



Appeal Decision

Site visit made on 4 June 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/J3720/W/23/3332940

Ashbury House, The Old Gated Road, Chesterton, Warwickshire CV33 9LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Roles against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/01619/FUL.
 - The development proposed is erection of an outbuilding "Summerhouse" in the residential garden of Ashbury House and change of use of the "Summerhouse" and part of the residential garden for accommodating the registered childminding business Little Sparkles and Stars Ltd.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an outbuilding "Summerhouse" in the residential garden of Ashbury House and change of use of the "Summerhouse" and part of the residential garden for accommodating the registered childminding business Little Sparkles and Stars Ltd at Ashbury House, The Old Gated Road, Chesterton, Warwickshire CV33 9LD in accordance with the terms of the application, Ref 23/01619/FUL, subject to the conditions contained within the attached Schedule.

Applications for Costs

2. An application for costs was made by Mr John Roles against the decision of Stratford-on-Avon District Council and is the subject of a separate decision.

Preliminary Matters

3. In my decision, I have used the description of development agreed by the parties which more accurately reflects the scope of the proposal.
4. At time of my site visit, the outbuilding was in situ and the childminding business was operational.

Main Issue

5. The main issue in this appeal is whether the development is in a suitable location, having regard to the local development strategy.

Reasons

6. The outbuilding is located within the rear garden of the appeal property. The building is single storey height with a dual pitched roof and includes playrooms, kitchen, WC, lobby, and store, and is used to deliver childminding services.

7. The appeal property fronts onto The Old Gated Road and forms part of a row of dwellings which extends along either side of the road and clusters around the junction with The Green. Whilst surrounded by agricultural land and interspersed by paddocks, this group of dwellings forms a hamlet or small village within a rural landscape setting.
8. The site lies outside the Built-Up Area Boundary or physical confines of any settlement identified by the Stratford-on-Avon Core Strategy 2016 (CS) and is thus located in the countryside. CS Policy CS22 indicates opportunities for business development will be provided in the countryside in accordance with CS Policy AS10 which seeks to maintain and enhance the rural character of the district, vitality of rural communities, and strong rural economy, through making provision for a wide range of activities and development in rural areas.
9. At criterion (n), Policy AS10 supports the extension to a business in its established location, particularly if it would be unreasonable to expect the business to relocate in order to expand. Prior to construction of the outbuilding, the childminding business operated from within the appeal property for nearly eight years and is therefore established in this location.
10. The economic development assessment and submitted financial information indicate the move to the outbuilding followed a period of increasing turnover and employee numbers. There is a dispute as to whether the previous operations from the dwelling were lawful. However, I have no evidence to indicate if operations within the dwelling required planning permission and have nothing before me to suggest the business has not been established for a considerable period and such considerations are not before me as part of this appeal. Therefore, I am content that the proposal represents an extension to an existing business.
11. The appellant asserts it would be unreasonable to relocate for a range of reasons including the time and cost associated with relocation, and the benefits offered by the site, such as access to the garden and proximity to the countryside thus enhancing the quality of service, and the benefits to rural communities by providing a service within a local area. However, the Council's concerns relate principally to the accessibility of the site. The Council assert it would not be unreasonable to expect the business to relocate, namely to a more sustainable settlement where the reliance on a private car for users of the development would be less. CS Policy AS10 requires proposals comply with a list of sustainable development principles, including avoiding a level of increase in traffic on rural roads that would be harmful to the local area.
12. The Old Gated Road is a rural lane with no footways or streetlighting. Provision for pedestrians and cyclists is therefore absent, and the site is not served by public transport. However, traffic speeds and volumes appear low, the road is overlooked by dwellings, and wide verges provide space for refuge from passing vehicles. Therefore, it would be practicable for occupants of nearby dwellings to safely walk or cycle to the site.
13. Due to the relatively small number of dwellings nearby, it is likely the business would draw customers and employees from further afield. Written responses from current customers suggest most live beyond the immediate locality. Therefore, due to the site's rural location and lack of public transport accessibility, most visitors to the site would be dependent on a private car to access the business. However, Policy AS10's sustainable development

principles do not preclude development that is reliant on access by car, unless an associated increase in traffic on rural roads would be harmful.

