



Appeal Decision

Site visit made on 20 March 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/T3725/W/22/3307828

Land Fronting Wasperton Lane, Wasperton, Warwickshire CV35 8DT

- 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 Malvern Homes Limited against the decision of Warwick District Council.
 - The application Ref W/21/1260, dated 28 June 2021, was refused by notice dated 7 September 2022.
 - The development proposed is the erection of five dwellings and car ports.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the area, having regard to whether it would preserve or enhance the character or appearance of the Wasperton Conservation Area (the CA), and (ii) whether it would be in a suitable location having regard to the policies of the Warwick District Local Plan 2017 (the LP) and the National Planning Policy Framework (the Framework).

Reasons

Character and appearance

3. The site forms the northern part of a field that lies to the south side of Wasperton Lane. A hedgerow with trees lies along its wide roadside frontage. Houses lie on the opposite side of the road and to either side of the site. To the south are allotments and the remainder of the field with a belt of mature trees on the southern field boundary. Properties in Wasperton tend to be laid out along the single road leading through the village. The road has no pavements but there are roadside grass verges and hedges in places.
4. The CA includes most of the buildings within the village as well as the field in which the appeal site lies. It partly gains its significance from the age and architectural interest of some of the buildings, including the listed buildings of St John the Baptist's Church and the Old Manor House to the southwest of the site and The Elms to the northeast. The informal nature of the road and views of fields, hedgerows and trees provide the CA with an attractive rural village environment that also adds to its significance.
5. The hedgerow on the site frontage is an attractive natural feature that emphasises the rural nature of the village. From first floor windows of

properties on the opposite side of the road there are views over the hedgerow and across the field to the belt of trees. These are also seen from the road through the hedgerow. Such vistas are recognised as being important in the Council's leaflet on the CA. As such, the site as it stands contributes positively towards the traditional countryside village character of the CA.

6. The proposed dwellings would be set back from the road and to a degree would be shielded from view through the retention of parts of the roadside hedgerow. Even so, they would be visible from the upper floor windows in the houses opposite as well as from the adjacent properties and the allotments. Also, they would be seen from the road both through the proposed accesses and through small gaps in the retained parts of hedgerow, particularly at times of leaf fall.
7. The scheme would result in a more developed and domestic appearance to the site and this change would undermine the rural nature of the plot. Also, the dwellings would noticeably obstruct views from the road and the properties opposite towards the trees on the southern field boundary. Moreover, the formation of the 5 accesses would erode the positive contribution the hedgerow makes to the natural qualities of the locality by breaking it into small, separate parts. I am unconvinced from the submissions that new planting would fully offset the harm caused by the fragmentation of the hedgerow. In these respects, the development would undermine the rural village feel of the site and its surroundings.
8. Given the variety in nearby dwellings, the scale and form of the proposed houses would be in keeping with the area. A traditional design approach has been adopted so the development would reflect the style of existing houses. Its layout would follow the predominant linear pattern seen in the village. Also, the retention of parts of the hedgerow and the provision of landscaped front gardens would ensure the development is not unduly prominent. In these regards, the scheme would comply with elements of LP policy BE1.
9. However, these acceptable aspects of the proposal would not address nor override the harm that would be caused through the erosion of the field, obstruction of views towards the countryside and the fragmentation of the hedgerow. Overall, the development would have a detrimental effect on the qualities of the CA that contribute towards its significance. The failure to enhance and appropriately incorporate existing important features such as the hedgerow means the development would not fully accord with LP policy BE1.
10. By reason of the separation distances and intervening features, the houses would have no meaningful effect on the setting or significance of the church and other listed buildings. The dwellings would be adjacent to 15 and 16 Wasperton Lane, which are identified as non-designated heritage assets by the appellants due to their age and contribution to the street scene. The proposal would not significantly affect views from the road of these properties and so their historic interest would be preserved.
11. Nonetheless, for the above reasons, I conclude the development would be harmful to the character and appearance of the area and that it would not preserve nor enhance the character or appearance of the CA. Only part of the CA would be affected by the development and so, having regard to the provisions of the Framework, I find that less than substantial harm would be caused to the CA's significance. In such circumstances, LP policy HE1 and the Framework dictate that the harm should be weighed against the public benefits

of the proposal. My conclusions on this matter are set out in the other considerations, heritage and planning balance section of this decision.

