



Appeal Decision

Site visit made on 3 May 2023

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/J3720/W/22/3296975

Land to south of Tailors Lane, Upper Quinton, STRATFORD-UPON-AVON, CV37 8LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Landstrom Group Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/03326/OUT, dated 19 November 2020, was refused by notice dated 19 October 2021.
 - The development proposed is outline planning application for a phased development of 8 no. serviced self-build plots, public open space in the form of a grassland field and community orchard, and associated works.
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Decision

1. The appeal is dismissed.

The site

2. The appeal is for 8 self-build houses on a greenfield plot on the edge of Upper Quinton. The village itself and the site are located just within the Cotswolds AONB. Tailors Lane marking the northern edge of the AONB itself. Just to the south of the site the land rises up to a prominent hill topped by a hill fort that is a scheduled ancient monument. The site and the fields leading up to the hill are marked by the remains of medieval ridge and furrow earthworks.

Main Issues

3. There is no dispute that the Council has a five year supply of houses, indeed the latest figures suggest it has over 10 years supply identified. The Council have also accepted that they do not have sufficient self-build plots identified to meet the demand and that this shortfall carries significant weight. The reasons for refusal concentrate on the impact of the proposal on the character and appearance of the area, the impact on the hill fort, the ridge and furrow remains, the village form and the AONB. There is also dispute over the application of the tilted balance contained in paragraph 11(d) of the NPPF and the weight to be given to the need for self-build plots in the area. These then are the main issues in the appeal

Reasons

The tilted balance

4. The appellants do not dispute that the site is contrary to the Council's settlement policy, in that it lies outside the built-up area of Upper Quinton, but they argue the Council has no policies for self-build housing. As a result

paragraph 11(d) is triggered as “*there are no relevant development plan policies*”. The Council agree the current iteration of the development plan doesn’t have self-build policies, but they are in the emerging Site Allocations Plan (SAP). This is going through the statutory process but has not yet been submitted for examination, it is therefore due only limited weight. Nevertheless they rely on case law to support the view that other policies are relevant and so avoid the tilted balance.

5. I agree there is clearly a lack of policies relating to self-build in the development plan, but equally it is now well established that paragraph 11(d) refers to the whole basket of policies that might be relevant in any particular case. In this appeal the Council point to their policies which relate to the issues outlined above, CS.5 (landscape), CS.8 (the historic environment) and CS.11 (the AONB); and through CS11, the Cotswolds AONB Management Plan and AS.10 (countryside and villages). All these policies are directly relevant so it cannot be said that paragraph 11(d) is triggered.

Relevant policies

6. The relevant policies are as noted above. CS.5 requires that landscape character is maintained; features that make a significant contribution to the character, history and setting of a settlement should be protected; and visual impacts considered. CS.8 requires that the historic environment should be protected with priority given to scheduled monuments, followed by non-designated heritage assets, features that reflect the historic interaction of human activity on the landscape and their settings, as well as the distinctive character and built form of settlements. CS.10 requires that the special landscape qualities and scenic beauty of the AONB should be protected, but that small scale developments are appropriate in accordance with AS.10 and should not harm the historic or built character, local distinctiveness or landscape quality of the AONB. AS.10 deals with developments in villages and residential development should be within the built-up area boundaries of the village.
7. Although there are no policies for self-build the SAP indicates a direction of travel. The latest iteration of SAP6 envisages windfall self-build sites could be adjacent to the built up area of a village – as is the case here - but that in the AONB they would have to be only for local needs identified by the local community. Outside of the AONB this local restriction is removed.
8. Finally the Quinton Neighbourhood Development Plan (NDP) was made as recently as February this year and attracts full weight. HO.1 deals with housing growth and identifies all areas outside the built-up area as countryside within which new dwellings would be an exception. The most relevant one is small scale community led housing schemes to meet an identified local need adjacent to the built-up area. This would appear to echo SAP6 in that it would allow self-build as long as it was community led. The appeal proposal is not community led.

Landscape and character of the village

9. The proposal is for 8 plots to be located in a field adjacent to the western boundary of the village which is formed by the backs of houses in Dobbie Rd, a fairly modern cul-de-sac. The entire field is part of the proposal but the houses would be limited to the (more or less) third of the field adjacent to the backs of

the gardens, the rest of the field to the west would be planted as an orchard and to the south left as open space. A swale and balancing pond would be sited in the orchard. The current edge of the village is a straight line formed by a hedgerow along the back gardens and as the eighth house would be more or less level with the end of the cul-de-sac this edge would be more broken up by the less regimented appeal proposal.

10. Upper Quinton is only a few hundred metres south of the larger and more compact Lower Quinton but has a distinct quality of its own. The village is spread out around large open green areas which gives it a distinctive appearance. The only exceptions would seem to be Dobbie Rd and opposite it Edmonds Close, a similar cul-de-sac development. These introduce a more modern and regimented feel to the western end which is at odds with the rest of the village. These two modern developments are clearly out of keeping with the village as a whole and the proposal, by essentially doubling the size of development on the south of Tailor's Lane would reinforce and exacerbate this incongruity which would be significantly harmful to the form and character of Upper Quinton.
11. Although this current western boundary of the village is a straight line it does have the advantage of clearly marking the edge of the countryside. The proposal would muddy that edge and also introduce an orchard. There are no other orchards around the village or Lower Quinton either, as they are set in a landscape of open fields, hedgerows and small clumps of trees. The Council point out this is characterised as "unwooded vale" in the landscape character assessment for the area.
12. The appellant's argument that the field is already weakened by being adjacent to the development in Dobbie Rd is somewhat fallacious as it would apply to any site adjacent to the built-up area boundary and the proposed landscape strategy would not integrate the site into the landscape, but rather the opposite by drawing attention to it.

Views and landscape

13. In terms of views, there would appear to be no public access to the hillfort on Meon Hill, but the Heart of England way runs south and west of the village around the base of the hill providing sweeping views across the landscape only a few hundred meters from the appeal site. From here the site appears as an obvious intrusion into the countryside and a consolidation of the unfortunate Dobbie Road development. It is also from here the ridge and furrow is clearly visible and I shall deal with that below.
14. The appellant provided a detailed LVIA which suggested the harm would be negligible. I share the Council's healthy scepticism about the value of such reports in cases like this. While they provide a valuable method of formalising how one goes about considering impacts they rely on a considerable number of subjective opinions as to impacts and sensitivity. In my view, for example, the site is not contained against a backdrop of houses, especially when seen from the RoW, but is clearly a part of the countryside that envelops the village and the impact is therefore quite high. Nor, for the reasons given above, do I agree that the site relates well to the village – quite the opposite. From these different starting points different outcomes are reached. In my view the impact on the landscape, while localised, is quite significant.

Historic monuments

15. I agree that the introduction of houses, on their own, would have little impact on the setting of the scheduled monument. The site is someway from the hillfort and as the LVIA points out impacts lessen with distance. However, the development would either destroy completely or obscure a large section of ridge and furrow earthworks. These are found in several contiguous fields that run from the northern side of Tailors Lane up to the edge of the hillfort and in several other fields around the base of the hill as well. It is reasonable to assume that at one time much of the land around the hill and village was marked by ridge and furrow and the survivors are in fields that are laid to pasture. These are clearly an important historic remnant and are equally clearly linked to the hillfort and form an important part of its setting, linking the prehistoric the medieval and the modern. The ridge and furrow itself is prominent and the furrows of considerable depth. Their destruction alone would be harmful, but the loss of most of the field would sever its connection to the hillfort and fragment the surviving areas of ridge and furrow. This would diminish the appreciation and continuity of the landscape history that is currently visible and so would harm the setting of the hillfort, causing less than substantial harm in terms of paragraph 202 of the NPPF.
16. The appellant argues the ridge and furrow features could be obscured or destroyed by ploughing and there is no guarantee of their long term survival. This may be true, but it does not seem particularly likely. They have survived so far and are in fields laid to pasture. They are also substantial works in themselves and would require considerable effort to eradicate. I do not consider this is a reasonable fall back position that reduces the harm I have identified.

Conclusions

17. Pulling all this together it is clear to me the proposal would harm the form of the village and appear intrusive in the landscape. It would intrude into views from the RoW from where it would appear as incongruous. It is thus contrary to CS.5 and there would therefore be harm to the character and appearance of the AONB contrary to CS.10. It would also cause irreparable loss to the ridge and furrow earthworks and cause less than substantial harm to the setting of the hillfort contrary to CS.5 and CS.8. The proposal is also contrary to HO.1 of the Neighbourhood Plan.
18. On the positive side I agree that self-build houses have the support of the government and are likely to lead to a more varied and better quality build than standard housebuilders off-the-peg designs. There is also a shortage of self-build plots in the District. There may also be a bio-diversity net gain and I acknowledge there are no other issues in terms of access or the requirements of a s106 agreement. However, these do not outweigh the clear harms I have identified nor amount to public benefits sufficient to outweigh the less than substantial harm to the setting of the heritage asset. SAP6 does suggest edge of village locations might be suitable for self-build housing, but whether the more restricted approach to AONB sites survives the examination or not, this is simply the wrong edge of village location for housing, whatever the type that is proposed. I have considered the conditions suggested but they do not alter the balance of my conclusions.

19. Even if I took a different view on the question of the tilted balance, the harms would significantly and demonstrably outweigh the benefits. I have also noted the other appeal decisions but in neither does the Inspector identify the same level harm as here.

Simon Hand

INSPECTOR