14. The childminding business serves around eight to ten children per day and therefore the business operations appear modest in scale. Drop off and pickup times are staggered, and car parking is confined to the large driveway at the front of the dwelling. The local highway authority indicate it has no objection to the proposal, and in its delegated report the Council concludes the development would not cause unacceptable harm to the existing highway network. Therefore, whilst the development would be predominantly car dependent, the evidence does not suggest there would be a harmful increase in traffic and therefore the location of the development does not amount to conflict with Policy AS10's sustainable development principles.
15. The outbuilding is situated at the rear of the appeal property and is not visually prominent from public vantage points, including the public rights of way to the north-west where only the short gable end would be visible at a distance. Whilst third parties raised concerns regarding the colour and materials of the outbuilding, I do not consider the development to appear visually dominant within the landscape.
16. The outbuilding's kitchen window is close to the side boundary. The window is of small size and is set back from the neighbouring dwelling, with dense vegetation at the boundary limiting opportunities for overlooking. In addition, the Council's Environmental Health team raised no objection in respect of noise. Therefore, I am satisfied the proposal accords with the sustainable development principles requiring the proposal minimise impacts on the character of the local landscape and occupiers of existing properties.
17. As set out above, the proposal represents the extension to an existing business. Visitors would generally be reliant on a private car to access the site. However, the development would not result in a harmful increase in traffic on rural roads. Therefore, the proposal is not contrary to the sustainable development principles set out at CS Policy AS10. Consequently, there is no reasonable justification to expect the business relocate from its established location. Having regard to the local development strategy, I am therefore satisfied the development is in a suitable location.
18. For these reasons, the proposal would satisfy the requirements of CS Policy AS10 which seeks to maintain the vitality of rural communities and a strong rural economy and makes provision for a wide range of activities and development in rural parts of the district and would comply with CS Policy CS22 which supports the expansion of businesses in their existing locations.

Conditions

19. The Council has provided a list of conditions which I have considered against the provisions of the National Planning Policy Framework. The appellant has provided written confirmation that they accept the suggested conditions.
20. Some features indicated on the plans are yet to be implemented and, in the interests of certainty, I have specified the approved plans. To maintain living conditions of neighbouring occupants I have included a condition specifying the operational hours of the business. To maintain highway safety, I have attached a condition requiring the existing car parking spaces be retained. To promote

sustainable construction in accordance with the CS, I have attached a condition requiring implementation of measures identified in the submitted Climate Change Checklist.

21. I have not included the suggested condition requiring use of the garden by the childminding business be limited to areas demarcated by the red line shown on the block plan and dashed lines on the site plans. The red line includes the full extent of the plot, whereas the dashed lines indicate level access routes. Therefore, the condition would not be sufficiently precise.

Conclusion

22. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall be carried out in accordance with the following plans and drawings: Location and Block Plan 025-001 B; Site Plan 025-002 A; Site Plan 025-002 B; Summer House Elevations 025-031.
- 2) The business use hereby approved shall only be open to customers between the hours of 07:30 to 18:00 Monday to Friday. There shall be no business use outside of these hours or on Saturdays, Sundays and on Bank Holidays.
- 3) All existing parking spaces within the site shall be used solely for the parking of vehicles associated with the dwelling known as Ashbury House and used by persons visiting, attending or working at the premises and shall be kept permanently free from obstruction.
- 4) The sustainability measures set out and proposed in the supporting 'Climate Change Checklist' shall be incorporated into the design of the development and/or site layout within 3 months of the date of this planning permission. Thereafter, the approved sustainability measures shall be retained and maintained.

END OF SCHEDULE