



Appeal Decision

Site visit made on 22 February 2022

by M. P. Howell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Monday 21 March 2022

Appeal Ref: APP/J3720/W/21/3285208

Plot 89, Luddington Road, Stratford-Upon-Avon CV37 9SG

- 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 Wreford against Stratford-on-Avon District Council.
 - The application Ref 21/02442/FUL, is dated 29 July 2021.
 - The development proposed is for the erection of a dwelling.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. The description I have used reflects what was agreed during the time the planning application was with the Council. It provides a more concise and precise description of the development to which the appeal relates.
3. Whilst the Council did not issue a decision, they produced a decision which sets out the reasons they would have refused planning permission had they done so. This has informed the main issues of the appeal.

Main Issue

4. The main issue is whether the appeal site would be a suitable location for housing, with specific regard to the Council's development strategy and access to services and facilities.

Reasons

5. The appeal site is a vacant and largely undeveloped plot within Luddington. The site is to the rear of properties on Luddington Road and adjoins the River Avon to the rear boundary.
6. Policies CS.1 and CS.16 of the Stratford-on-Avon District Core Strategy 2016 (CS) set out the housing provision needs for the area and the locations where housing would be distributed in line with Policy CS.15 of the CS. Policy CS.15 does not identify Luddington as a main town, main rural centre, new settlement, local service centre or as a large brownfield site where residential development is accepted in principle. It is therefore identified under 'All Other settlements' and part (f), which explains that development should be restricted to small-scale community-led schemes, which meet a need identified by the local community.
7. The appellant indicates the scheme would be meeting the community need identified within the Luddington Parish Council Housing Needs Survey 2019, in

compliance with part (f) of Policy CS. 15 of the CS. Part S of the Development Requirements Supplementary Planning Document (SPD) provides detailed guidance on this type of local needs scheme. It indicates that to be considered the proposal should include the support of the local community, respond to an identified community need, be available to people with a 'local connection' to the parish and be small-scale. The SPD guidance also indicates that an application such as this should be accompanied by a legal agreement.

8. Notwithstanding the need for the housing and any local support, no legal agreement has been submitted as part of the appeal. Without a legal agreement, there is no mechanism available to ensure that the proposed dwelling would be and would remain, available to people with a local connection in line with the guidance. As such, the proposed development cannot be considered a community led scheme that meets an identified community need, failing to comply with part (f) of Policy CS. 15 of the CS.
9. Furthermore, the Council also cite Policy AS. 10 within their reasons for refusal. Policy AS. 10 outlines forms of development that are justified in the countryside. As the proposed development would be an open market dwelling of a typical design, located outside of a Built-Up Area Boundary of a Local Service Village, the proposed development would also not be compliant with the justified forms of development set out within parts (a) to (j) of Policy AS.10.
10. I acknowledge the site would have a similar level of accessibility to services and facilities as existing housing located on Luddington Road. The site is within an acceptable distance to nearby bus stops, with some local services and facilities also within a reasonable walking distance. The bus stops, especially from Evesham Road, would also provide a reasonably regular service to the town centre, where there is a wider range of shops and facilities. However, access to the bus stops and facilities would be partly along Luddington Road, which for most of its length has a single footpath on one side with no lighting. Therefore, due to the distance that would have to be travelled without appropriate lighting, I do not consider that Luddington Road would represent a suitably attractive option for walking or cycling. This would be especially difficult for vulnerable groups during winter and after dark. As such, future occupants would have to rely on the use of a private motor vehicle to access services and facilities. This is the least sustainable travel option.
11. Furthermore, the CS remains to be the adopted plan and contains a development strategy that was soundly based on an assessment of the size and function of settlements as well as accessibility to services and facilities. Accordingly, whilst accessibility is material in my judgement, it does not outweigh the harm the proposed development would do to undermine the Council's development strategy, which directs residential development to settlements and areas that have sufficient accessibility, physical form, and capacity for growth.
12. I have been passed an appeal decision¹, however, I have not been provided with the full details that would have been available to the previous decision maker. Nevertheless, it is clear from the appeal decision that the proposal was a larger scale scheme on brownfield land, set within a different location. I remain to be convinced therefore that that this is a sufficiently compelling reason to grant planning permission for the appeal scheme, which I have considered on its own merits.

¹ APP/J3720/W/20/3261171

13. With the above in mind, the proposed site would not be a suitable location for housing, with regard to the Council's development strategy and access to services and facilities. It would accordingly conflict with Policies CS. 1, CS.15, CS. 16 and AS.10 of the CS. These policies seek to encourage new development to occur within the existing settlement boundaries of towns and villages, to achieve a sustainable pattern of development and to protect the character and appearance of the countryside, limiting development outside of settlement boundaries to justified exceptions. The proposed development would also be contrary to the objectives of Section 5 contained within the Framework.

Other Matters

14. I acknowledge that the scheme has been designed as an eco-dwelling with various measures to minimise its environmental impact. Also, that there were no objections from the Parish Council, and that the Council raised no concerns over the design and scale of the dwelling and its impact upon neighbouring properties or highway safety. However, these positive aspects of the scheme do not diminish the fact the proposed development would still be contrary to the Council's development strategy.
15. Part of the appellant's case is that proposal would be a self-build proposal as described under The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). However, as there is no planning obligation before me, there is no mechanism in place to ensure that the proposed scheme would be for self-build. As such, the proposal must be considered as an open market dwelling. Consequently, although there is not a specific policy dealing with self-build proposals within the Stratford-on-Avon Core Strategy 2016, paragraph 11 of the National Planning Policy Framework (the Framework) would not be engaged.

Conclusion

16. The proposed development would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should, therefore, be dismissed.

M. P. Howell

INSPECTOR