



Appeal Decision

Site visit made on 13 February 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2024

Appeal Ref: APP/J3720/W/23/3333525

Land north of Collingham Lane, Long Itchington CV47 9QW

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Rosconn Strategic Land Ltd against Stratford-on-Avon District Council.
 - The application Ref 23/00975/OUT, is dated 30 March 2023.
 - The development proposed is described as 'outline application for the construction of up to eight self-build/ custom-build dwellings with gardens and creation of new vehicular access from Collingham Lane (approval sought for access only at outline stage)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following submission of the appeal, but before final comments were made on this appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version other than Paragraph 69 from the previous Framework is now paragraph 70 and this confirms that opportunities should be sought through policies and decisions to support small sites to come forward for community-led development for housing and self-build and custom-build (SCB) housing. My assessment takes into account the Framework as updated.
3. The appeal is against the Local Planning Authority's (LPA's) failure to determine the planning application within the relevant statutory period. Within its statement of case, the LPA has set out the reasons on which it would have refused the proposal had it determined the application. I have had regard to these reasons in defining the main issues.
4. The proposal is in outline form with all matters, other than access, reserved for subsequent approval. Therefore, other than access, I have considered the other details on the block plan provided on the basis that they are indicative only.
5. The appeal site is identified for approximately ten self-build and/or custom-build dwellings in the Council's Site Allocations Plan Revised Preferred Options (June 2022) (emerging SAP). However, from what I have seen, the emerging SAP has not been through the examinations process and there are unresolved objections. I therefore attach limited weight to the emerging SAP.

Main Issues

6. The main issues are:

- (i) whether the proposal would be suitably located having regard to the development plan and national policy; and
- (ii) the effect of the proposal on the character and appearance of the area, including landscape character.

Reasons

Location

- 7. The Framework confirms that the planning system should be genuinely plan-led and that up-to-date plans should provide a framework for meeting housing needs.
- 8. Policies CS15 (Distribution of Development) and CS16 (Housing Development) of the Stratford-on-Avon Core Strategy (2016) (CS) set out the spatial strategy for delivering housing in the district. Together they confirm that this will be based on a pattern of balanced dispersion including development in 'local service villages' one of which is Long Itchington. In such locations, development will take place on sites identified in a Neighbourhood Plan; and through small-scale schemes on unidentified but suitable sites within their Built-Up Area Boundaries (BUAB) (where defined) or otherwise within their physical confines.
- 9. The site lies outside the BUAB for Long Itchington, as is defined in the Long Itchington, Bascote and Bascote Heath Neighbourhood Plan (made May 2023) (NP) and is not identified for development in the NP. Policy H1 of the NP confirms that all areas outside the BUAB are classified as countryside where new dwellings are strictly controlled in accordance with Policy AS.10 (Countryside and Villages) of the CS.
- 10. Policy AS.10 of the CS confirms the forms of development and uses in the countryside that are considered to be acceptable in principle. This includes under criteria (a) 'Small-scale schemes for housing, employment or community facilities to meet need identified by a local community in a Parish Plan, Neighbourhood Plan or other form of local evidence, on land within or adjacent to a village'. The explanatory text for this policy also recognises that the Framework seeks the delivery of a wide choice of homes in rural communities through a responsive approach to local circumstances and to reflect local needs.
- 11. I have seen the previous appeal decision at this site¹ where the Inspector in that instance gave moderate negative weight to the conflict with Policies CS15 and AS10 in the absence of any reference within these policies to SCB housing and having regard to the need for such housing in the district.
- 12. However, the NP relating to Long Itchington has since been made which confirms the BUAB and also includes under Policy H2 (Housing Stock Diversity) that development proposals should retain and/or add to the choice of type and tenure of housing including self-build and custom build units. I accept that this only offers generalised support for SCB housing. However, when considered

¹ Appeal Ref APP/J3720/W/22/3298087

alongside Policy AS.10 (a) and Policy CS15 (f), the latter of which also supports small-scale community led schemes which meet a need identified by the local community, the basket of policies provide a framework for the delivery of housing in the district. This could reasonably include SCB housing at Long Itchington in cases such as this where the site is outside but adjacent to the village provided that there is an identified local community need.

