



Appeal Decision

Site visit made on 22 January 2024

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2024

Appeal Ref: APP/J3720/W/23/3328085

Land adjacent to Wheelwright Gardens, Old Road, Long Compton CV36 5LE

- 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 Steve Taylor against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/03737/OUT, dated 12 April 2022, was refused by notice dated 24 February 2023.
 - The development proposed is the construction of one single self-build/custom build dwelling including access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the 22 November 2023, all designated Areas of Outstanding Natural Beauty in England and Wales became 'National Landscapes'. However, the legal designation and policy status is unchanged. I have therefore proceeded on this basis and referred to the Cotswold National Landscape accordingly.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. I have given the main parties an opportunity to comment on the new Framework, and, in determining the appeal, I have taken the comments received into consideration. I have proceeded to determine the appeal having regard to the revised Framework.
4. The application is made in outline with approval sought in relation to access. Appearance, landscaping, layout, and scale would be matters reserved for future consideration. Whilst indicative details of the proposed dwelling have been submitted, these are for illustrative purposes only. The Council considered the proposal on this basis, and I shall do the same.

Main Issues

5. The main issues in this appeal are:
 - whether the appeal site would provide a suitable location for housing having regard the spatial strategy for the district; and,
 - the effect of the proposal on the character and appearance of the area with particular regard to the Cotswold National Landscape and the Long Compton Conservation Area.

Reasons

Suitability of the site location

6. Policies CS.15 and CS.16 of the Stratford-on-Avon District Core Strategy (the Core Strategy) together with Policies H2-H4 of the Long Compton Neighbourhood Development Plan 2011-2031 (the NDP) collectively set out the spatial strategy for the district which seeks to ensure that new development is distributed to the most sustainable locations. Together, these policies define Built-Up Area Boundaries (BUABs) within which new housing development is acceptable. Those areas which lie outside of a BUAB, as is the case here, are deemed to be located within the countryside for the purpose of Policy AS.10 of the Core Strategy. In such locations, new housing is restricted to certain types of development including the conversion of redundant or disused buildings or replacement dwellings. The appeal proposal would not fall within any of these exceptions.
7. Within and adjacent to settlements, Local Needs Schemes will be supported in principle in any settlement across the district in accordance with Part G of Policy CS.15 of the Core Strategy. Such developments are defined as small-scale community-led schemes brought forward to meet a need identified by that community and can include both affordable and market housing with a local connection. The proposed dwelling would be occupied by the appellant, who, owing to personal circumstances is seeking alternative accommodation in Long Compton.
8. The Local Housing Need Survey (2019)¹ identified 2 households with a defined local connection looking for 2 bed bungalows in Long Compton. The Council's evidence suggests that this need has subsequently been met by more recent developments within the settlement. Whilst noting that the appellant has a local connection with the area and has registered for affordable housing in the district, there is a lack of substantive detail before me to demonstrate that the proposal would respond to an evidenced housing need both initially and in perpetuity.
9. Further, even if I were to accept that the housing need survey is somewhat outdated, the scheme does not have the support of the local community. The Council's Development Requirements SPD – Final Composite Version, as referenced within the supporting text to Policy CS.15 clearly establishes that, amongst other aspects, community support is a key component of Local Needs Schemes brought forward under the provisions of the policy. Consequently, this aspect would not be met.
10. Accordingly, I find that the appeal site would not provide a suitable site for housing and would undermine the spatial strategy for the district. It would therefore conflict with Policies CS.15, CS.16 and AS.10 of the Core Strategy together with Policies H2, H3 and H4 of the NDP, the aims of which are set out above. It would also be inconsistent with the sustainable housing objectives of the Framework.
11. Although the NDP was 'made' over 5 years ago and pre-dates the Core Strategy, the housing policies therein are broadly consistent with the Framework's housing objectives where they seek to manage growth patterns

¹ Housing Needs Survey Report for Long Compton Parish Council 2019

by promoting development in the most sustainable locations whilst also supporting the vitality of rural communities. As such, I have no reason to conclude that the NDP policies relevant to the determination of this appeal are out of date.

12. Provision for self-build and custom-build housing is included in the emerging Site Allocation Plan (SAP), published for consultation on 16 June 2022. However, the evidence indicates that the plan and associated policies are not at an advanced stage. Therefore, Policy SAP.6 attracts limited weight in the appeal. In any case, given that a local need has not been clearly demonstrated, based on the available evidence, it would fail to comply with aspects of the said policy.

Character and appearance

13. The appeal site is located within the Cotswold National Landscape (CNL) which, in the immediate area of Long Compton is characterised by rolling countryside including Ironstone Hills and Valleys and Pastoral Lowland Vale. Across the CNL, settlements are distinctive, developed in the Cotswold vernacular, with high architectural quality and integrity. These traditional buildings are an integral part of the landscape's beauty. In determining the appeal, I am required to give great weight to conserving and enhancing the landscape and scenic beauty of the CNL.
14. The site also lies within the boundary of Long Compton Conservation Area (CA), and I am therefore mindful of my statutory duty arising from section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The makeup of buildings within the CA ranges from small, unpretentious cottages adjacent to the road to large, solid but simple farmhouses and their outbuilding groups and several grand houses set within spacious, well-kept grounds. The significance of the CA is derived in part from the traditional character and appearance of the built form including the common use of Cotswold limestone for external walls and boundary treatments. This strong, co-ordinating effect creates a pleasing, rustic character, and appearance. The setting of the village is predominantly rural with open countryside surrounding the settlement, which together with the abundance of soft landscaping, contributes positively to the significance of the CA.
15. The appeal site relates to an undeveloped plot comprising largely of woodland and scrubland, bound on either side by relatively new residential development. Identified as a 'Green Finger' for the purpose of NDP Policy E2, the site is referenced within the Conservation Area Appraisal as a 'scrub woodland area' and is regarded as an essential component of the village's character, providing a link between the built form and countryside. Existing development along Old Road is primarily characterised by small clusters of buildings, predominantly along the eastern side. Whilst there is a mix of house types in terms of age, form and architectural style, a degree of harmony is displayed with the use of limestone. The relatively low-density development pattern along Old Road together with the abundance of greenery and expanse of surrounding countryside reinforces the rural character of the locality.
16. Matters relating to the scale, layout, appearance, and landscaping of the proposal are reserved for future consideration. However, based on the submitted site plan and my observations on site, I am satisfied that an appropriate scheme could be delivered which safeguards the distinctiveness of

the area and the existing landscaping within the site such that the distant peripheral views of the countryside beyond and views into the village that the site currently provides would not be unacceptably interrupted. The resultant dwelling would be read in the context of the neighbouring, more recent built form and would thus not read as an intrusive or incongruous addition to the street scene. For these reasons, the proposal would not result in a degree of urbanisation and encroachment into the countryside which would harmfully erode the rural characteristics of the locality, including the CNL and CA.

17. In concluding this matter, I find that the proposal would not harm the character and appearance of the surrounding area with particular regard to the CNL and CA. It would therefore accord with Policies CS.5, CS.8, CS.9, CS.11, CS.15 and AS.10 of the Core Strategy and Policy E2 of the NDP. Collectively, and amongst other aspects, these policies seek to ensure that proposals reflect the character and distinctiveness of the locality, preserve, and enhance heritage assets and conserve and enhance the special landscape qualities and scenic beauty of the designated landscape. It would also be consistent with the design objectives of the Framework where they seek to secure the provision of high-quality development which is sympathetic to local character and safeguards the intrinsic beauty of the countryside.

Other Matters

18. I have had regard to the personal circumstances put to me by the appellant. However, there is limited information before me in relation to the specific health needs of the appellant and why these could not be met in alternative accommodation within the village. Consequently, I afford this limited weight in my considerations.
19. The appellant submits that the proposal would develop a parcel of under-utilised land. Further, the dwelling would be a 'self-build' unit for occupation by the appellant and would make a limited contribution to the acknowledged shortfall of such housing within the district. However, there is no robust mechanism before me to secure this type of housing. As it is not clear how certain matters relating to self-build including agreed marketing restrictions, CIL exemption and ownership for a period of 3 year would be controlled, contrary to the Council's suggestion, I cannot secure this type of housing by a planning condition.
20. In the absence of a suitable mechanism to control the delivery of a self-build dwelling, the proposal is essentially for general market housing. There are a full complement of Policies relating to such housing within the Core Strategy and NDP, which are consistent with the Framework. Consequently, paragraph 11d) of the Framework is not engaged by virtue of the absence of policies relating specifically to the provision of self-build housing or for any other reason.
21. The appeal site is not located within proximity of any listed buildings. There are available connections to services and the proposed dwelling would be built to the Passivhaus standard. The existing vehicular access would be upgraded, and I am told that the trees subject to the Tree Preservation Order would be unaffected and integrated within the scheme. In acknowledging the above, I find that the benefits would be relatively limited given the scale of the development proposed.

22. My attention has been drawn to several residential schemes² which have been given permission by the Council. Unlike the appeal proposal, in the case of Green End Farm, sufficient evidence was submitted to demonstrate that the proposal would meet an identified local need. Thus, the scheme was materially different in this regard. Turning to Walnut Tree Barn, the officer's delegated report recommended refusal of the scheme on policy grounds. Whilst this was subsequently overturned by Members of the Committee, the case officer's reasoning does not suggest an inconsistent approach in determining such schemes. Further, whilst I acknowledge the similarities between the proposal and the Spire Hill scheme, the self-build nature was secured by a legal agreement. This is not the case here. This decision therefore does not lead me to a different conclusion.
23. Reference is also made by the appellant to an appeal decision³ which concerns an outline scheme of up to 17 self-build/custom building dwellings. Whilst I have not been provided with any specific details of the case, the development is of a larger scale meaning that the benefits to the supply of self-build housing would be greater. It is therefore not comparable to the appeal proposal.
24. Pre-application advice given by Officers is made without prejudice to any future decision. Although I appreciate the appellant's frustrations in this regard, this has no bearing on my considerations of the merits of the proposal. Furthermore, the lack of objection from consultees including the Highway Authority and the Council's Ecologist does not make the development acceptable.

Conclusion

25. The appeal proposal would conflict with the development plan as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal is dismissed.

H Wilkinson

INSPECTOR

² Spire Hill, Walnut Tree Barn and Green End Farm

³ APP/J3720/W/22/3310085