



Appeal Decision

Site visit made on 1 July 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2024

Appeal Ref: APP/J3720/W/24/3337318

Stratford Car Centre, Bordon Hill, STRATFORD-UPON-AVON CV37 9RX

- 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 Karl McMillan against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/01457/FUL.
 - The development proposed is erection of a car showroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the site is a suitable location for the proposed development in consideration of local and national policies, and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Suitability of location

3. The development plan for the district includes the Stratford-on-Avon Core Strategy [2016] (CS) and the Stratford-on-Avon Neighbourhood Plan [2011-2031] (NP). CS policy AS.10 relates to development in the countryside and villages and establishes the policy approach for development outside of the Built-up Area Boundaries of settlements and Main Rural Centres. This states that for development in the countryside, provision will be made for development that helps maintain the vitality of rural communities and supports a strong rural economy. The policy lists the types of development that would be suitable in the countryside, including at criteria (k)-(r), business related development. Parts (m) and (n) of this section, support small-scale expansion where the site is readily accessible by sustainable transport and extensions to an established business, particularly if it would be unreasonable to expect the business to relocate in order to expand.
4. The site is within the countryside for policy purposes. It is an existing commercial business where some expansion could be supported by CS policy AS.10. The supporting commentary, for part (m), states that for small-scale expansion to be supported the site would need to be located close to a main centre of population and adjacent to a main road frequented by a bus service and where it would be safe to walk and cycle. The commentary, for part (n),

states that for extensions to an established business to be acceptable it would be necessary to consider the nature and scale of the business. These considerations are largely matters of planning judgement based on site specific assessment and its context.

5. The site is a short distance outside Stratford-upon-Avon, and around 0.5kms from the nearest bus stop. The site is also connected to the nearest town by a main road and footway which provides a safe route for pedestrians to access the site. Bardon Hill (the B439) is relatively wide and subject to a 40mph speed restriction enabling the site to be accessed by cyclists. This context provides some, albeit modest, options for customers and staff seeking to travel to the site by means other than the private car. It is also recognised that opportunities to maximise sustainable transport solutions will vary between urban and rural areas as recognised by the National Planning Policy Framework (the Framework). The site is therefore relatively accessible by public transport.
6. However, the proposed development would represent a substantial increase in built form on site. The proposed increase in scale of development, in comparison to the existing small office on site, would be sizeable. As such, the proposed building would not be small-scale in comparison to the existing limited scale of development.
7. Turning to part (n), I consider that factors that should be taken into account in determining whether any relocation of the business would be unreasonable includes assessment of the scale of the business and the perceived ease of relocating. The business is on a relatively small site, with around 30 vehicles on display and would seem to have limited associated staff. Most of the site is hard surfaced and includes a small office building only, as such the associated infrastructure of the business is limited and non-specialised. Furthermore, the cars for sale could be easily relocated to another site if necessary. Based on the evidence submitted, I am unconvinced that relocation would be especially difficult, or the costs would be prohibitive. The business appears to be relatively small. Therefore, whilst alternative suitable sites may be moderately difficult to find in the area, it would not be unreasonable to expect the business to relocate to expand in the manner proposed. As such, the proposed development would not be supported by criterion (n) or (m).
8. Consequently, the proposed expansion to the existing business would not be small-scale and would not therefore expand a business in a suitable location. Accordingly, the proposal would conflict with parts (m) and (n) of CS policy AS.10 which seeks to support limited business development in the above stated manner.

Character and appearance

9. Evesham Road is a classified road that enters Stratford-upon-Avon from the west. The appeal site is at the top of Bordon Hill and is also on a gradient, rising above road level by a series of retaining walls and an access driveway. The site, and its adjacent land, consist of a car sales yard with a small sales office close to the highway and display areas. Behind the car sales area is a large bungalow with a public right of way running to its side and the side of the appeal site. The site is framed by mature tree and hedge landscaping and is within a short row of low-key residential properties recessed from the highway, set within the open countryside. This vantage provides far reaching views to the south towards Luddington. The appearance of cars for sale on site,

hardstanding and the site office reduce the openness of the site. However, the cars are temporary features, and the site maintains a general sense of openness. Nonetheless, due to the proliferation of cars and the extent of hardstanding the site makes a negative contribution to the character and appearance of the surrounding open verdant countryside.

10. The proposed development consists of a two-storey car showroom, partially embedded into the gradient of the site. The type and scale of development would be uncharacteristically close to the highway, compared to adjacent development and beyond the established front building line. The proposed showroom would be obtrusive within this prominent position, in contrast with the prevailing form of low-key development in the area. The proposal would not accord with the established development in the area which is only partially visible within subdued settings to the rear and side of the site. Due to the elevated position of the site, the site contributes to wide ranging views. The proposed development would contrast sharply with the local landscape character, intruding into these views, causing harm to the area's local distinctiveness.
11. The existing appearance of the site, including hardstanding and commercial car sales presents a relatively subdued commercial activity within this open setting, being small scale and partially screened from wider views by perimeter mature planting. In contrast, the proposed development would be a large two storey form that contains a glass frontage and presents a flat roofed form to its sides. Although the proposal would be built into the sloping site, it would be higher than the site and would not be framed by the rising land behind. The proposed streetscene drawing suggests that views of the proposal would be lost within the wider built context. However, the bungalow behind has a substantial separation distance meaning that both buildings would be unlikely to be read together.
12. In design terms the building would include cedar cladding and aluminium doors and windows. This excludes design features that might reduce the overall bulk of the form and add interest to enable it to better integrate with its surroundings to soften its overall effect. The Appellant has confirmed that no external lighting is proposed as part of the scheme. Nonetheless, the showroom itself would be internally illuminated, and would be likely to include signage. These effects would emphasise the scale and appearance of the building in distant views when illuminated, even if the lights are switched off at night.
13. As a result of its design and scale, the proposal would be an obtrusive addition to the streetscene that would not integrate well with the surrounding area. Furthermore, due to its proximity to the highway it's appearance would not be capable of being softened by tree and hedge planting. Accordingly, in addition to the harm caused to the area's landscape character, the proposal would also cause a harmful visual impact for both users of the right of way and the highway. Although visual harm for motorists would be modest as views would be glimpsed while passing the site, views from cyclists and pedestrians would be more prolonged causing substantial harm to these sensitive visual receptors. Therefore, whilst the existing site has a negative effect on the character and appearance of the area, the proposed development would substantially exacerbate this effect.

14. Consequently, the proposal would cause adverse harm to the landscape character of the area and harm the character and appearance of the site. Accordingly, the proposal would conflict with CS policies CS.5 and CS.9 and NP policies NP BE1 and BE2. These seek, among other matters, for development to create a strong sense of place and respond to local character.

Other Matters

15. The Appellant indicates that the proposal would ensure the vitality and longevity of the business. The Framework supports development that would create a prosperous rural economy. This supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and through well designed, beautiful new buildings. The proposed scheme would include roof top solar panels and would provide a secure building on site that would improve security. These benefits are of limited to modest weight in favour of the proposal.
16. The Appellant indicates that the car sales business has been present on site since around 1980 and the loss of this business would have a greater impact on the character of the area than its retention and improvement. However, even if the use were to cease, and there is no substantive evidence to demonstrate this would be a result of any refusal, the removal of the cars would result in an increase in the open character of the site providing a visual benefit.
17. A Lawful Development Certificate of Existing Use was issued in 1997 for the display and stationing of cars for sale. I do not concur with the Appellant's assertion that the certificate enables a showroom to be built, the certificate only seems to relate to the use. Also, during my visit the only building noted on site was the small roadside office and I noted no indication of any former buildings that may have stood elsewhere on site. Even if there were a car showroom on the site shown on the accompanying plan it seems to have been fully removed and land restored to a point that it no longer exists and cannot be replaced without a new consent being given. I therefore do not find that a fallback position exists.

Conclusion

18. The proposed development would not accord with the development plan when taken as a whole. There are no material considerations, including the benefits of the scheme as noted above, that indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Ben Plenty

INSPECTOR