13. A requirement for housing outside the BUAB to meet need identified by the local community or other form of local evidence also reflects the approach to delivering housing endorsed by the Framework. More particularly, Paragraph 60 of the Framework confirms that it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. Furthermore, in respect of housing in rural areas Paragraph 82 of the Framework confirms that it should be responsive to local circumstances and supporting housing developments that reflect local needs.
14. In the circumstances, I find that the basket of policies that are most important for determining the application are generally consistent with the Framework. They are all directly relevant to the appeal proposal and I attribute full weight to them.
15. The Council has acknowledged a likely shortfall in serviced SCB plots across the wider district and I have considered the likely extent of this deficit under other matters. However, there is no substantive evidence before me to suggest that the appeal proposal is community led or that there is a current demand for 8 serviced plots at Long Itchington.
16. Furthermore, the planning obligation before me dated 29 January 2024 includes a provision that the first 12 weeks of marketing would be solely to those with a 'District Connection'. However, in the absence of evidence that there is demand for 8 SCB plots at Long Itchington, and given the limited period of marketing, there would be a significant likelihood that the plots would soon be available to a wider market. These matters cast significant doubt over whether the proposal would meet local need and justify a location outside the BUAB.
17. Moreover, the Framework states that the planning system should be genuinely plan led. The Council suggests that it is able to demonstrate a 14.55 year supply of deliverable housing land and this has not been disputed by the appellant. This substantial supply further advocates that the distribution of housing in the district, including in respect of SCB housing, should be in line with the strategy in the development plan and that housing should be located where it is needed.
18. I conclude, the proposal's location in the countryside, outside of the BUAB would undermine the development plan's strategy for the distribution of housing. It would also conflict with the requirements of national policy for development to be genuinely plan-led and for land to come forward where it is needed.

Character and appearance, including landscape character

19. The current development pattern along Collingham Lane is substantively enclosed by the road pattern with detached dwellings to the southern side of

the road. The northern side is predominantly lined by small and medium sized fields one of which is the appeal site. This small rough pasture field is served by a field gate. Willow trees line a stream through the centre of the site and there are trees and hedges along the external boundaries. There are residential boundaries adjoining the site, but these are primarily focussed towards the central spine of the village where Collingham Lane meets the Stockton and Southam Roads. Beyond the site's rear boundary there is an intervening field between an industrial estate which lies further to the west so is not prominent on the Collingham Lane frontage.

20. Overall, the appeal site has the appearance of attractive countryside which from a local distinctiveness perspective forms part of a distinctly rural edge along Collingham Lane which is important to the character and identity of this part of Long Itchington.
21. Similar to the previous appeal, the illustrative layout indicates that the proposal would result in the construction of a large and permanent amount of new built form. Even though it is envisaged that the rear portion of the site would be brought under hay meadow management, the residential part of the proposal would again extend some way back from the road. The likely extent of built form, vehicle parking and any other domestic paraphernalia would be highly perceptible on Collingham Lane in views through the access point and through any gaps in the roadside vegetation, including the envisaged footpath access point.
22. The marginal reduction from a maximum quantum of dwellings from 9 to 8 and removal of a second access point would provide scope for more substantial soft landscaped buffers than was the case with the previously dismissed appeal. However, in contrast to the existing situation, the proposed access point would have an engineered appearance which given its position set away from the properties located towards Stockton Road would also detract from the prevailing rural attributes to this side of the roadside.
23. It is likely that any supplementary planting would take time to establish. In the early years following its completion and during winter months when any deciduous vegetation is out of leaf, there is the potential that the change from a site of overriding rural character to one of a domestic character would be very noticeable to those familiar with the area, including to passers-by and to residents on the opposite side of Collingham Lane. The erosion of the well-defined interface between the settlement and the countryside would be to the significant detriment of the character and appearance of Collingham Lane.
24. From a landscape perspective, the evidence before me indicates that the site has some of the key characteristics of 'site L101' Feldon Lias Uplands, as identified in the Stratford-on-Avon District Council's Land Sensitivity Assessment for Villages' (2012) (LSA). These include having hedgerows and roadside trees and forming part of the landscape's pattern of small and medium fields. The LSA summarises the area including the site as having a medium sensitivity to development. It is identified as being susceptible to change but with some potential to accommodate development in some situations without significant character change or adverse effects. Notably, it is reported that there may be opportunities south of the industrial estate but avoiding the pasture with willows.

