



Appeal Decision

Site visit made on 4 October 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/J3720/W/22/3300103

**Pleasure Farm, Darlingscott Road, Darlingscott, Shipston-on-Stour
CV36 4PN**

- 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 Tom Stephens against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/02165/FUL, dated 10 June 2021, was refused by notice dated 17 December 2021.
 - The development proposed is demolition of existing dwelling and erection of replacement dwelling together with the conversion of existing brick barn to create ancillary accommodation for new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and erection of replacement dwelling together with the conversion of existing brick barn to create ancillary accommodation for new dwelling at Pleasure Farm, Darlingscott Road, Darlingscott, Shipston-on-Stour CV36 4PN in accordance with the terms of the application, Ref 21/02165/FUL, dated 10 June 2021, subject to the conditions in the Schedule at the end of this decision.

Main Issue

2. The main issue is the development's effect on the character and appearance of the area having particular regard to the policies of the Stratford-on-Avon District Core Strategy 2011 to 2031 (the CS) on replacement dwellings.

Reasons

3. The appeal site includes an existing farmhouse and its garden as well as 3 outbuildings that form the sides of a yard area to the rear. The site forms part of a larger farm complex in a rural area, albeit near to the village of Darlingscott.
4. As the property is outside the defined confines of the village it is classed as countryside under CS policy AS.10. Under the terms of this policy, the replacement of an existing dwelling with a new residence in the countryside is acceptable provided its scale and design do not harm the character of the area or neighbouring properties. I agree with the Council's position that the development would avoid harm to the adjacent property.
5. CS policy CS.20 includes additional provisions on replacement dwellings. The Council accept the existing house is unsuitable for retention and therefore the

proposal would comply with this clause. I find no reason to arrive at a different view on this matter. CS policy CS.20 also states that a replacement dwelling should not be visually intrusive nor significantly larger than the dwelling it replaces. Also, any replacement should be sited within the lawful curtilage of the existing dwelling unless significant environmental benefits would result.

6. The proposed house would be a similar height to the existing dwelling. However, the main parties state it would be between 58% and 60% larger than the existing in terms of gross external floor area. Also, the appellant advises that the proposed house's footprint would be 33% larger than the existing. It is highlighted that the current house has thick walls and so provides an inefficient internal space. Nonetheless, the increase in floor area and footprint indicates the proposed dwelling would be markedly larger than the existing. In this particular respect, the development would not accord with CS policy CS.20.
7. Furthermore, the proposed house would encroach onto the farm yard area to the rear. However, the position set back from the road would help reduce the prominence of the development so that it would be less visually intrusive than the existing house. Also, it would provide space towards the front of the plot for additional planting as indicated on the appeal plans. This could be reasonably secured through a planning condition and would help filter views of the proposed dwelling. As such, the development would lead to significant visual benefits and so its positioning outside the curtilage to the existing house is permissible under the terms of CS policy CS.20.
8. The proposed dwelling would be of an appropriate scale, appearance and positioning as houses in Darlingscott tend to be large, detached and sited away from the road. The buildings to be demolished are low key and dilapidated and so contribute little to the visual qualities of the area, even though they are of an agricultural nature. Moreover, I saw the yard area is used for external storage of machinery and other items associated with the farm. This is not widely visible but where seen it is unsightly. As such the farmyard and buildings to be removed do not add positively to the attractiveness or nature of the locality. Their loss would not undermine the character and appearance of the area, particularly as barns near to the appeal site would remain and so the property would retain an agricultural feel.
9. The proposed back garden would be enclosed by a new brick wall, the proposed house and the existing brick outbuilding to be retained and converted. As such, domestic paraphernalia placed in the garden would not be easily seen. Where visible, this area would resemble a typical farmhouse garden near to agricultural buildings. Given that there is already a farmhouse with garden on the appeal site, the introduction of an additional garden area would not be out of keeping with the locality. Instead, it would provide an opportunity to enhance the appearance of the site through the removal of unsightly external storage and run-down buildings. This represents a significant benefit that justifies the proposed increase in garden area.
10. In summary, the proposal would not accord with the part of CS policy CS.20 that resists replacement dwellings that are significantly larger than the existing. However, the scale and design of the house would be sympathetic to the area. Also, its positioning further back in the plot would ensure the proposed house is less prominent than the existing when viewed from the road. In addition, the proposed siting would provide scope for new planting to help

mitigate any visual effects of the proposal. The loss of the farmyard and existing buildings as well as the increase in garden area would not be detrimental to the visual qualities or nature of the area but would provide an opportunity to enhance the appearance of the site. Overall, the aesthetic enhancements would clearly outweigh any harm caused as a result of the proposed house and garden being larger than the existing.

