



Appeal Decision

Site visit made on 25 March 2024

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/J3720/W/23/3329505

Land off Kings Lane, Broom, Alcester, Warwickshire B50 4HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Cutting against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/00099/OUT.
 - The development proposed is erection of 1no. dwelling (all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December 2023. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework and has taken account of the further representations made on this.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the setting of the nearby listed building known as 'The Cottage'; and
 - ecological habitats.

Reasons

Character and appearance

4. The appeal site comprises a parcel of land which forms part of a larger field. The site is located on the south side of Kings Lane and is bordered by the river Arrow and the open countryside. Kings Lane comprises loose knit ribbon development of well-spaced dwellings, many of which are attractive vernacular cottages. Dwellings on the south side of the lane are more dispersed than those on the north, allowing for clear views of the verdant open countryside to the south and west.
5. The traditional, rural form of dwellings on Kings Lane, in combination with the hedgerow frontages, narrow width of the lane, absence of formalised footways and close association with the surrounding rural land results in an attractive, rural character to the area. The appeal site is clearly visible from the lane

where it's open nature, along with the views it permits of the surrounding countryside and the river, make a positive contribution to the pleasant, rural setting of this part of the village.

6. Whilst the size, design and precise location of the proposal are not yet known, and whilst noting the appellant's aspirations to develop a proposal which would be in keeping with the scale and vernacular of dwellings in the surrounding area, given the contribution of the site to the verdant rural character of the area, and the attractive views it permits, it is evident that any new residential development here would represent an unacceptable incursion which would be harmful to the established character of the area.
7. I therefore conclude that the proposal would harm the character and appearance of the area. Conflict therefore arises with those aims of Policy CS.9 of the Stratford-upon-Avon District Core Strategy 2011-2031 (2016) (CS) and Policy ENV9 of the Bidford-on-Avon Neighbourhood Development Plan 2011-2031 (2017) (NP) which seek to ensure that development is of a high quality design following and understanding local context.

Listed building

8. The appeal site is located close to the Grade II Listed Building 'The Cottage', an early 17th century timber framed thatched roof cottage located within a verdant rural setting. The building appears to derive its significance from the antiquity of parts of its fabric, from its architectural interest as a well-preserved example of a vernacular building of its type and in the contribution the appearance of the building makes to the wider streetscape.
9. Due to its proximity, the appeal site forms part of the rural surroundings in which this building is experienced and therefore forms part of its setting. Due to its open, rural nature the appeal site makes a meaningful contribution to the attractive rural setting of this listed building. Although there are other buildings on the south side of Kings Lane, these are much further away from this listed building.
10. Statute requires that I pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest¹. Indicative plans show a dwelling that would be set back from Kings Lane to the southwest of The Cottage. In this location the proposal would not obscure views of this building from Kings Lane or from nearby public rights of way. Nonetheless, as previously highlighted, the proposal would undermine the rural characteristics of the site. This would unacceptably intrude residential development into the rural setting of the building. This would negatively impact upon the attractive rural setting of the building leading to less than substantial harm to its setting and significance.
11. In the context of the Framework, the harm to the setting of the listed building would be less than substantial. The Framework indicates that the harm in such instances should be weighed against the public benefits of the proposal. I will undertake this balance later in the decision.
12. Based on the above, the proposal would not preserve the setting of the listed building known as 'The Cottage'. This would be contrary to those aims of CS

¹ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Policy CS.8 and NP Policy ENV8 which seek to protect and enhance designated heritage assets.

Ecological habitats

13. The Council has indicated that the appeal site is of considerable value for biodiversity as part of the Broom Old Quarry Local Wildlife Site (LWS) and consequently that adverse effects might arise. This appears to be acknowledged by the appellant on the basis that they have commissioned a Preliminary Ecological Appraisal (PEA). However, no such survey is before me.
14. Given the site's location within a LWS it is appropriate that the impact of the development on ecological habitats is investigated at the outline as part of the assessment of the principle of the development, otherwise all relevant material considerations may not have been addressed in making the decision. In the absence of relevant ecological information to suggest otherwise, I can only surmise that the development would have a harmful impact on the LWS and existing ecological habitats.
15. Policy CS.6 states that development adversely affecting a Local Site will only be permitted where it can be demonstrated that the benefits of the development clearly outweigh the impacts on the site. I will undertake this balance later in the decision.
16. Based on the above, I find that the appellant has failed to demonstrate that the proposal would not have a harmful effect on ecological habitats. I therefore find conflict with those aims of CS Policy CS.6 which seek to minimise impacts on biodiversity by safeguarding and, where possible, enhancing existing habitats.

Other Matters

17. It is suggested that, given its age, the NP attracts limited weight. Paragraph 225 of the Framework states that due weight should be given to existing policies according to their degree of consistency with the Framework. It is therefore necessary to consider what the policies are seeking to achieve and whether this is consistent with the aims of the Framework. The most important NP policies in this case are policies ENV8 and ENV9. These policies accord with the broad aims of the Framework and thus can be afforded full weight.
18. The appeal proposal would not result in the loss of agricultural land. The Council raised no objection on grounds of highway safety or parking issues and the development could be carried out without harm to services and infrastructure. Nonetheless, compliance with the relevant policies on these matters would be required in any case. These matters do not therefore weigh in favour of the proposal.

Planning Balance and Conclusion

19. The public benefits include the delivery of one self-build dwelling on a site with reasonable access to local amenities and public transport links. It is stated that the site is available for immediate development and that the development would accommodate the appellant's family, allowing them to continue living in the local area. There would be direct and indirect social and economic benefits of the development, both short-term during construction and longer-term on occupation including support for local services and expenditure contributing to the local economy. These matters weigh in favour of the proposal.

20. Conversely, it has not been demonstrated that the proposal would not have a harmful effect on the LWS and ecological habitats. Additionally, I have found harm to the character and appearance of the area, and less than substantial harm to the setting of a Listed Building. This attracts significant weight against the scheme.
21. Set against this harm, the benefits associated with one dwelling would be limited, even taking account of the Framework's support for self-build housing and the Council's acknowledged shortfall in the delivery of self-build plots. Thus, the benefits of the scheme are significantly outweighed by the harm.
22. Whilst the appellant references a housing land supply situation in the district, he has not clarified what he considers this to be. In any case, even if there were a shortfall within the district, the adverse impacts of the development would significantly outweigh the benefits when assessed against the policies of the development plan and the overarching aims of the Framework.
23. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude, on balance, that the appeal should be dismissed.

N Robinson

INSPECTOR