appeal property or its rear garden. As such, this arrangement would not result in any unacceptable overlooking of Meadow Cottage.
29. Nevertheless, the proposed arrangement would result in an unacceptable impact on the living conditions of the occupiers of Meadow Cottage with regard to loss of outlook and overshadowing.
30. As such, I find conflict with CS policies CS.9 and AS.10 which along with other things seek to minimise impact on the occupiers and users of existing properties in the area. As the proposed dwelling would not preserve the amenity of the neighbouring property, I also find conflict with NP Policy H4.

Other considerations

31. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It is stated that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
32. Policy CS.16 of the CS states that approximately 450 homes in total will be built in the Category 3 villages of which no more than around 13% (59 homes) should be provided in any individual settlement. Furthermore, Paragraph 4.4 of the NP is clear that there is no assumption that Green Belt villages like Claverdon are required to meet the same housing requirement if there is conflict with Policy CS.10 of the CS. Paragraph 4.8 of the NP acknowledges that the Neighbourhood Area is constrained by the Green Belt, which washes over the village. Consequently, the CS does not expect Claverdon to play a significant role in contributing towards the supply of housing for the District.
33. Notwithstanding the above, there are commitments for 26 new homes since 2011 within Claverdon, some of which have been completed. The Council has also confirmed that as of 31 March 2020 it can demonstrate a 7.08-year housing land supply.
34. Against that background, and in light of the site's location within the Green Belt and the harm identified, I disagree with the appellant that the requirement to provide new houses in Claverdon is in itself a very special circumstance and attach very limited weight to the addition of a single dwelling and any benefits associated with it.
35. I appreciate that the appellants seek to secure a larger dwelling to meet the future needs of their family. Nonetheless, this does not heavily influence the planning merits of the case and the need to make planning decisions in the wider public interest. As such this factor is afforded little weight.

Other Matters

36. Matters relating to how the Council and Parish Council processed the appellant's application and the Council's pre-application advice are for the relevant parties, and whilst I have had regard to these matters, they do not alter my findings on the main issues.

Green Belt balance

37. The proposal would harm the Green Belt by way of inappropriateness and loss of openness and conflicts with one of its purposes. The Framework requires substantial weight to be given to any harm to the Green Belt. There would also be harm to the character and appearance of the area and the living conditions of the occupiers of Meadow Cottage.
38. Having taken account of all considerations raised in support of the proposal, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal conflicts with the Green Belt provisions of the Framework and CS Policies CS.16 and CS.10, and Policy H1 of the NP.

Conclusion

39. For the reasons given above, I conclude that the appeal should be dismissed and planning permission refused.

M Aqbal
INSPECTOR