



Appeal Decision

Site visit made on 17 October 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/J3720/W/23/3315859

Land Adjacent Hillside, Wixford Road, Wixford B49 6DA

- 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 R Owens against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/03329/FUL, dated 8 November 2022, was refused by notice dated 20 December 2022.
 - The development proposed is a self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 5 September 2023 and replaces the previous version published in July 2021. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party. I have had regard to the latest version in reaching my decision.

Main Issues

3. The main issues in this appeal are:
 - Whether the appeal site would be a suitable location for housing with regard to local and national policies, and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Location for housing

4. Policy CS.15 of the Stratford-upon-Avon Core Strategy (the Core Strategy) sets out the Council's development strategy for the distribution of housing development across the district. It seeks to ensure a balanced dispersal of housing in accordance with the character and appearance and function of a wide range of sustainable locations in order to produce sustainable patterns of development. Stratford-upon-Avon is to be the main focus for housing, with development then focussed on Main Rural Centres, such as Alcester and Studley, followed by New Settlements, Local Service Villages, All other settlements, and Local Needs Schemes. Core Strategy Policy CS.16 sets out the numerical distribution of dwellings in the various types of settlements. Core

Strategy Policy CS.1 is a broad-brush policy promoting the wider principles of sustainable development.

5. At a district-wide level, those areas that lie outside a built-up area boundary (BUAB) of a settlement are considered 'countryside' under Core Strategy Policy AS.10. It restricts residential development to small-scale housing to meet a need identified by the local community; small-scale schemes for housing within the BUAB or confines of a Local Service Village; dwellings for essential rural workers; replacement dwellings; conversions of certain buildings into dwellings, or dwellings of exceptional quality and design.
6. These policies are broadly in accordance with the Framework's aim of promoting sustainable patterns of development and identifying opportunities for villages and other settlements to grow, supported by infrastructure and facilities, and in rural areas in particular where it will enhance or maintain the vitality of communities.
7. The appeal site is located within the hamlet of Wixford and currently forms part of the side garden of Hillside, an end of terrace dwelling in a linear development of houses along the main road through the village. On the other side of the site is a bungalow and a several pairs of semi-detached two-storey dwellings. The site lies within the physical confines of the village and could even be regarded as an infill plot.
8. However, Wixford is classed as one of the "All other settlements" under Core Strategy Policy CS.15. Such settlements are restricted to receive small-scale community-led schemes which meet a need identified by the local community. The proposal has not been put forward as a community-led scheme that meets an identified local housing need. Whilst there is one letter of support, the Parish Council objects, indicating to me a lack of community need and support. The proposal does not fulfil the criteria of Core Strategy Policy CS.15. Without a BUAB, Wixford falls in the open countryside for policy purposes. The proposal is not one of the housing exceptions set out in Core Strategy Policy AS.10.
9. I saw that Wixford had a limited range of services and facilities indicative of its settlement classification in Policy CS.15. There were two public houses, a village hall and bus stops for the 247 service that runs between Evesham, Alcester and Redditch. The pavement through the village only goes between the two public houses and a little way beyond. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and should be taken into account in decision-making. However, the limited facilities and services in Wixford would mean future occupants, who would be unable to walk or cycle the considerable distance to Alcester or Bidford-on-Avon for nearest facilities along lanes without pavements or lighting, would be reliant on the private car to access even essential day-to-day needs. Similarly the limited bus service would offer limited opportunities to access such facilities. Hence to allow new housing on an ad-hoc basis in settlements with limited services and facilities would undermine the Council's development strategy for the location of housing to achieve sustainable patterns of development.
10. The proposal is described as a self-build dwelling and is intended for the appellant and his wife to occupy, so they can live next door to their son and his family who live at Hillside. However, the Core Strategy has no policies on self-

build or custom housing (hereafter referred to as SBCH¹). This is because the Core Strategy was at an advanced stage of preparation when the SBCH Act and Regulations² came into force in 2016.

11. There is a legal definition of SBCH and Councils are required to keep a register of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area and publish it. Those authorities who hold a SBCH register have a duty to grant planning permission to enough suitable serviced plots to meet the demand for SBCH in their area. Despite having more than a 5 year supply of deliverable housing land, the Council confirms³ that as of 31 October 2022 there was a shortfall of 76 SBCH plots, based on the total number of entries on the Register and a three-year rolling supply, of which there was a shortfall of 67 SBCH plots for those with a local connection.
12. The Framework identifies “people wishing to commission or build their own homes” as a distinct section of the community for which the size, type and tenure of housing needed should be assessed and reflected in planning policies. To address the need for SBCH, the Council is progressing its own Site Allocations Plan (the SAP), which includes draft policies SAP.6 and SAP.7 for the provision and delivery of SBCH. Amongst other things, draft Policy SAP.6 will support in principle SBCH on unallocated sites within or adjacent to BUABs of Main Rural Centres and Local Service Villages. Hence, the approach to the location of SBCH is broadly similar to the sustainability principles and locational criteria behind the Council’s housing strategy and the Framework, that of building dwellings in locations with access to services and facilities.
13. As Wixford is not a Local Service Village or any of the other listed settlement types deemed suitable to receive SBCH, the proposal would be contrary to draft policy SAP.6 in any event. However, it is common ground between the parties that the SAP and its policies attract only limited weight due to their early stage of preparation. I concur with this view.
14. Furthermore, to be appropriately delivered as SBCH, the Council must be satisfied that the initial owners of the SBCH will have primary input into its final design and layout, otherwise it will not meet the legal definition of SBCH. A planning obligation⁴ in the form of a Unilateral Undertaking (UU) with heads of terms has been submitted to secure the SBCH tenure. The Council states it is negotiating on the wording of the UU. However, being a UU the agreement of the Council is not required as it would not be a signatory. Nonetheless, the submitted UU is not dated and therefore is no executed planning obligation. Without such an agreement and mechanism to control the SBCH the proposal is open-market housing which would be contrary to the Core Strategy.
15. Accordingly, the proposal would be contrary to Core Strategy Policies CS.1, CS.15, CS.16 and AS.10 whose aims are outlined above.

¹ the SBCH Act does not distinguish between the terms ‘self-build’ and ‘custom housebuilding’ in the legal definition.

² The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and the Self-build and Custom Housebuilding Regulations.

³ The Council’s Self-build and Custom-build Housing: Demand & Supply Position on 31 October 2022 – dated January 2023.

⁴ Pursuant to Section 106 of the Town and Country Planning Act 1990.

Character and appearance

16. Wixford is characterised by residential properties facing the road and set back from it in a strong linear roadside alignment. The appeal site sits between the host property 'Hillside', a two-storey pitched-roof end of terrace dwelling, and a single storey pitched-roof bungalow. I saw dwellings were a variety of sizes, styles, designs and ages, including older timber-framed and thatched-roof cottages. Despite the design variety of dwellings, pitched roofs were a key design feature and prevailing characteristic of both single and two storey buildings, whether to the gable fronting the road or to the side. This created a cohesiveness to the buildings in the village, despite individual design detailing. The caravan site nearby was significantly set back from the road and clearly was of a different design format, although I saw the caravans had shallow pitched roofs. Dwellings were also predominantly of a traditional brick and tile construction with some properties rendered or painted.
17. The proposed dwelling would front the road and be set back from it, on a similar building alignment to nearby dwellings, thus maintaining the prevailing pattern of development.
18. The proposed dwelling would be single storey dwelling. However, it would have a flat roof that would be visually and physically at odds with the prevailing pitched-roof form throughout the village. As the proposal would sit between two pitched-roof properties this difference would be particularly visually discordant. Furthermore, the dwelling would be faced in vertical larch wood cladding. I saw no other dwellings clad in timber. Hence the external facing of the dwelling would be out of keeping. Whilst part of the roadside hedge would be retained to provide some screening from the road, the dwelling would nonetheless be visible when approaching the site in either direction such that the hedge would not sufficiently mitigate against the harm.
19. The cladding materials may well have been inspired by the village hall some distance away on the other side of the road, but the proposal is for a dwelling with a different form and function to a village hall. The proposal would be dwelling located between two dwellings. Hence the context for the village hall is not the same as for the appeal proposal. The submitted plans show the village hall will have a pitched roof, even if it the building is timber clad, thus maintaining a prevailing design feature of the village. Consequently, the village hall is not a comparable example.
20. Whilst the existing design variety in the village, including the mix of two-storey and single-storey properties, lends scope for individuality and difference without harming the character or appearance of the area, it does not follow that any design of dwelling is acceptable. A self-build dwelling need not be generic or an 'ordinary off-plan' design, but it still needs to take its design cues from the local vernacular and surrounding built form in the village.
21. Drawing the above points together, the design of the proposed flat-roof, timber-clad dwelling would be an unsympathetic and visually discordant addition to the street scene that would harm the character and appearance of the area. Accordingly, the proposal would be contrary to Core Strategy Policy CS.9 that seeks, amongst other things, to ensure new development is sensitive to its setting, the existing built form and reflect the context of the locality ensuring a continuity of key design features.

22. I have no reason to doubt the build-quality of the dwelling. I also acknowledge that the design has sought to address the previous concerns about the previously refused dwelling, with particular regard to its adverse impact on the amenity of neighbouring occupiers. However, these factors do not overcome the harm I have identified.

Planning Balance and Conclusion

23. Planning law requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
24. I have found the location of the proposed dwelling would be contrary to the Council's development strategy. To allow the proposed development would undermine its delivery, as well as the Framework's aim of promoting sustainable development. I have also identified that the design of the dwelling would cause harm to the character and appearance of the area. This would be contrary to the Framework's aims of promoting good design. These are serious planning objections that attract significant weight.
25. Whilst the Council can show it has a 5-year supply of housing land, there is a shortfall in the provision of SBCH plots across the district. Furthermore, there are no development plan policies relating to SBCH housing policies. These are material considerations of significant weight in favour of the proposal. The proposal would therefore help address the Council's deficit and accord with the Framework's aim of providing housing for different groups of people including those who wish to build their own homes. Nonetheless, the draft SBCH policies in the SAP can only be afforded limited weight due to the stage of preparation of that plan. The proposal would also see a more efficient use of land advocated by the Framework. There would also be some socio-economic benefits during the construction period and longer-term spend in the area, but these benefits would be very modest given that only one dwelling is proposed.
26. There is no signed and executed planning obligation to secure the dwelling as a self-build. Without it the dwelling is open-market housing contrary to the aims of the development plan and Framework already described above. Even if I found the site was previously developed land, this does not trump all other factors. Furthermore, even if I were to find the lack of SBCH policies triggered the 'tilted balance' in Framework paragraph 11d), the adverse impacts of undermining the Council's housing strategy, when the Council has well over a 5-year housing land supply, and the lasting harm that would be caused to the character and appearance of the area would significantly and demonstrably outweigh the benefits I outline above when assessed against the policies in the Framework taken as a whole.
27. I have found that the proposal would conflict with the Council's development strategy and local design policies and hence the development plan as a whole. The material considerations I outline above, including the Framework, are not sufficient to outweigh this conflict.
28. Consequently, for the reasons above the appeal should be dismissed.

K. Stephens
INSPECTOR