Suitability of location

12. LP policy H1 sets out circumstances when housing development will be permitted. I am informed that the LP defines a Limited Infill Village boundary at Wasperton but that the appeal site lies just outside the boundaries. As such, the development is not permitted under part c) of LP policy H1, which only allows new housing within Limited Infill Village boundaries.
13. The appellant suggests that, notwithstanding the boundaries as defined in the LP, the site clearly forms part of the village and the proposal would represent infill development. However, to my mind, the site is seen as land beyond the built-up extent of the village due to the lack of buildings on the plot, its significant size and the uninterrupted length of roadside hedgerow which forms a clear boundary between the field and the road. In any event, in assessing this appeal, it is not in my remit to review the defined village boundaries.
14. Part d) of LP policy H1 allows new housing in the open countryside where it is adjacent to an urban area or a growth village. However, it does not permit housing outside but adjacent to Limited Infill Village boundaries. Also, under part d) iii) proposals are only acceptable if they do not have a negative impact on the character of the settlement. I have already found the proposal would cause harm in these regards.
15. Part e) of LP policy H1 sets out further circumstances when housing development in the countryside will be acceptable. None of these circumstances apply in this case and so I conclude the development would not be in an acceptable location when assessed against LP policy H1.
16. The appellant states that the development would provide self-build housing. The Planning Practice Guidance explains that such projects cover a wide spectrum.¹ However, I must be satisfied the initial homeowners have had primary input into the final design and layout of the proposal for it to represent self-build housing. No evidence is provided to indicate who would initially occupy the proposed dwellings or what input they have had into the housing designs before me. As such, there is doubt whether it is appropriate to class the proposed development as self-build housing.
17. In any event, I am advised that LP policy H15 only encourages self-build housing on appropriate sites in suitable, sustainable locations, such as within infill villages. As the site lies outside the defined village boundaries, LP policy H15 fails to offer support for housing development on the field, even if it is accepted that the scheme could be legitimately classed as self-build housing.
18. The proposed dwellings would be near to other properties in Wasperton and so they would not be isolated homes in the countryside. Accordingly, the advice that discourages isolated homes under paragraph 80 of the Framework does not apply. However, acceptability in these respects does not address or override the conflict with the LP strategy on the location of new housing.

¹ Planning practice guidance, Self-build and custom housebuilding, paragraph 016 Reference ID: 57-016-20210208, revision date 08 02 2021

19. The occupiers of the dwellings would have convenient access to facilities in the village. However, these consist of a church and a village hall and so there would be limited scope for future occupiers to support the vitality of the local community. Even if broadband is provided, it is likely that future occupants would need to travel to other settlements to gain access to facilities such as schools, shops, places of employment and medical services.
20. Bus stops with access to bus services to and from other towns and villages lie on the A429 close to its junction with Wasperton Lane. These would be within a reasonable walking distance from the proposed dwellings but Wasperton Lane is unlit and has no pavements. Therefore, the nature of the link to the bus stops would discourage people from using the bus services to get to and from the development, particularly when it is dark.
21. Barford is a larger settlement with a broader range of facilities to the north. However, it would be beyond a reasonable walking distance from the development and the A429 linking Wasperton to Barford is not conducive to cycling as it is busy with fast moving traffic. Given the paucity of facilities in Wasperton and the separation from Barford and other settlements, residents of the proposed houses would not have easy and convenient access to services and would be heavily reliant on car travel.
22. I am referred to appeal decision reference number APP/F1610/W/18/3217856 in which an Inspector allowed a dwelling. With that proposal it was found that there would be a technical breach of development plan policy that resisted housing outside settlements. However, the Inspector concluded that this would cause no harm as the site visually appeared as part of a village and the dwelling would be near to a primary school, public house and bus stops. However, with the current appeal, the site appears to be outside the built extent of the village and the development would not be well-located in relation to most facilities needed for day-to-day living. Therefore, this previous decision does not set a precedent that I am bound to follow with this appeal.
23. For the above reasons, I conclude the development would not be in a suitable location having regard to the LP policies on the location of housing. I find no conflict with paragraph 80 of the Framework but this factor fails to address or override the non-compliance with the LP.

Other Considerations, Heritage and Planning Balance

24. There is a duty under the Self-build and Custom Housebuilding Act 2015 (as amended) for the Council to keep a register of persons who are interested in acquiring a self-build or custom-build plot. The Council should grant enough permissions for serviced plots to meet the demand shown by the register.
25. The Council's Custom Build and Self Build Progress Report 2019 contains the latest information regarding entries on the self-build and custom build register as well as permissions granted to meet the demand. The Council does not dispute the appellant's claim that the report shows an increasing shortfall of suitable plots with planning permissions when assessed against demand up to 2019. There is no evidence to show that the situation has changed in the interim period. As such, a significant shortfall in permitted self-build and custom-build plots exists.

26. As mentioned previously, there is a degree of uncertainty over whether it is appropriate to class the development as self-build housing as there is no evidence to show the initial occupiers have had an input into the design of the houses. If I were to accept the appellant's contentions, the proposed self-build housing would attract significant weight in support of allowing the scheme due to the contribution it would make to addressing the identified undersupply of plots. The proposal would also add to the housing stock and create construction employment, benefits which in themselves attract modest weight.
27. I have found the development would cause less than substantial harm to the significance of the CA. Paragraph 199 of the Framework dictates that great weight should be given to the conservation of a heritage asset irrespective of the harm caused being substantial or less than substantial. Also, I have a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. With the Framework's guidance and the legal duty in mind, I attach considerable weight to the harm that would be caused to the CA. Therefore, even if I accept the development would provide self-build housing, I find that the benefits of the scheme would be insufficient to justify the detriment to the character, appearance and significance of the CA. As such, I conclude the development would not accord with LP policy HE1.
28. In addition, I have found the proposal would not comply with LP policy H1, which identifies appropriate locations for new housing. The benefits of the proposal are insufficient to grant planning permission contrary to LP policies.
29. The appellant refers to other appeal decisions² where Inspectors have allowed schemes including self-build housing plots. These decisions relate to sites in other local authority areas and so different planning policies would apply. Also, from the information submitted there is no indication the Inspectors found harm would be caused to the significance of a designated heritage asset as I have in this case. Due to these differences, it would not be inconsistent with these previous decisions to refuse planning permission.

Conclusion

30. For the above reasons, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR

² Appeal reference numbers APP/H1840/W/19/3241879, APP/P1615/W/18/3213122 and APP/D2320/W/20/3247136.