25. The appellant's 'Landscape & Visual Impact Assessment' (March 2023) (LVIA) suggests that none of the 'Valued Landscape and Views' (VLVs) identified in the NP are relevant to the appeal site. The LVIA also asserts that at a finer assessment site-level within the 'medium' zone, that the site and its setting return a low landscape sensitivity.
26. What constitutes a 'Valued Landscape' is not defined in the Framework. However, Figure 9 in the NP identifies a VLV on Collingham Lane close to the proposed access point. During my site visit, I saw that this view of the landscape is not experienced in isolation from its immediate surroundings. The site's immediate proximity to this view and its overriding vegetated appearance inextricably forms part of the rurality of the landscape in this aspect. Consequently, I saw that even though the field is more enclosed than others within this landscape, its attractive rural attributes are undoubtedly appreciated as forming part of the rural village approach which this part of the landscape is important to. In this regard, Policy NE1 (valued Landscapes and Views) of the NP specifically seeks to minimise harm to rural village approaches.
27. Taking the above factors into account, I find no reason to doubt that the site forms part of a valued landscape to those familiar with it and for these reasons I find that the medium landscape sensitivity applying to the Feldon Lias Uplands is applicable to the site.
28. The change in the site's landscape character from a field to residential use would be appreciable in the long term through the access point next to the VLV as well as in other views of this landscape on Collingham Lane, such as from from viewpoints 1 and 2 in the LVIA. In these close-up views, the upper parts of the dwellings would likely have a conspicuous presence over the tree line, detracting from the rural landscape to this side of the road.
29. Therefore, the changes made in comparison with the previous appeal scheme are not sufficient to overcome the observations of the previous Inspector that the *'proposal would have a suburbanising effect which would mean that the site's landscape character as a small field would be lost, as would its contribution to the landscape as an attractive extension of countryside into the village'*.
30. In terms of the likely wider visual effects, I observed on my site visit that the dense vegetation means that only glimpses of the proposal would be available from the bridleway off Collingham Lane (Viewpoints 5 and 6 of the LVIA). I agree with the appellant that there would be a low magnitude of change at this range and I saw that there would be few or no discernible effects from other viewpoints away from Collingham Lane. Therefore, the appellant's assessment that there would be Moderate/Minor – Minor significance of effects in the wider context is generally consistent with my own observations of the wider landscape in views away from Collingham Lane.
31. Nevertheless, given my observations in terms of the appreciation of the landscape on Collingham Lane, the low site sensitivity attributed by the appellant and the significance of effects indicated of 'moderate/minor adverse' at year 1 and 'minor neutral' at year 10 seem understated. Applying a medium sensitivity to the site, I find that the development would have at least a moderate adverse significance of effect on the landscape when experienced from Collingham Lane and this would be likely to endure.

32. I conclude, the proposal would result in significant harm to the character and appearance Collingham Lane, and this includes moderate harm to the landscape experienced from there. In that regard, it would conflict with the character, local distinctiveness and landscape requirements of Policies CS.5 (Landscape), CS.9 (Design and Distinctiveness) and AS.10 (Countryside and Villages) of the CS and Policy NE1 (Valued Landscapes and Views) of the NP.
33. The proposal also conflicts with the requirements of the Framework which include that developments should be sympathetic to local character including landscape setting, recognise the intrinsic character and beauty of the countryside and protect and enhance valued landscapes.

Other Considerations

34. The Council's Self-build and Custom-build Housing Demand and Supply Position on 31 October 2022 (January 2023) indicated that there was a shortfall in supply of 76 serviced plots for SCB housing. The Council has acknowledged that current trends from the total number of entries on the register suggest that demand for such plots continues to grow at a seemingly faster rate than supply. For the purposes of my decision, I have assumed the appellant's worst-case scenario of a current shortfall of approximately 96 serviced plots across the district as the Council has not provided any contrary evidence to dispute this figure.
35. Notwithstanding my observations of the uncertainty whether there is demand for the proposed number of plots at Long Itchington, The Self Build and Custom Housebuilding Act 2015 places a duty on Local Planning Authorities to have regard to demand on the register and to give enough suitable development permissions to meet the identified need. The deficit in serviced SCB housing plots across the wider district is a matter which needs addressing urgently. The provision of up to 8 serviced plots has the potential to make a limited but important contribution towards addressing this deficit. This is a material consideration to which I give significant weight.
36. The Council has confirmed that the County Council's Ecology Officer originally raised queries in respect of the appellant's Biodiversity Net Gain Assessment. However, the Council has confirmed that this has been resolved through additional information submitted with the appeal and that subject to condition, the proposal would comply with the requirements of Policy CS.6 of the CS. From what I have seen, I find no reason to conclude differently to the Council on this particular matter. While biodiversity net gains would be a positive aspect of the proposal and would need to be finalised through a reserved matters scheme, it is unlikely they would be of a substantial magnitude.

Conclusion

37. The most important policies of the development plan are generally consistent with the requirements of the Framework. In the circumstances, paragraph 11d of the Framework is not engaged. Paragraph 12 of the Framework confirms that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
38. The development would conflict with the requirements of the development plan relating to the distribution of housing and those which seek to protect the

character and appearance of the area. In these respects, I attach considerable weight to the conflict with the development plan.

39. The other material considerations that have been advanced in this instance do not justify a decision other than in accordance with the development plan which, in terms of my conclusions under the main issues, the appeal scheme would clearly conflict.
40. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR