



Appeal Decision

Site visit made on 14 December 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 December 2022

Appeal Ref: APP/J3720/W/22/3297943

Land off St Mary's Close, Priors Hardwick, Southam, Warwickshire

- 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 John Taylor against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/02649/FUL, dated 16 August 2021, was refused by notice dated 20 January 2022.
 - The development proposed is construction of single detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address in the banner heading above from the appeal form, which more accurately describes it than that used in the application form. There was some confusion regarding whether my visit to the site was to be accompanied or unaccompanied. In the event, I visited unaccompanied and was able to clearly see the site and its surroundings from public viewpoints.

Main Issue

3. The main issue is whether the proposal would accord with the strategy of the Development Plan for the distribution of housing, having regard to the access of the site to services and facilities.

Reasons

4. Policy CS15 of the Stratford-on-Avon Core Strategy 2011-2031, adopted July 2016 (SACS) provides the Development Plan policy for the distribution of development within the District. Development is focused on locations with services and facilities, whilst also providing some development in rural areas to meet housing needs and to support village communities. As such, in Category F ('all other') settlements, including Priors Hardwick, development is restricted to small-scale community-led schemes which meet a need identified by the local community.
5. The proposal is for the erection of a single dwelling. It would not constitute a community-led scheme and so would not accord with the types of development permitted in this location by SACS Policy CS15. SACS Policy AS10 relates specifically to the countryside and villages. It identifies circumstances where residential development is acceptable in principle, for example sites within the physical confines of a Category D Local Service Village, or the conversion of an

existing building. However, the proposal would not consist of a type of development that would accord with SACS Policy AS10.

6. The site was the subject of a successful appeal¹ for the erection of a dwelling, identical to that proposed now, in 2016 (the 2016 decision). This is clearly an important material consideration. In that appeal, the Inspector found that the village had a church, pub/restaurant and visiting library within walking distance. She also found that the village shares some of its services with Priors Marston, a larger village nearby with more facilities. As a result, the other Inspector concluded that the site would be in a sustainable location, but that future occupiers would inevitably use the car.
7. However, after the 2016 appeal decision was issued, the SACS was adopted in July 2016, replacing the previous Development Plan. The SACS focuses development on settlements with good facilities, or with access to nearby settlements, preferably other than by private car. Since 2016, working from home has increased and more banking and shopping is done online. However, although there are farm shops locally, I understand that Priors Marston no longer has the shop referred to in the 2016 appeal. Facilities and services are available in other towns and villages such as Southam and Daventry, but these are much further away.
8. Moreover, the Council now claims to have a five-year supply of housing land. This was not the case at the time of the 2016 appeal, when what is now called the 'tilted balance' of the National Planning Policy Framework in force at the time applied. Therefore, the planning policy basis that applies now is considerably different from that relevant to the 2016 decision and so I can give this decision only moderate weight.
9. A subsequent application for a larger dwelling was granted planning permission² in 2017. The SACS had by then been adopted, but the permission granted on appeal was still extant and I understand was considered a sufficient reason to justify granting permission in 2017. The life of the 2017 permission was extended until May 2021 under the emergency Coronavirus measures. These schemes were not implemented partly for personal reasons with which I sympathise. However, I have not been made aware of any extant consent for a dwelling on the site and I have made my decision on this basis.
10. Priors Hardwick has few services. The National Planning Policy Framework (the Framework) at paragraph 79 identifies that development in one village may support services in a village nearby. However, whilst there are some facilities in Priors Marston, these too are limited. Moreover, this village is accessed from the site via an unlit country lane with little or no footway. Use of this rural road by bicycle or on foot would not be attractive, particularly at night, in poor weather or for those with limited mobility. I understand that the bus service is infrequent.
11. As a result, residents of the proposal would be heavily reliant on the private car for daily services. Such reliance would ultimately cause environmental harm because the proposal would not be located where it would contribute to a cumulative reduction in harmful greenhouse gas emissions, and an improvement in air quality and public health. I therefore find the site would be

¹ APP/J3720/W/3130271, dated 10 February 2016

² LPA reference 17/00451/FUL

poorly located for services and facilities, which reflects its Category F position in the hierarchy of SACS Policy CS15.

12. As such, judged against the situation now and the current planning policy framework, I conclude that the proposal would not accord with the strategy of the Development Plan for the distribution of housing, having regard to the access of the site to services and facilities. For the reasons given above, it would conflict with SACS Policies CS15 and AS10 in this respect. The Framework seeks to significantly boost the supply of housing, but whilst also managing patterns of growth to promote walking, cycling and public transport. As such, the proposal would also conflict with the Framework.

Other Considerations

13. The site has been included in the Council's record of Housing Sites dated 2021 as being 'completed', based on the 2017 permission. It has been put to me that this calls into question the accuracy of the Council's housing land supply and that, because of its age, the SACS and its Policy CS15 is out of date and so carries limited weight.
14. The Council's inclusion of the site as being completed may be erroneous. Even so, whilst not a maximum, the Council states that it has a robust housing supply figure of over ten years³. I have no substantive evidence that the Council's housing supply is below five years, or that the policies most important for determining this appeal (SACS Policies CS15 and AS10) are out-of-date. They accord with the requirements of the Framework including to actively manage patterns of growth. Therefore paragraph 11(d) of the Framework is not engaged.
15. Development can help to sustain rural communities and my attention has been drawn to houses built recently within the village. That at Chinnerys, Church End was allowed on appeal⁴ in 2015 and a subsequent application⁵ for a larger house was approved in 2020. However, a start was made on the 2015 consent and so it remained extant at the time of the 2020 consent. Therefore, the circumstances at that site differ from those of the appeal site. I have few details of the new dwelling at Warwick Villa. As such, I can draw little useful comparison from these sites.
16. I understand that the appellant considers the village to be his home and has longstanding family connections with it. I do not doubt that the proposal has an attractive design and is acceptable in other respects. It is within a Conservation Area (CA) but the proposal has been sensitively designed to have no adverse effect on the character or appearance of the CA, which would be preserved. The proposal would provide a two-bed house on a plot that a small developer could deliver quickly, whilst questions of land ownership are a civil matter. However, these factors do not alter my conclusion on the main issue.
17. The appellant has made comments about the handling of the case, including by the District Council such as requiring further information in respect of heritage and trees despite an objection in principle to the proposal. However, this is not a matter for me, and I can only consider the proposal on its planning merits, based on the information before me.

³ at 1st April 2022

⁴ APP/J3230/W/15/3130320

⁵ 20/01952/FUL

Conclusion

18. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR