



Appeal Decision

Site visit made on 31 October 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/J3720/W/23/3322017

Land to the rear of Weavers Cottages, Main Street, Long Compton, Shipston-in-Stour

- 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 Wychwood Investments Ltd. against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/02482/FUL, dated 16 August 2022, was refused by notice dated 16 November 2022.
 - The development proposed is described as "Erection of a detached two-storey dwelling, together with separate garage and ancillary accommodation, access from the lane off Main Street and associated works".
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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 and I have had regard to the latest version in reaching my decision.

Main Issue

3. The main issue in this appeal is whether the appeal site would be a suitable location for housing with regard to local and national policies.

Reasons

4. The appeal site is a parcel of land situated behind a row of cottages and a terrace of 4 more recently built dwellings (Mulberry, Hazel, Walnut and Bramley Cottages)¹ that front the main road through the village. The site would be accessed off the main road via a lane leading to a farmstead. Agricultural fields bound the site to the west and across the track to the south.
5. Policy CS.15 of the Stratford-on-Avon Core Strategy² (the Core Strategy) sets out the Council's development strategy for the distribution of housing in a settlement hierarchy across the district to ensure a balanced dispersal in accordance with the character and function of a wide range of sustainable locations, in order to produce sustainable patterns of development. Stratford-

¹ LPA Ref: 14/02789/FUL granted 11 March 2015.

² Adopted July 2016

upon-Avon is to be the main focus for housing, with development then focussed on Main Rural Centres, such as Alcester and Shipston-on-Stour, followed by new settlements, Local Service Villages, all other settlements, and local needs schemes. Long Compton is a category 3 'Local Service Village' identified to receive some limited housing growth on sites identified in a Neighbourhood Plan and small-scale schemes on unidentified but suitable sites within the Built-Up Area Boundaries of these villages (where defined) or otherwise within their physical confines. I saw Long Compton had a primary school, shop, village hall, a public house, and a limited bus service.

6. Core Strategy Policy CS.16 sets out the numerical distribution of dwellings in the various types of settlements, with approximately 2,000 homes intended across all of the Local Service Villages, of which approximately 450 homes in total to be in Category 3 Local Service Villages, with no more than 13% in any individual settlement. The Policy also encourages Parish Councils to prepare Neighbourhood Plans to identify sites to meet or exceed the aforementioned housing requirement.
7. The Long Compton Neighbourhood Development Plan³ (NDP) was adopted three months before the Core Strategy. NDP Policy H2 will support small-scale residential development within the defined village boundary on identified sites or on infill sites where development fills a small, restricted gap in the continuity of existing frontage buildings, or the site is closely surrounded by buildings. The NDP shows a defined village boundary drawn around Long Compton. The appeal site clearly lies outside, but contiguous with, the defined village boundary. Hence the appeal site does not meet the requirements of Core Strategy Policy CS.15 and NDP Policy H2.
8. In the NDP, greenfield areas fringing the village are considered sensitive to change. NDP Policy H3 states that development proposals will not be supported on greenfield sites unless there are proven exceptional reasons to justify development and that the only exception will be essential agricultural development or affordable housing. The proposal is not put forward for such an exception and hence it would be contrary to NDP Policy H3.
9. Furthermore, at a district-wide level those areas that lie outside a built-up area boundary of a settlement, as in this case, are considered 'countryside' under Core Strategy Policy AS.10. This restricts residential development to small-scale housing to meet a need identified by the local community; small-scale schemes for housing within the built-up area boundary (where defined) otherwise within the physical 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. The proposal does not fall within any of the listed forms of development and hence would be contrary to Policy AS.10.
10. Although the NDP was 'made' 3 months before the Core Strategy was adopted, the plans and their policies are largely compatible with each other and both plans were prepared in accordance with the Framework. Notwithstanding the ages of the plans, they are both still in broad conformity with the Framework's aim of promoting sustainable patterns of development and identifying opportunities for villages and other settlements to grow, supported by

³ Made 25 April 2016 and covers the period 2014-2031

infrastructure and facilities, and in rural areas where it will enhance or maintain the vitality of communities. Moreover, the Council can demonstrate it has more than a 5-year supply of housing land. Therefore I have no reason to consider the NDP out of date.

11. The appellant considers the site lies within the physical confines of the village, following pre-application advice given by the Council back in January 2016, and for being in line with the Gold Stone developments to the north of the site. In my view, advice proffered before the adoption of both the Core Strategy and NDP cannot be relied upon as up to date advice for the purposes of submitting a planning application some 6 years later, especially if new policies have been adopted since the advice was given. Furthermore, pre-application advice does not bind the Council to a view, especially considering the passage of time and a different policy context – indeed the Council’s pre-application advice includes such disclaimers.
12. The aforementioned 4 dwellings in front of the appeal site, which have been built to follow the predominantly linear pattern of development in the village, are not included within the village boundary of Long Compton although they were granted planning permission about a year before the NDP was made. The various Gold Stone developments were granted before and after the NDP was made and have been included in the village boundary. I have not been presented with the full circumstances of these applications nor do I know the reason why the 4 dwellings on the road frontage were excluded from the village boundary. Even if the NDP were reviewed and the 4 dwellings were included within a revised village boundary, it does not necessarily follow that the appeal site would also be included. The village boundary identified in the development plan is a planning tool to guide the location of development – it does not have to correspond to the physical or administrative limits of the village. Hence, the exclusion of the 4 dwellings from the Long Compton village boundary does not, in my view, reduce the weight to be given to the NDP village boundary.
13. I am aware of case law⁴ that considered the boundary of a village defined in a local plan to be relevant but not necessarily determinative such that regard should also be had to the situation on the ground as well as any other policies. The court case was primarily in relation to Green Belt development where the exception for ‘limited infilling in villages’ may not necessarily correspond with villages defined to be suitable for housing in a local plan. Even if I were to find the appeal site lay within the physical confines of the village, Core Strategy Policies CS.15 and AS.10 only require such an assessment if there is no defined boundary around the village. Long Compton has a defined village boundary, and the appeal site lies outside it. Therefore, there is no need for me to pursue such an assessment for the purposes of this appeal.
14. My attention is drawn to a number of dwellings that have been granted planning permission nearby in the village. From the limited submitted evidence most of them were approved before the Core Strategy and NDP were adopted and therefore were not determined under the same policy context. They also occupy very different locations within the village. As such they are not directly comparable. In any event, I must consider the appeal proposal on its own merits and against current development plan policies.

⁴ *Julian Wood v SSCLG and Gravesham Borough Council* [2015] EWCA Civ 195

15. I am advised that there has only been a 10% take-up of new dwellings in category 3 villages, with only 45 dwellings built in Long Compton. The NDP Policy H2 states (when the time the plan was made in 2016) that sites have been identified for 20 dwellings up until 2031 (of which 9 will be affordable to meet identified housing needs in the 2012 Housing Needs Survey) in addition to 27 dwellings given planning permission or built since 2011, giving a total of approximately 47 dwellings. This position falls within the remit of Core Strategy Policy CS.16 which limits development to *no more than 13%* [my emphasis] in any individual settlement. Furthermore, with the Council able to demonstrate it has a 5-year supply of housing land, existing policies are able to make provision for policy-compliant housing development.
16. The development plan clearly sets out locations where new housing is to be directed across the district and rural area and in Long Compton. As described above, the appeal proposal would not accord with development plan policies. Although the proposal is for a single dwelling, to allow it would nonetheless undermine the Council's spatial strategy for the location of housing and could be too easily repeated in Long Compton and elsewhere in the district. I am mindful too that the Framework recognises that the planning system should be genuinely plan led. To develop the appeal site as proposed would be at odds with, and would undermine public confidence in, the plan-led system.
17. I have also had regard to the site's location adjacent to the Long Compton Conservation Area and am mindful that there may be an effect on the setting of a designated heritage asset. However, the Council is satisfied that the scale of the proposed development, proposed building materials and its location behind Weavers Cottages would not harm the character and appearance of the Conservation Area. Whether it would or wouldn't, because of my finding on the main issue with regard to the location of housing, this is not a matter I need to consider any further.
18. There would be some socio-economic benefits of the proposal during construction and towards longer-term support of local services and facilities, but these benefits would be very limited given that only one dwelling is proposed. There would be some environmental benefits from landscape and biodiversity enhancement of a green buffer between the village and the open countryside, but these would mainly stem from mitigating against the development.
19. Drawing all the above points together, the appeal site would not be an appropriate location for development having regard to local and national planning policies. Accordingly, the appeal proposal would conflict with Core Strategy Policies CS.15, CS.16 and AS.10 and NDP Policies H2 and H3, whose aims are outlined above, and there are no material considerations which outweigh this finding. The proposal would also be contrary to the Framework.

Conclusion

20. Accordingly, for the reasons given, the appeal should not succeed.

K. Stephens
INSPECTOR