



Appeal Decision

Site visit made on 12 July 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/J3720/W/23/3315779

Croft Farm, Agricultural Building, Banbury Road, Stratford upon Avon, Warwickshire CV37 7NF

- 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 Kiely Bros Ltd against the decision of Stratford-on-Avon District Council.
- The application Ref 22/02934/FUL, dated 28 September 2022, was refused by notice dated 21 December 2022.
- The development proposed is full application for the demolition of an existing agricultural building with Class Q consent and the erection of four new dwellings.

Decision

1. The appeal is dismissed.

Background

2. The appeal site is occupied by an agricultural building which has an extant consent¹ for Prior Approval for change of use to three smaller dwellings and two larger dwellings and associated operational development ('the Class Q scheme') under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
3. On the basis of the information before me, I acknowledge that the Class Q is a 'fallback.' For significant weight to be afforded to the fallback position, there needs not only to be a real possibility of it being carried out, but it would also need to be equally or more harmful than the appeal scheme.
4. On the information before me, the main parties agree that there is a greater than theoretical possibility of the Class Q scheme being implemented and I have no reason to doubt this. In addition to this, in determining the appeal, I have considered the proposal on its merits and also had regard to the fallback.

Main Issues

5. The main issues are:
 - i) Whether the location of the proposed development is suitable for housing with regard to reducing the need to travel by private vehicles, and;
 - ii) The effect of the proposal on the character and appearance of the area.

¹ Ref 21/00810/COUQ

Reasons

Location of development

6. Policy CS.15 of the Stratford-on-Avon District Core Strategy 2011 to 2031 ('CS') states that the distribution of development will be based on a pattern of balanced dispersal, in accordance with the distinctive character and function of the wide range of sustainable locations across the District. Because of its open countryside location, the appeal site falls outside the sustainable locations identified under Policy CS.15 of the CS.
7. Furthermore, although the proposal is for residential development, this does not meet any of the exceptions for the specific types of residential development identified as being acceptable, in principle, in countryside locations under Policy AS.10 of the CS. Similarly, Policy H1 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031 ('NDP') says that new housing within the countryside will be strictly controlled and limited to certain types of dwellings. The proposed dwellings are not of a type supported by this Policy.
8. Together, and amongst other things, the above policies seek to focus new development in the most sustainable locations, in terms of availability of shops, facilities and services, as well as access by modes of transport other than the private car.
9. In this case, the appeal site is accessed via a track off Banbury Road. This is classified as an 'A' Road which is without pavements with no nearby bus stops. As such, the occupiers of any dwellings at the appeal site would be highly reliant on private vehicles to access services and facilities, which in this case are mainly located in and around the centre of Stratford-upon-Avon.
10. As already stated, the appeal site has planning consent for the Class Q scheme. This would provide car parking provision for 13 vehicles.
11. Although the proposed scheme shows 16 car parking spaces, 4 per unit (including one visitor space) the Council has confirmed that in accordance with its adopted parking standards only 3 spaces are required for each unit. Accordingly, the actual parking provision required for the proposed scheme would be 12 spaces which is one less than that consented Class Q scheme. Although the appellant is willing to provide a reduced level of parking, the plans before me do not reflect this.
12. In addition to the 16 parking spaces, the proposed scheme includes a double garage for each dwelling, these could also be utilised for vehicle parking. As such, the proposed scheme before me proposes more parking than the consented scheme. This, along with the need to access services and facilities by car is likely to encourage greater car ownership and associated vehicular movements.
13. Also, and despite having one fewer dwelling than the Class Q scheme, the proposed scheme would provide a greater number of bedrooms, which would support a greater number of occupiers than the Class Q scheme. In particular, each dwelling in the proposed scheme includes 4 double bedrooms and therefore is capable of being occupied by families. This could include occupation and vehicular activity associated with different generations of a family, for example parents travelling to and from work and children having to be taken to and from school.