11. For these reasons, I conclude the proposal would cause no harm to the character and appearance of the area. In these regards, it would accord with CS policies CS.5 and CS.9, which amongst other things seek to maintain landscape quality and ensure development reflects local character. Also, I conclude the development would accord with the terms of CS policy AS.10 on replacement dwellings, although it would not fully comply with CS policy CS.20 in these regards as the proposed house would be significantly larger than the existing. However, the other considerations set out above are of sufficient strength to collectively outweigh that non-compliance such that planning permission should be granted.

Other Matter

12. The appellant advises that since the appeal was lodged, the Council has granted planning permission for a replacement dwelling on the site. The full details of this permission and the reasons for the decision are not before me. However, from the information provided, I am satisfied that a decision to allow this appeal would not be inconsistent with the permission already granted.

Conditions

13. I have considered the conditions suggested by the Council. Where appropriate, I have amended the wording for reasons of precision and to avoid pre-commencement requirements.
14. A condition detailing the plans is necessary to provide certainty. To safeguard species, a condition regarding swallows is imposed. To ensure a satisfactory appearance, conditions that relate to materials and landscaping are included. There is no need for the landscaping condition to refer to parking, access and circulation as such details are on the approved plans.
15. To minimise the effects of the development on the environment, conditions are imposed to ensure the development provides sustainability measures, water butts and electric vehicle charging points. Also, a condition that requires the removal of the existing dwelling is needed as my assessment is made on the basis the proposal is a replacement house. However, having regard to CS policy CS.9, I am unconvinced that the suggested condition in respect of waste bins is necessary and so it has not been imposed.

Conclusion

16. The proposal would be acceptable in terms of the main issue and so it would accord with the development plan when read as a whole. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20-348-01a, 20-348-02c, 20-348-03a.
- 3) Apart from the demolition of existing buildings as shown on the approved plans, no development hereby permitted shall commence until a mitigation and enhancement strategy for nesting swallows has been submitted to and approved in writing by the local planning authority. The strategy shall include an implementation timetable. Thereafter, the strategy shall be implemented and retained in accordance with the approved details.
- 4) Apart from the demolition of existing buildings as shown on the approved plans, no development hereby permitted shall commence until samples and trade descriptions of the external facing and roofing materials to be used in the construction of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.
- 5) The development hereby permitted shall not be first used or occupied until a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings has been submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:
 - (a) planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
 - (b) the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
 - (c) written specifications including cultivation and other operations associated with tree, plant and grass establishment;
 - (d) existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
 - (e) existing and proposed finished levels (to include details of grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform where appropriate);
 - (f) the means of accommodating change in level (e.g. retaining walls, steps, railings, walls, gates or other supporting structures, ramps);
 - (g) location, type and materials to be used for hard surfacing where applicable;
 - (h) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;

- (i) historic landscape features to be retained, removed or restored (where appropriate); and
- (j) a timetable for the implementation of the soft and hard landscaping scheme.

Soft and hard landscaping shall be provided, managed and maintained in accordance with the approved details and timetable. If within a period of five years from the date of the soft planting pursuant to this condition that soft planting is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective it shall be replaced by planting as originally approved. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

- 6) The development hereby permitted shall not be first used or occupied until the sustainability measures set out within the supporting 'Climate Change Checklist' have been provided and incorporated into the development. Thereafter, the approved sustainability measures shall be retained and maintained.
- 7) The development hereby permitted shall not be first used or occupied until a minimum 190 litre capacity water butt fitted with a child-proof lid has been connected to any downpipe within the development. Thereafter, the water butts shall be retained.
- 8) The development hereby permitted shall not be first used or occupied until the dwelling has been provided with cabling of at least a 7kW supply to facilitate electric vehicle charging points. Thereafter, the cabling shall be retained.
- 9) Within three months of the first occupancy of the replacement dwelling hereby permitted, the original dwelling shall be demolished as indicated on the approved plans and all waste materials arising from the demolition shall be removed from the site or re-used or retained in a position on site in accordance with a scheme that has been previously submitted to and approved in writing by the local planning authority.