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# Appeal Decision

Site visit made on 18 October 2022

**by Helen Smith BSc (Hons) MSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 December 2022**

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**Appeal Ref: APP/J3720/W/22/3290946**

**Old Vicarage, Snitterfield Road, Bearley CV37 0SR**

- 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 Greg White against the decision of Stratford-on-Avon District Council.
  - The application Ref 21/01925/FUL, dated 26 October 2021, was refused by notice dated 18 November 2021.
  - The development proposed is erection of 4 dwellings, demolition of several domestic structures, off site highway works, and all associated works.
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## Decision

1. The appeal is allowed and planning permission is granted for erection of 4 dwellings, demolition of several domestic structures, off site highway works, and all associated works at Old Vicarage, Snitterfield Road, Bearley CV37 0SR in accordance with the terms of the application, Ref 21/01925/FUL, dated 26 October 2021, subject to the conditions in the attached schedule.

## Main Issue

2. The main issue is:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies.

## Reasons

### *Whether Inappropriate Development*

3. The fundamental aim of Green Belt policy in the National Planning Policy Framework (Framework) is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
4. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings should be regarded as inappropriate development in the Green Belt. However, Paragraph 149 of the Framework includes a closed list of exceptions, of which criterion e) limited infilling in villages is the only one applicable to the proposal before me.
5. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (Core Strategy) refers to development within the Green Belt and forms of development which are not inappropriate. One such form is limited infilling in

Local Service Villages. Therefore, Policy CS.10 is broadly consistent with the Framework.

6. Policy H1 of the Bearley Neighbourhood Development Plan 2011-2031 (2021) (NDP) supports in principle limited infilling and small-scale development within the Built-Up Area Boundary (BUAB).
7. Whilst there is no definition of 'limited' in the Framework, the modest number of dwellings proposed for the size of the appeal site would represent a limited, small-scale scheme.
8. The appeal site is a plot of land that lies adjacent to other residential dwellings along Ash Lane and behind the rear gardens of a row of residential properties that front Snitterfield Road. To the south of the site is countryside.
9. Due to the rectangular shape of the appeal site, it is enclosed by built form to its north and east, with an operational vineyard to its west. Given the compact and enclosed nature of the site, it has a logical relationship with its immediate built form surroundings. Thus, the proposal would be physically and functionally joined to the existing urban development, rather than being experienced as part of the rural context beyond.
10. Furthermore, the appeal site is located within the BUAB of Bearley as defined by the NDP. Bearley is considered under the provisions of the Core Strategy as a Local Service Village.
11. Consequently, the proposal would fill a small gap between the existing built form and the boundary of the BUAB. As such, the proposal would represent limited infill of a gap within the built-up part of the village.
12. Although the proposal would utilise garden land, I have had regard to the local characteristics and conclude that as a result of the positioning of the proposed dwellings and the site's location, the development would comprise limited infilling for the reasons given.
13. For the reasons given, the proposal would constitute limited infill development. The proposal would therefore fall within the listed exception at paragraph 149 e) of the Framework. Accordingly, the proposed development meets the requirements of paragraph 147 of the Framework and is therefore not inappropriate. As such, the proposal complies with the protection of the Green Belt objectives within the Framework, Policy CS.10 of the Core Strategy, and Policy H4 of the NDP.
14. Having reached this conclusion, it is neither necessary nor appropriate for me to consider the proposal's impact on the Green Belt's openness. As the proposal is not inappropriate it is also not necessary for me to consider the question of very special circumstances in accordance with paragraph 148 of the Framework.

### **Other Matters**

15. The appeal site is located partly within a Conservation Area and is near to the Grade II Listed Building 'Poacher's Cottage'. Based on the evidence before me and the observations I made during my site visit, I find the proposed development would have no effect on the setting or significance of these

heritage assets. This is a neutral effect and thus carries no weight in favour of the proposal.

16. Whilst the proposal would be located near to the boundaries of neighbouring properties, there would be sufficient separation distances between the appeal site and the neighbouring properties. Therefore, the proposal would not result in an overbearing impact or loss of privacy to neighbouring residents.
17. Concerns have been raised about parking arrangements and the impact on the existing highway network. However, the Highways Authority has not raised any highway safety objections. As the proposal would provide off-street parking, there is no obvious reason why any further change to it would be required.
18. Concerns have been raised about potential surface water run-off and sewage disposal. However, Severn Trent Water have not raised any objections, subject to the inclusion of a condition for further drainage details attached to any grant of planning permission. Based on the evidence before me, I have no reason to disagree. The proposal would therefore not impact upon the adjacent vineyard.
19. The Council has raised no objection to the proposal in respect of the effect it would have on the Arden Special Landscape Area (SLA). Based on the evidence before me and the observations I made during my site visit, I also find the proposed development would have no effect on the SLA. This is a neutral effect and therefore carries no weight in favour of the proposal.
20. The proposal is located near to a Local Wildlife Site and there is a pond within the appeal site. However, the Council's Ecologist has not raised any objections, subject to their suggested conditions. I have no reason to disagree.
21. Whilst the proposal would involve the removal of some trees, the supporting tree survey find these trees to be of no merit in landscape character terms and their loss would have little impact in the context of the site and its wider setting.
22. The Council has drawn my attention to a previous appeal decision concerning dwellings in the Green Belt (APP/J3720/W/20/3244794). However, the appeal decision differs to the proposal before me, as the Inspector was concerned with the significantly larger bulk and scale of the development compared to the existing house and the neighbouring dwellings. Consequently, this is not directly comparable to the appeal scheme before me. In any event, I have determined this appeal on its own merit and its site-specific circumstances.

### **Conditions**

23. The Council suggested a number of conditions; the appellant had the opportunity to comment on these and was agreeable to the pre-commencement conditions. I have considered these suggested conditions together with the advice in the planning practice guidance and amended where necessary.
24. In addition to the standard time limit, I have attached a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
25. Conditions for the external materials of the development are necessary in the interests of the visual character of the area.

26. I have also imposed conditions in the interest of highway safety regarding highway improvements to Ash Lane, vehicular access to the site, visibility splays, and parking and manoeuvring of vehicles on site.
27. A pre-commencement condition for a Construction Management Plan is required for the purposes of highway safety throughout the development works. I have included a condition relating to the climate change checklist, to ensure sustainability measures are taken into account in the development.
28. I have imposed conditions to ensure the adequate drainage of the site and to avoid flooding. Conditions are also imposed for domestic waste purposes, to encourage the re-use of water resources, and to facilitate electric vehicle charging points.
29. To protect and enhance wildlife, I have imposed conditions relating to great crested newts, proposed replacement pond, and the protection of trees. A pre-commencement condition is also imposed to protect archaeology.
30. I have omitted the suggested condition relating to land levels, as I did not consider this to be necessary or reasonable in this instance.

### **Conclusion**

31. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be allowed.

*Helen Smith*

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 approved shall be carried out in accordance with the following approved plans: 3402\_020 M (Proposed Site Plan, dated: 11/02/21), and 3402\_021 L (Proposed Plot Types, dated: 11/02/21).
- 3) No construction of the dwellings hereby approved shall take place until details of all external materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 4) The development shall not be occupied until the public highway 05338 Ash Lane has been improved so as to provide for pedestrian facilities, formalised passing bay and the widening of the metalled carriageway in accordance with drawing number 22517-01 Revision B appended to Transport Statement DN\BP\22517-01b.
- 5) The development shall not be occupied until the access to the site for vehicles has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the public highway carriageway.
- 6) The development shall not be occupied until visibility splays have been provided to the vehicular access to the site in accordance with drawing number 22517-01 Revision B appended to Transport Statement DN\BP\22517-01b. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.
- 7) The development shall not be occupied until space has been provided within the site for the parking and manoeuvring of vehicles, and a bin collections point has been provided, in accordance with drawing number 22517-01-1 Revision B appended to Transport Statement DN\BP\22517-01b.
- 8) No construction shall be undertaken until a Construction Management Plan, which should contain details to prevent mud and debris on the public highway, and identify suitable areas for the parking of contractors and visitors and the unloading and storage of materials, is submitted to and approved by both the Planning and Highway Authorities.
- 9) Prior to first occupation of the development hereby permitted, the sustainability measures set out in the supporting 'Climate Change Checklist' shall be incorporated into the design of the development and/or site layout as relevant. The approved sustainability measures shall be retained and maintained in like form throughout the development's lifespan.
- 10) Prior to its installation, details of a scheme for foul drainage and surface water drainage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the development is first occupied and thereafter maintained as such.

- 11) Prior to occupation of the development hereby permitted, the developer shall provide 3 bins for the dwelling for the purposes of refuse, recycling and green waste, in accordance with the Council's bin specification.
- 12) No dwelling that has a downpipe within the development hereby permitted shall be occupied until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to the downpipe.
- 13) Prior to the occupation of the development hereby permitted, the dwelling shall provide cabling of at least a 7kW supply to facilitate electric vehicle charging points.
- 14) No part of the development hereby approved shall commence until mitigation and compensation measures for great crested newts, including during construction period, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 15) Details for the long-term management arrangements of the proposed replacement pond and immediate surrounding area situated within the application site shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the dwellings hereby permitted. The management and maintenance arrangements shall be carried out in accordance with the approved details.
- 16) Notwithstanding the submitted tree protection plan, prior to the commencement of the development hereby permitted, a further tree protection plan scheme for the protection of the retained trees and hedges, shall be submitted to and approved in writing by the local planning authority. The approved tree protection measures shall be put in place prior to the commencement of development (with the exception of necessary tree works and necessary demolition works) and must remain in place for the duration of construction works.
- 17) No development shall take place until:
  - a. All works and actions set out within the submitted 'Archaeological Assessment and Written Scheme of Investigation for Evaluation', dated April 2021 by Archaeology Warwickshire have been undertaken. A report detailing the results of this field work shall be submitted to and approved in writing by the local planning authority.
  - b. An Archaeological Mitigation Strategy document (including, if necessary, a Written Scheme of Investigation for any archaeological fieldwork proposed) has been submitted to and approved in writing by the local planning authority. This should detail a strategy to mitigate the archaeological impact of the proposed development and should be informed by the results of the archaeological evaluation.
- 18) The development hereby permitted shall be carried out in accordance with the Arboricultural Survey and Report by MWA Arboriculture Ltd, ref. DEV190919-384Rev2 dated 12 April 2021.