



Appeal Decision

Site visit made on 12 June 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2024

Appeal Ref: APP/J3720/W/23/3334753

Land at Duck Lane, Welford-on-Avon CV37 8QD

- 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 Mrs Sally Stratton against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/02579/FUL.
 - The development proposed is the erection of a single dwelling and detached garage, together with associated external works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application the Government published a revised National Planning Policy Framework (the Framework) in December 2023. The parties have had the opportunity to comment on the relevance of the revised Framework to the appeal and I have taken these submissions into account in my decision.

Main Issues

3. The main issues are:
 - is the effect of the development on the character and appearance of the area with particular regard to the Welford-on-Avon Conservation Area;
 - the effect of the proposal on the setting of Manor Farmhouse and the barn immediately north of Manor Farmhouse (known as Manor Barn) Grade II listed buildings; and
 - the effect of the proposal on existing trees.

Reasons

4. The appeal site comprises a parcel of land fronting Duck Lane, a relatively narrow rural lane towards the periphery of Welford-on-Avon. The site is slightly elevated above the lane and is currently laid out as an orchard with several large trees and numerous smaller fruit trees. It is open to the lane and contributes significantly to the attractive semi-rural character of the area.

Conservation Area

5. The site is located within Welford-on-Avon Conservation Area (CA) which encompasses a large part of the village. The CA derives its significance from its

historic street layout, the presence of many attractive historical buildings and the interspersed green spaces.

6. The appeal site, because of its history as an orchard, and its presence as an undeveloped and open area of land in this semi-rural context, makes a positive contribution to the CA. Its location on the edge of the CA does not diminish its contribution. New houses have been constructed to the east of the appeal site, however these are not located in the conservation area and are set away from the boundaries of the appeal site. They therefore do not detract from the significance of the CA or the appeal sites contribution to it.
7. I acknowledge that the proposed building has been designed to reflect the local vernacular and would be located towards the southeast corner of the site. However, it would nevertheless result the presence of a sizeable dwelling and outbuilding where no development currently exists. The buildings, combined with the introduction of a vehicular access, driveway and turning area, would create a distinctly domestic appearance to the site, despite the comprehensive landscaping scheme proposed. This would result in the loss of the site as an undeveloped and open area which would erode the semi-rural character of this part of the CA. Furthermore, the proposal would partially erode the significance of the CA through the loss of the orchard as a historic feature of the area.
8. Because of the curve in the lane, the position of the proposed dwelling in relation to the street would not be dissimilar to that of other development to the north and south on the east side of Duck Lane and Chapel Street. The proposed dwelling would be two storeys in height, in common with much of the surrounding development. However, because of the elevated position of the plot, on travelling past the site the eye would be unacceptably drawn to a more prominent and significant built form which would appear dominant in the street scene. This would be exacerbated by the prominently positioned garage to the front of the proposed dwelling. Consequently, the proposal would be an incongruous addition which would result in harm to the character and appearance of the area.
9. Therefore, having regard to my duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (1990) (the Act), I find that the proposal would fail to preserve or enhance the character or appearance of the CA.

Setting of Listed Buildings

10. The appeal site is within the setting of Manor Farmhouse¹ and the barn immediately north of Manor Farmhouse² (known as Manor Barn) which are both Grade II listed buildings (LBs). I therefore have a statutory duty under Section 66(1) of the Act to have special regard to the desirability of preserving the LBs, their setting, or any features of special architectural or historic interest which the LBs possess.

Manor Farmhouse

11. Manor Farmhouse dates from the 18th Century with later additions. It derives its significance from its history as a farmhouse within the village and also from its architecture including the main two storey coursed rubble section and lower

¹ List Entry Number: 1382809

² List Entry Number: 1382810

brick sections adjoining. Its distinctive features including the variety of windows, chimneys and cornice details add to its character and interest.

12. The appeal site is opposite Manor Farmhouse and whether or not the two sites were historically functionally linked, its open character creates a spacious foreground to the building when it is experienced from Duck Lane and has a visual relationship with the building. It therefore contributes positively to its setting, despite the presence of modern buildings nearby.
13. The proposal would result in the introduction of buildings and other development within the appeal site, including the driveway and turning area. Even though the proposed building would be set relatively far back in the plot, it would result in the urbanisation of the site and would be clearly visible in similar vantage points from Duck Lane towards the LB. It would erode the sense of spaciousness around Manor Farmhouse and would consequently fail to preserve its setting.

Manor Barn

14. Manor Barn dates from the 18th Century with later additions and is now in use as a dwelling. It derives its significance from its historical link with agriculture within the area and its architecture including its brick and weatherboard elevations and internal structural elements. It primarily faces towards Manor Farmhouse, however the northern part of the appeal site is opposite its east elevation and access. The open nature of the appeal site provides a spaciousness on approach to Manor Barn which contributes positively to its setting.
15. The proposed building would be some distance from Manor Barn, however the proposal would bring the appeal site into domestic use. The presence of new buildings and other development, along with associated domestic paraphernalia on the appeal site, associated with this use, would detract from its contribution as an undeveloped, open area within the setting of the LB. Therefore, the proposal would fail to preserve the setting of Manor Barn.
16. Consequently, the proposal would result in harm to the significance of Manor Farmhouse and Manor Barn, through harmful development within their setting.

Trees

17. The appeal site contains two trees which are the subject of a Tree Preservation Order (TPO). The proposed reinstatement of the stone steps and metal gate and railings within the Root Protection Area (RPA) of these trees would have the potential to result in damage to their roots. However, these structures are unlikely to require deep foundations and were I to allow the appeal I could impose a condition requiring the submission of a method statement for the construction of these elements, to ensure the roots of these trees were not damaged. Subject to such a condition I am satisfied that the proposal would not result in a harmful effect on these trees.
18. The proposal involves the removal of several smaller trees within the southern section of the site. I acknowledge that these are not individually significant specimens, however collectively they add considerably to the character and appearance of the area.

19. Whilst some trees may be in poor health and therefore may be removed in time, were the appeal to be dismissed I see no reason why they would be likely to be removed as a group at the same time. The proposal includes the planting of new trees elsewhere on the site, however these would take some time to establish and would leave a large area of the site devoid of trees. Therefore, the proposed landscaping scheme would not adequately mitigate for the loss of trees.
20. Consequently, I find that the loss of orchard trees would result in a harmful effect on the character and appearance of the area.
21. Overall, I conclude that the proposal would have a harmful effect on the character and appearance of the area including the Welford-on-Avon CA, the setting of Manor Farmhouse and Manor Barn which are Grade II LBs, and the existing trees on the site.
22. The proposal would therefore be in conflict with Policies CS.5, CS.8 and CS.9 of the Stratford-on-Avon District Core Strategy 2011 – 2031, Policies HE4, HE7 and HLU2 of the Welford-on-Avon Neighbourhood Development Plan 2011-2031 (made on 15 June 2017). Collectively these policies seek to ensure that the District's historic environment is protected, that development achieves a high standard of design, reflects the character and distinctiveness of the area and does not result in features which positively contribute to local distinctiveness being destroyed. They also seek to ensure that development which has an impact on trees incorporates measures to protect their contribution to landscape character.
23. The proposal would also conflict with relevant paragraphs of the Framework which seek to achieve well-designed and beautiful places and conserve and enhance the natural and historic environment.
24. As required by paragraph 205 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount of harm identified. In this case the proposal would not preserve or enhance the character or appearance of the CA and would fail to preserve the significance of LBs, through harmful development within their setting. Consequently, the proposal would result in less than substantial harm to the significance of these heritage assets. In such circumstances, paragraph 208 of the Framework states that the harm should be weighed against the public benefits of the proposal. Case law has established that this does not require apportioning varying weight to differing degrees of less than substantial harm. I return to this matter below.

Other Matters

25. It has been put to me that the site could be enclosed by fencing, utilising permitted development rights, which would limit views of the appeal site. Be that as it may, the presence of buildings within the site would be more harmful to the character and appearance of the area than any boundary treatment which may be erected. I therefore give limited weight to this fall-back position.
26. I acknowledge that the proposal has some support locally. However, this does not justify allowing harmful development to occur.

Planning Balance

27. The proposal would result in the provision of a new dwelling within the built-up area boundary of Welford-on-Avon with good access to facilities and services. The Framework seeks to significantly boost the supply of homes and the proposal would result in the provision of an additional dwelling. Economic benefits would arise through expenditure of future residents which would help to support local facilities and services. Employment opportunities would arise through the construction phase.
28. The scheme includes additional biodiversity enhancements and the provision of a comprehensive landscaping scheme. It would secure the ongoing maintenance of the site by bringing it within a residential curtilage. In addition, the proposal and would involve the reinstatement of the steps and railings which would be a heritage benefit of the proposal.
29. Council tax receipts would mitigate the impact of future residents on local services and therefore are a neutral consideration in the appeal.
30. Overall, I attach moderate weight to these benefits. However, given the great weight that must be given to the conservation of heritage assets, I conclude that the public benefits of the proposal do not outweigh the harm.

Conclusion

31. The proposal conflicts with the development plan when read as a whole and the material considerations, including the Framework do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR