



Appeal Decision

Site visit made on 10 June 2024

by Geoff Underwood BA(Hons) PGDip(UrbCons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/J3720/W/23/3330948

**The Hide Land South of Great Wolford Road, Moreton-in-Marsh,
Warwickshire GL56 0PE**

- 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 Fahd Gondal against the decision of Stratford-on-Avon District Council.
 - The application Ref is 22/02640/FUL.
 - The development proposed is a dwelling, poolhouse, landscape enhancements and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a dwelling, poolhouse, landscape enhancements and associated works at The Hide Land South of Great Wolford Road, Moreton-in-Marsh, Warwickshire GL56 0PE in accordance with the terms of the application, Ref 22/02640/FUL, subject to the conditions in the schedule attached to this decision letter.

Preliminary Matters

2. The development described in the heading above and in my decision is taken from the application form, albeit that I have omitted any wording that is not a description of development.
3. Since the application was determined and the appeal was made, an updated version of the National Planning Policy Framework (the Framework) has been published. Apart from the paragraph numbers changing in some cases, those policies most pertinent to this appeal relied on by the main parties remain more or less unchanged¹. I have determined the appeal with regard to the latest version and no parties' interests will have been prejudiced by my doing so. For the avoidance of doubt, I have referred to the paragraph numbers in the up to date version in this decision letter.
4. It is not a matter of dispute between the main parties that the proposal would result in an isolated dwelling in the countryside where new residential development is not normally permitted by local and national policy, except in particular circumstances.

Main Issues

5. Therefore, the main issues raised by this appeal are whether the quality of the proposed design would be exceptional so as to accord with local and national

¹ Paragraph 84 e) is unchanged and paragraph 138 has had a reference to design codes inserted.

policy concessions to the presumption against new homes in this location, and the proposal's effect on the character and appearance of the area.

Reasons

Policy

6. Core Strategy² (CS) Policy AS10 sets out a number of development forms in the countryside that are considered acceptable in principle. This includes at item (j): *"A new single dwelling in open countryside which is of exceptional quality and design and makes a positive contribution to the character of the local area"*.
7. This is a similar approach to the Framework's preclusion of isolated homes in the countryside except, amongst other situations, at paragraph 84 e)³ where their design is of exceptional quality. The Framework sets out more detail of its expectations of what constitutes a design of exceptional quality. These are that it is: *"...truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area"*.

The site and proposal

8. The site is presently a field which has been left to provide ground cover for game birds, and as a result largely has an overgrown but natural and somewhat wild character and appearance. The regular lines of the plantation of poplars alongside Great Wolford Road gives that part of the site a more silvicultural character and appearance, in contrast to the less formal woods adjacent to, and infringing on parts of, the site.
9. The development would consist of a two storey, cruciform plan house with a single storey garage creating a courtyard in one quadrant and a detached poolhouse set away from the house alongside an open avenue or 'woodland ride'. The existing plantation of trees would be largely retained but bolstered by additional, more varied planting. A significant amount of new tree planting would be introduced to the rear of the proposed house that would line a sweeping driveway, partly envelop the proposed poolhouse, encircle a lawn and create a wooded garden.

Truly outstanding, reflecting the highest standards in architecture and help raise standards of design more generally in rural areas

10. There would be a distinct and high quality sense of arrival to the house via the sinuous drive which would progress through the trees affording glimpses of the house and ultimately revealing the main entrance. The arrival courtyard would be well proportioned and welcoming. This experience would continue through the house whose arrangement with a corridor, with a top lit two storey height and stone wall aligned along one axis of the building, would allow views through to the linear space with the wetland garden beyond. It is clear that considerable thought has gone into the plan form of the building and the quality of the internal spaces that would result.

² Stratford-on-Avon District Core Strategy, 2016.

³ Formerly paragraph 80 e).

11. The house would include terraces at the end of three of the ranges that would face onto the different character areas of the proposed landscape. This would blur the edges between inside and outside where the landscape woodland ride, wetland garden with views beyond, and the elongated features of the natural meadowland, would follow the alignment of the different aspects.
12. The design approach is of a distinctive pavilion building set within a landscape, with a similar approach to the poolhouse, although the latter would be subservient in scale and situation. The exterior of the house would display an upper storey clad in vertical thatch on one axis and vertical timber elements on the other, both sat on a natural stone ground floor plinth. The strong rectilinear elevations would be enlivened by windows of varied sizes and situations, giving the exterior a distinctive and attractive appearance. The design skill that has been exercised in the landscaping and exterior of the house would match that in the plan form and interior of the main building.
13. Although the Council refers to the proposal having a "*very engineered approach*", its crisp form and arrangement of straight lines and intersections would not be at odds with its countryside surroundings. Rather, these distinct and contrasting aspects of its shape and form would appear as an attractive and interesting juxtaposition with the natural surroundings. Beyond the angular silhouette, the timber and thatch cladding on the upper storey, although arranged in a controlled manner, would also give it a softer appearance and fine grain texture that would give the elevations an harmonious character within its existing, and in time enhanced, woodland setting.
14. The Council point to other dwellings with a flat roof form that have been approved elsewhere. However, those examples show the variation of appearance and design that such a broad typology can support. In this case the flat roof design would appear as an integral component in the strongly rectilinear shape of the building. That it would share this broad language of building form with other houses does not devalue its special appearance.
15. The Framework points out, at paragraph 138⁴, the value of tools for assessing design and that regard should be had to outcome of any recommendations made by design review panels. The proposed scheme was considered twice during its evolution by the local design review panel. It is of note that the design review panel concluded the revised proposal to be "*...bold and exciting, yet contextual, promising an exemplary building*" that would be of an exceptional design, and many of their recommendations at both stages had been incorporated in the final design. As the Council point out, they are not bound to agree with such comments. However, bearing in mind the Framework's approach, the design review panel's support and findings carry considerable weight in favour of the proposal's design quality.
16. Together, this approach to the design of buildings and the landscape in which they would sit would reflect the highest standards of architecture.
17. The building and landscape architecture would be of a quality that would set an exemplar of design in rural areas. In particular this would be through how the landscape and built elements would be integrated and the aesthetic effect that would result, both inside and outside the dwelling.

⁴ Formerly Paragraph 133.

18. The dwelling would be fairly discreet from public vantage points. Its presence would be unlikely to enable its high quality architecture and landscape design to be readily appreciated apart from glimpses through trees and from the nearby footpath. There is no suggestion that any mechanisms to encourage public appreciation of the building either during construction or once complete would be in place.
19. Nevertheless, although not unique in this country, the use of vertical thatch wall cladding is unusual enough a finish and technique that, along with the overall quality of the design, would be likely to attract some attention from the technical and design media, and potentially lay media too. The quality of the scheme and its particular characteristics would help raise design standards more generally.

Significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area

20. The proposed tree planting would create a backdrop to the house and encase the poolhouse on three sides as well as creating distinctive areas for a lawn and woodland garden beyond. The north-south axis of the house would form the divide between these wooded garden spaces and backdrop, and the open grounds to the front.
21. The treatment of the site to the front of the proposed house would create an extensive open meadowland environment with linear areas of scrub and bare earth scrapes. These would have ecological purpose through creating habitats. The approach would also have the aesthetic role of providing a naturalistic setting where the linearity of the site would be reflected in the creation of elongated features aligned with the site's orientation and the axis of the east-west range of the house. This would set the front of the house in an open but natural appearing landscape that would reveal it as a pavilion building within a natural setting which would have hints of an informal parkland with the large mature trees retained.
22. The landscape would respond to the house's situation, and vice versa, setting it in a denser woodland side to the rear where the proposed 'woodland ride' feature would create a spatial and visual connection through one of the two axes of the house and along which the front elevation of the poolhouse would be aligned. Further ecological enhancement would be achieved through the diversification of woodland in the poplar plantation, creation of an additional wetland area and other interventions.
23. The two storey dwelling would present a sizeable intervention in the relatively level topography of the site. However, the strong linear forms creating two distinct layers of building displayed in the elevations of the house would respond positively to the general lack of landform features on the site.
24. Putting aside the functional advantages of supporting green roofs and solar panels, the relatively simple shape of the flat roofed house would result in an intriguing sculptural form within the landscape. This design approach would not be compatible with the pitched roofs, gables, chimneys and dormers the Council consider to be the traditional architectural characteristics of the area. However, its open countryside situation means that the defining characteristics of the area not only include the isolated, traditional buildings dotted around the environs, but also the distinctive countryside of woods and fields in an

attractive pastoral landscape. Employing a crisp shape and form in the roofline would respond well to this characteristic by taking the approach of a sculptural element within the landscape.

25. Including more traditional or vernacular features in the roof would be an entirely different approach to the design and architecture. The absence of these features and adoption of a flat roof typology would not devalue the architecture and particular design approach of the proposal.
26. The use of natural stone for the ground floor elevations would reflect its use in many local buildings both inside and outside settlements. Whilst it would appear that few buildings in the wider vicinity still display thatched roofs, I am aware of at least one thatched roof property in nearby Great Wolford and it is nevertheless a traditional material in the wider Cotswolds area. Although deploying it in a novel configuration, the proposed use of vertical thatch for extensive parts of the first floor elevations would be a sensitive one. It would add a natural material whose appearance would change over time. Its texture and fine grain appearance would provide a sensitive element to the backdrop of trees both when in leaf and at other times of the year.
27. The ecological improvements and carefully considered landscape design would be particularly sensitive to the local natural and landscape characteristics. This would significantly enhance the immediate setting of the dwelling and associated buildings.

Design of exceptional quality

28. The design would be lifted above what the Council recognise would be a good quality, contemporary and distinctive scheme. The requirement for exceptional quality in local and national policy sets a very high bar. However, in this rare case, and considered overall as an integrated design of landscape and buildings, the proposal would be truly outstanding and of exceptional quality and design, which would make a positive contribution to the character of the local area in accordance with CS Policy AS10 and the Framework.

Character and appearance

29. The site forms part of an attractive area of countryside and is in the vicinity of the Cotswolds National Landscape, although not within it. The area is therefore one which is sensitive in terms of its character and appearance. Bearing in mind my findings that the development would be both sensitive to the defining characteristics of the local area and significantly enhance its immediate setting, the proposal would not result in harm to the character and appearance of the area.
30. Although glimpses of the house would be afforded from the public footpath which runs some way to the south of the site, even before new tree planting matures it would be seen against a backdrop of mature trees which would avoid it appearing as an intrusively stark new component of the wider landscape. The house, when visible, would read as a large, isolated dwelling within a rural landscape, but not one that would be incompatible with the area's qualities.
31. The development would be of a high quality design that would retain local distinctiveness, and maintain and enhance the landscape character of the area in accordance with CS Policies CS.5 and CS.9.

Conditions

32. It is necessary to specify the approved drawings and the supporting reports and management plans as this gives certainty to all parties, and because the details of the building and landscape design are instrumental to my findings that the design would meet local and national policy [condition 2]. Given the importance of existing trees on the site it is necessary to ensure that they are properly protected during construction [3], and to be effective this needs to be a pre-commencement condition. As the materials, their finish and deployment are also critical to the building being of exceptional design, sample panels and a schedule need to be approved [4], as do details of new windows, doors and solar panels [5]. Similarly, it is necessary that the design quality of the landscaping is reflected in the implemented scheme [6].
33. Requiring drainage details will ensure appropriate disposal of surface and waste water. Including rainwater conservation measures will ensure they are dealt with in a manner that would be appropriate to the buildings' architecture where a bespoke approach might be preferable to a standard water butt specification [7]. Given the proximity of the site to protected habitats, the habitat conservation and enhancement proposals on the site and the countryside location of the development, it is necessary to approve external lighting details to ensure that any adverse effects on biodiversity and the character of the area are avoided or mitigated [8]. Requiring the vehicular access to be implemented in accordance with specifications including visibility splays is necessary in the interests of highway safety [9].
34. In order that waste is appropriately managed and stored without harming the appearance of the area it is necessary to specify bin provision and that storage arrangements are approved [10]. Although the development may have to rely on satellite broadband for the time being it is necessary that a suitable duct or similar provision is made to enable it to be connected to fibre broadband when it becomes available to meet CS communications requirements [11].
35. As the quality of the design of the buildings and landscape has been fundamental in the development being found to be acceptable, exceptionally it is necessary and reasonable in this case to withdraw permitted development rights. This will enable the Council to consider the effects of any proposed alterations or interventions which might, if insensitively designed, specified or situated, diminish or undermine the exceptional design quality [12].
36. The Climate Change Checklist has been listed in the approved specifications and so does not require a separate condition requiring adherence to its measures. There is only a single dwelling before me. Therefore, as planning permission would be required for the poolhouse to be subsequently occupied as a separate dwelling or for commercial purposes, it is not necessary to attach a condition to explain that it can only be used for ancillary purposes.

Conclusion

37. For the above reasons the development would accord with the development plan considered as a whole and the Framework, with no material considerations that indicate the application should be determined otherwise. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings, specifications and reports:
 - i. Drawing Nos: Site and Block Plan BAR_008; Site Sections BAR_007_revA; Site Location Plan 121-12-00-A; Ground Floor Plan 121-12-02-A; First Floor Plan 121-12-03-A; Roof Plan 121-12-04-A; Elevations 1 121-12-05-A; Elevations 2 121-12-06-A; Sections 1 121-12-07-A; Sections 2 121-12-08-A; Poolhouse Plans 121-12-09-A; Poolhouse Sections 121-12-10-A; Poolhouse Elevations 1 121-12-11-A; Poolhouse Elevations 2 121-12-12-A and Visibility Splays 24453-01.
 - ii. Standalone Arboricultural Method Statement and Arboricultural Impact Assessment, Ref: AJE/AF/29266 Rev1, dated 28 June 2022.
 - iii. Ecological Design, Creation and Management Plan, Ref: EBD01426, dated 29 April 2022.
 - iv. Ecology Concept Design, Ref: BAR_003 rev C, dated May 2022.
 - v. Landscape Design Document, including Landscape Management Proposals and Landscape Masterplan, Ref: BAR_005_revB, dated July 2022.
 - vi. Energy Report, dated 7 October 2021.
 - vii. Climate Change Checklist, dated July 2022.

The sustainability measures set out in the Climate Change Checklist shall thereafter be retained and maintained.

- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the revised arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority and subsequently implemented as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars specified in condition 2).
- 4) Prior to the progression of any part of the development hereby permitted above slab level i. a sample panel or panels of all the materials to be used in the construction of the external surfaces of the buildings has been prepared on site for inspection, and ii. a schedule of materials, including where appropriate trade description, has been submitted, and both sample panel and schedule approved in writing by the local planning authority. The development shall be constructed in accordance with the approved schedule and sample panel, the latter of which shall not be removed from the site until completion of the external finishes of the development.
- 5) Prior to their installation, full details of all windows, doors, rooflights and solar panels shall be submitted to and approved in writing by the local

planning authority. The development shall be carried out in accordance with the approved details.

- 6) The development hereby permitted shall not be first occupied until a final landscaping scheme, in accordance with the documents approved under condition 2), detailing all hard and soft landscaping for the whole site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
- i. planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge, shrub and other planting;
 - ii. the method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting, except for any such details provided in the tree protection plan and the revised arboricultural method statement approved under condition 2);
 - iii. written specifications including cultivation and other operations associated with tree, plant and grass establishment;
 - iv. existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted;
 - v. existing and proposed finished levels (to include details of any grading and contouring of earthworks and details showing the relationship of proposed mounding to existing vegetation and surrounding landform);
 - vi. the means of accommodating any changes in level (including any retaining walls, steps, railings, walls, gates or other supporting structures, and ramps);
 - vii. the location, type and materials to be used for hard surfacing, including car parking layout and any other vehicular and pedestrian access and circulation areas;
 - viii. the position, design, materials and means of construction of all site enclosures and boundary treatments, and;
 - ix. a timetable for the implementation of the soft and hard landscaping scheme.

The landscaping shall be implemented in accordance with the approved scheme before the development hereby approved is first occupied or in the first appropriate planting season thereafter, except and unless where the approved scheme specifies an alternative implementation timescale.

If, within a period of five years from the date when the soft landscaping planting pursuant to this condition is implemented, that soft planting is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, the trees or plants shall be replaced by planting as originally approved, unless the local planning authority gives its prior written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction, death, or identification of defect or damage, of the original trees or plants.

- 7) The development hereby permitted shall not be first occupied until arrangements for the disposal of surface and foul water, including water used in the swimming pool, have been provided in accordance with details which have first been submitted to and approved in writing by the local planning authority. These details shall demonstrate that they have followed

the sustainable drainage options hierarchy set out in the Planning Practice Guidance (Paragraph 056, Reference ID: 7-056-20220825, or any guidance replacing, amending or revising that paragraph), and include provisions for the interception, storage and re-use of rain water from the buildings.

- 8) The development hereby permitted shall not be first occupied until full details of any external lighting, including height, design, location and intensity, has been submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details and no external lighting shall be installed other than in accordance with those approved details.
- 9) The development hereby permitted shall not be first occupied until a vehicular access with visibility splays has been provided in accordance with the following requirements:
 - i. The vehicular access shall be surfaced with a bound macadam material for a distance of 7.5 metres as measured back from the near edge of the public highway carriageway.
 - ii. The access to the site shall not be constructed or reconstructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway.
 - iii. No structure shall be erected, nor tree or shrub planted or retained within the visibility splays specified in the drawings approved under condition 2) exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway.

These arrangements shall be retained thereafter.

- 10) The development hereby permitted shall not be first occupied until three bins for the dwelling for the purposes of refuse, recycling and green waste, have been provided in accordance with the Council's bin specification. The development shall not be first occupied until the entrance bin storage arrangements have been implemented in accordance with details which have been submitted to and approved in writing by the local planning authority beforehand. The entrance bin storage arrangements shall be retained thereafter.
- 11) The development hereby permitted shall not be first occupied until infrastructure within the site to enable the provision of fibre broadband to the dwelling, as and when it may be available, has been implemented and made available for use.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B, C, D, E, F, G or H of Part 1 and Classes A, B and C of Part 2, of Schedule 2 to the Order shall be undertaken.

*** End of Schedule of Conditions ***