



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: 06 August 2024

Appeal Ref: APP/J3720/W/23/3327909

175A Evesham Road, Stratford-upon-Avon, Warwickshire CV37 9BS

- 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 Sibbasbridge Limited against the decision of Stratford-on-Avon District Council.
 - The application Ref is 22/03483/FUL.
 - The development proposed is the demolition of all buildings and construction of six dwellings and all associated 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 it has therefore not been necessary for me to seek further submissions.
3. The decision notice refers to Policies C5.5 and C5.9 of the Stratford-on-Avon District Core Strategy 2011 – 2031 (CS). This appears to be a typographical error, the relevant policies of the CS being CS.5 and CS.9. I have considered the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether or not the proposed development would comply with development plan policies concerned with the redevelopment of land currently in employment use.

Reasons

Character and appearance

5. The appeal site is located to the north of Evesham Road (the B439), a busy road which is characterised primarily by residential development, although some small-scale commercial uses are evident nearby.

6. Many of the houses on the north side of this stretch of the B439, near to the appeal site have long gardens which adjoin access lanes to the rear. Further development to the north is accessed via roads leading off the B439 and A4390. There are several house types in the area, constructed using a variety of materials, including brick and rendered detached, semi-detached and terraced properties with tiled roofs. Development is generally two storeys in height and set a similar depth into the plot which provides a degree of consistency. Street trees, open grassed areas and verges, along with hedging and planting within front gardens contribute positively to the character of the area.
7. The appeal site would be accessed via an existing lane which leads north from the B439. The commercial buildings which currently occupy the site primarily comprise single storey timber sheds and workshop buildings constructed of poor-quality materials which are at odds with the prevailing layout and scale of buildings in the area. Furthermore, parts of the site are used for the open storage of construction materials and equipment. Consequently, the site currently detracts from the character and appearance of the area.
8. The appeal scheme would introduce two storey dwellings to the rear of the adjacent properties which front the B439. The proposed dwellings would be taller than the existing buildings, and in a different position on the site. Nevertheless, development already exists on the site and therefore the presence of buildings in this location is a long-standing feature of the area. As such, in this respect the redevelopment of the site would not be at odds with the existing pattern of development in the area.
9. Furthermore, there are other examples of dwellings located to the rear of properties which front the B439 in relatively close proximity to the appeal site including the houses within Brownlow Drive, some of the properties on Hathaway Lane and Seymour Road and a house accessed via the lane which runs between Seymour Road and Brownlow Drive (known locally as Wheelbarrow Lane). Consequently, the proposed dwellings would not be inconsistent with the layout and pattern of development in the area as a result of their back-land position.
10. I have been referred to three appeal decisions which relate to proposals for back-land development near to the appeal site. The appeal which relates to land to the rear of 187 Evesham Road¹ involved the construction of a dwelling accessed from Wheelbarrow Lane. In dismissing the appeal, the Inspector described the site as a grassed area within an area which comprises mainly garden land and soft vegetation.
11. The appeal which relates to land to the rear of 182 and 183 Evesham Road² also relates to an area of land which would be accessed from Wheelbarrow Lane. The site was described as having a lawned surface, maintaining the appearance of a garden.
12. Because the appeal site comprises a hard surfaced area which already accommodates a number of buildings, the effect of the appeal scheme on the character and appearance of the area would differ to that of these previous

¹ APP/J3720/W/16/3164728

² APP/J3720/W/21/3271377

appeals. Therefore, the circumstances are materially different and of limited relevance to the appeal before me.

13. The appeal at Land off Seymour Road³ was allowed. It relates to a dwelling which was proposed near to the western end of Wheelbarrow Lane. The Inspector found that it would be in alignment with houses which front Seymour Road and viewed as part of the planned development in the area. Whilst the same circumstances do not apply to the appeal before me, I have similarly found that the back-land location of the appeal scheme would not result in an inconsistency with the pattern of development in the area for different reasons.
14. The proposed dwellings would be two storey with pitched slate roofs and brick elevations. Although they would be more modern in design than the majority of buildings in the vicinity, they would be entirely consistent with the prevailing character in terms of scale, design and materials.
15. The proposal includes a bin collection point, located in the front garden of 175 Evesham Road. Although bins in front gardens are commonplace in the locality, generally these are low in number. The proposal would result in numerous bins being located prominently at the front of the existing house. However, I note that this area is for bin collection only and that the remainder of the time bins would be stored on-plot. Were I to allow the appeal I could impose a condition requiring the submission of details of this storage area and its operation to ensure it was suitably designed and its use kept to a minimum. Subject to such a condition I am satisfied that the bin storage arrangements would not result in harm to the character and appearance of the area.
16. However, the proposed layout, in particular the large turning space and the row of parking spaces which would serve the semi-detached dwellings would result in an expanse of hard surfacing which would be overly dominant and result in a harsh, bland appearance.
17. The small scale of the development does not in itself result in a place without a character of its own. However, in this instance because of the layout of the frontage of the scheme, dominated by hard surfacing, the proposal would result in a place with a distinct lack of character.
18. There would be limited opportunities to provide sufficient landscaping to adequately mitigate this impact. In contrast with other areas nearby where there are several parking spaces in a row, there would be no verge or landscaping on the opposite side of the lane to soften the appearance of the hard surfacing.
19. In these respects, the scheme is poorly designed and would be at odds with the character and appearance of the surrounding area. Consequently, the proposal would fail to meet the government's objective, expressed within the Framework, of achieving well-designed and beautiful places.
20. Although I find some aspects of the proposal to be acceptable, because of its poor layout I conclude that overall, the proposal would have a harmful effect on the character and appearance of the area. It would therefore conflict with Policies CS.5, CS.9 and AS.1 of the CS and Policies H4, BE1, BE2 and BE6 of the Stratford-upon-Avon Neighbourhood Development Plan 2011 – 2031 (NDP). Collectively these seek to ensure that development demonstrates a high

³ APP/J3720/W/19/3227420

standard of design and layout which enhances the character and reflects the distinctiveness of the locality, integrates with the existing fabric of the town and incorporates appropriate landscaping.

Employment use

21. Policy CS.22 of the CS sets out a strategy for economic development in the district. This includes, amongst other things, a requirement that an existing employment site should not be redeveloped or converted to non-employment uses unless it is no longer viable or appropriate for a business purpose.
22. The supporting text of Policy CS.22 provides criteria against which planning applications involving the loss of employment land or floorspace will be assessed, however this is not part of the policy.
23. The appeal site comprises several buildings located around a central open area which is being used for the storage of vehicles and materials. The flat roof single storey brick office building which is located to the north of the site is in reasonable condition. However, the remainder of the buildings are constructed largely from timber and corrugated material. I saw that many of these are in a poor state of repair with broken structural elements, walls and roofs. Although the majority of the buildings appear to be being used for storage and/or workshop use presently, because of their poor condition, they are likely to need upgrading or replacing in the near future either by the current occupiers or prospective occupiers of the site were the site to remain in employment use. This would inevitably require significant investment.
24. Although the submission of marketing information is not a formal requirement of Policy CS.22, the policy states that a rigorous assessment of each proposal will be undertaken. As highlighted in the Orchard Nurseries appeal decision⁴ such an assessment is for the decision maker to undertake.
25. In any event, there is evidence of active marketing of the site for employment purposes including advertisements on several websites and via the agent's mailing list. The site has been marketed by a commercial property agent who is a chartered surveyor and therefore well placed to advise on these matters. In response to the marketing several enquiries and requests for further information were made, however only one offer has been received which was conditional on residential planning consent and therefore rejected by the appellant.
26. The Council contend that the stated guide price for the site was too high. However, the marketing material invited offers and the correspondence between the agent and the applicant confirmed that offers would be considered. Therefore, even if the asking price was too high, the fact that no offers which would involve keeping the site in employment use were received suggests that the site was not suitable for those who responded to the marketing.
27. I am aware that the approved scheme⁵ for replacement buildings at the appeal site has now lapsed. In any event the appellant contends that implementing a scheme of the type previously approved would be uneconomical and would not satisfy their ongoing requirements or enable further expansion of the business.

⁴ APP/J3720/W/17/3188131

⁵ Reference: 19/03589/FUL

Consequently, even if a fall-back position of the type previously approved did exist, it is unlikely that the appellant would implement it as it would not meet their needs. This would be the case even if it were possible to reduce build costs by securing a planning approval which did not include conditions such as the previously imposed BREEAM condition.

28. The fact that the present occupiers of the site have grown a successful company from this location does not contradict their reasons for wishing to relocate. Neither does this necessarily mean that the site would be attractive to prospective purchasers.
29. Overall, I find that the site is no longer viable or appropriate for a business purpose and therefore the proposal would not conflict with Policy CS.22 of the CS.
30. Policy E1 of the NDP states that proposals for the change of use or redevelopment of land or premises identified for, or currently in, employment use will only be supported provided one or more of six stated criteria are met.
31. Criterion a) of Policy E1 requires that there is a sufficient supply of sites for a range of employment uses to meet both immediate and longer-term requirements over the Plan period. I have been provided with extracts from the Annual Monitoring Report 2020/21 which state that in total the Council had a net gain of 209 hectares of employment land since 2011. The Council have not provided any evidence which demonstrates that there is not a sufficient supply of sites for employment uses over the plan period. In this context, and given the modest size of the appeal site, the appeal proposal would have a negligible effect on the supply of employment land in the District.
32. Whilst it is only necessary to meet one of the criteria of Policy E1 of the NDP, for the reasons outlined above I am satisfied that the site is no longer capable of meeting employment needs. The appellant intends to relocate the business to a more suitable site in the local area, whilst limited information has been supplied in this regard, I have no reason to assume that this is not the case. Whilst no evidence of complaints has been provided regarding the current operation of the business, the proposed use of the site would be more compatible with the existing uses in the area which are primarily residential. Consequently, I find that the proposal would not conflict with Policy E1 of the NDP.
33. I conclude that the proposed development would comply with development plan policies concerned with the redevelopment of land currently in employment use. It therefore accords with Policies CS.22 of the CS and E1 of the NDP. Collectively these seek to ensure that existing employment sites are protected unless certain circumstances apply.

Other Matters

34. The proposal would result in a use which is less likely to result in disturbance to the occupiers of neighbouring properties and a reduction in vehicular movements. There would be a small economic benefit during the construction phase through the provision of jobs and as a result of local spending by future residents. Given the scale of the development I give these benefits modest weight.

35. I acknowledge that the proposal would make efficient use of a brownfield site and would boost the supply of dwellings in a location with good access to services and facilities. The Framework requires that substantial weight is given to the value of using suitable brownfield land within settlements (para 124 c). However, elsewhere, the Framework requires that the importance of securing well-designed and beautiful, attractive and healthy places (para 128 e) and that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (para 131). Therefore, whilst I give substantial weight to the efficient use of a brownfield site, this does not outweigh the harm I have identified in respect of the effect of the development on the character and appearance of the area.

Conclusion

36. Although I find that the proposal would comply with development plan policies concerned with the redevelopment of land currently in employment use, for the reasons above I find that it would have a harmful effect on the character and appearance of the area.
37. Overall, I conclude that the proposal conflicts with the development plan 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