14. For the above reasons, the occupiers of the proposed development would be heavily reliant on private vehicles to access services and facilities. Also, the proposed scheme would support a greater number of vehicle parking and associated vehicular movements than the level associated with the fallback.
15. Consequently, the proposed development would be in an unsuitable location for housing with particular regard to reducing the need to travel by private vehicles. Therefore, the proposal fails to accord with CS Policies CS.15 and AS.10 and H1 of the NDP.

Character and appearance

16. Along with being located within the countryside, the appeal site is accessed via a track off Banbury Road and is largely surrounded by fields. The agricultural building occupying the appeal site comprises a sizeable modern barn with areas of hardstanding around it. Because of its utilitarian form and appearance, this building along with the appeal site and its immediate surroundings have a strong rural character and appearance.
17. Under the Class Q scheme, the agricultural building would be retained and whilst there would be new fenestration and doors added to this, the overall form of the building would remain. The new dwellings would also utilise the existing discrete access track which serves the agricultural building. Also, the extent of amenity areas for each approved dwelling would be limited in size and located close to the building. As such, the effect of the proposal on the rural character and appearance of the area would be limited.
18. In contrast, as part of the proposed scheme, the agricultural building would be demolished and replaced by 4 x modern, sizeable detached dwellings. Each dwelling would incorporate a double garage and extensive areas for parking and amenity space. Irrespective of the quality of the design, this arrangement would be distinctly domestic in character and appearance. The proposed new built form would be served off an engineered cul-de-sac. This, in part, would be dominated by areas for car parking. As such, this arrangement does not reflect the area.
19. The new dwellings would be of a lower height and their built form would occupy a reduced footprint and volume, relative to the extant agricultural building. Nevertheless, the proposed scheme, including associated parking and amenity areas, would extend beyond the footprint of the existing building and the amenity areas associated with the approved Class Q scheme. The larger amenity areas would also be able to support a greater extent of domestic paraphernalia, such as garden furniture and leisure equipment.
20. Consequently, the proposed scheme would introduce a significant degree of urbanisation to this rural landscape and a permanent erosion of the areas prevailing rural character and appearance.
21. There is established landscaping around the site. However, on the information available to me, I cannot be certain that this would screen the extent of development proposed from the surrounding area particularly during winter months when leaf cover would be reduced. Whilst some new landscaping is proposed, this would take time to establish.

22. Even if I accept the appellant's assertion that any views of the proposed development would be intermittent at best. This does not justify development that is uncharacteristic of the area.
23. For the above reasons, the proposed development would harm the character and appearance of the area. Also, the proposed scheme would have a greater impact on this than the fallback.
24. As such, the proposed development conflicts with CS Policies, CS.9 which requires proposals to reflect the character and distinctiveness of the locality and AS.10 which seeks to minimise impact on the character of the local landscape.
25. Accordingly, I also find conflict with the following NDP policies: BE1, this requires that developments must demonstrate a high standard of design and layout and BE2 which says that proposals that do not positively contribute to local character will be expected to explain why and clearly demonstrate the reasons behind the alternative approach.
26. Compared to the Class Q scheme, which would utilise the existing building to provide 5 dwellings, the proposed scheme provides 4 new dwellings over a larger area. As such, the proposal fails to demonstrate an effective and efficient use of land, in conflict with Policy BE6 of the NDP.

Other Considerations

27. The construction of new buildings would enable the introduction of renewable technologies and the proposal would also achieve a biodiversity net gain. These factors weigh in favour of the proposal.

Planning balance and conclusion

28. Section 38(6) of the Planning and Compulsory Purchase Act 2004 says development should be in accordance with the development plan unless material considerations indicate otherwise.
29. I have found that the location of the appeal site for housing is unsuitable with regard to reducing the need to travel by private vehicles and that the proposal would harm the character and appearance of the area.
30. Even though there is a strong possibility of the fallback of the Class Q scheme being carried out, for the reasons already given, this would be less harmful than the proposed scheme. Therefore, I attach limited weight to this.
31. When taking the fallback and other factors in favour of the proposal into account, to my mind they are not clearly and demonstrably outweighed by the harm I have identified, and so do not justify a decision otherwise than in accordance with the development plan.
32. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR