

Appeal Decision

Site visit made on 10 July 2024

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2024

Appeal Ref: APP/J3720/W/23/3335805

Land adjacent to Keys House, Keys Lane, Priors Marston, Warwickshire CV47 7SA

- 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 Mark Hayward against the decision of Stratford-on-Avon District Council.
 - The application Ref is 22/03132/FUL.
 - The development proposed is the erection of single self-build dwelling and garage together with improvements to existing access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Site Allocations Plan for Stratford-on-Avon District to accompany the Core Strategy 2011 - 2031 is emerging which includes draft policies in respect of self-build and custom housebuilding (SBCH) and draft built-up area boundaries. However, this has not yet been submitted for examination and as such its emerging policies currently attract limited weight in this appeal.
3. A previous application¹ for a dwelling at the site was approved although the permission was subsequently quashed following judicial review. I have been provided with limited evidence in respect of this earlier case and therefore attach limited weight to it.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Priors Marston Conservation Area;
 - whether the proposed development would preserve the setting of the Grade II listed building known as Keys House; and
 - the effect of the development on the landscape character of the area.

¹ 15/03664/FUL

Reasons

Conservation area

5. The appeal site is located within the Priors Marston Conservation Area (CA). The CA encompasses the majority of the village and derives its significance from its historic pattern of development and its many historic buildings. The CA has a distinctly verdant appearance as a result of the open spaces, large gardens, verges and vegetation within it. These features give the CA a traditional, semi-rural character.
6. The appeal site is located towards the north of the CA, on the outskirts of Priors Marston at a point where development is receding, giving way to countryside. Although there is a small amount of development to the east of the appeal site on Keys Lane, the area nevertheless has a transitional character between the village and the open countryside.
7. Keys Lane is relatively narrow adjacent to the appeal site. Verges and boundary planting add to the rural character of the lane.
8. The appeal site is an open grassed field which is currently grazed by sheep. The southern boundary of the site is defined by relatively dense vegetation of varying widths. The undeveloped, rural nature of the site therefore contributes to the overall character and appearance of the area and to the significance of the CA. The Built Heritage Statement states that the site demonstrates the inherent rural nature of the CA.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 required that special attention be paid to the desirability of preserving or enhancing the character and appearance of CAs. Despite the presence of existing and proposed landscaping, the proposal would result in the domestication of the site, through the construction of a building, the provision of a significant area of hardstanding, vehicular access and the inevitable introduction of domestic paraphernalia associated with its proposed residential use. This would result in the loss of this open space, the urbanisation of the site, and consequently, the erosion of the rural character of the area. Therefore, the proposal would not preserve or enhance the character or appearance of the CA and would result in harm to the significance of this designated heritage asset.
10. As required by paragraph 205 of the National Planning Policy Framework (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, I consider that the proposal would lead to less than substantial harm to the significance of the CA the magnitude of which would be moderate. In such circumstances paragraph 208 of the Framework states that the harm should be weighed against the public benefits of the proposal. I address this in the planning balance.
11. I conclude that the proposal would fail to preserve or enhance the character or appearance of the Priors Marston CA. It would therefore conflict with Policy CS.8 of the CS, insofar as it seeks to protect the historic environment. It would also conflict with the Framework insofar as it seeks to conserve and enhance the historic environment.

Setting of listed building

12. The appeal site is within the setting of Keys House, a Grade II listed building (LB) and I therefore have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting.
13. The list description suggests Keys House dates from approximately 1660 with a later 20th Century wing. It derives its significance from its history and architecture including its coursed stone walls, steeply pitched roof and historic features of interest such as mullioned windows, which are all examples of the local vernacular.
14. The setting of Keys House includes its immediate garden, grounds and the open fields which adjoin it, including the appeal site. These open areas contribute to the rural setting of the LB and offer a degree of separation from other development nearby, enhancing its dominance. Therefore, the appeal site contributes positively to the overall significance of the LB.
15. The proposed dwelling would be located approximately centrally on the appeal site with access and hardstanding towards the southeast corner of the site, close to the boundary of the site with Keys House.
16. The Built Heritage Statement states that dense trees surround the site. However, whilst there is relatively dense vegetation immediately to the west and southwest of Keys House, much of the eastern boundary of the appeal site is relatively open, comprising post-and-rail fencing. Although some landscaping is proposed along this boundary, there is likely to be a relatively high degree of intervisibility between the sites both from the respective garden areas and in oblique views from existing and proposed windows. The proposed planting would take many years to form an effective screen.
17. The proposal would result in the substantial erosion of the rural character of the site through the introduction of a dwelling and associated hardstanding, access and domestic curtilage. The rural setting of the LB would therefore be diminished to a significant degree as a result of the proposal. Furthermore, the proposal would reduce the visual dominance of the listed building, by crowding its immediate context and drawing the eye of observers away from it.
18. Consequently, the proposal would result in harm to the significance of the LB. In this case, it would lead to less than substantial harm to the significance of the LB, the magnitude of which would be moderate. I return to the matter of weighing the harm against the public benefits of the proposal in the planning balance.
19. I conclude that the proposal would fail to preserve the setting of the Grade II LB known as Keys House. It would therefore conflict with Policy CS.8 of the Stratford-on-Avon Core Strategy 2011 – 2031 (CS), insofar as it seeks to protect the historic environment. It would also conflict with the Framework insofar as it seeks to conserve and enhance the historic environment.

Landscape character

20. The appeal site is located within the Ironstone Hill Fringe Special Landscape Area (SLA) which is characterised by, amongst other things, rolling landscape, strongly hedged field pattern, occasional woodlands and a sparse settlement pattern of small, nucleated villages.
21. The appeal site is located on rising land and comprises a hedged field with some strongly hedged boundaries. Trees are visible both within and beyond the site. This pocket of rural land, towards the edge of the settlement contributes to the sense of gradual transition between the more built-up core of the village and the countryside beyond. Therefore, although there is development in relatively close proximity to the site it nevertheless contributes to the landscape character of the area.
22. Due to the topography of the area and the presence of interceding landscape features, the proposed dwelling would not be widely visible from distant vantage points. However, it would be visible in more localised views including from Keys Lane through the access point and in glimpses through the trees.
23. In these localised views, the proposal would partially erode the landscape character of the area due to the loss of an open field as a result of the introduction of a building and associated development. This would consolidate development along Keys Lane, resulting in harm to the transitional character of the area within the landscape.
24. I therefore conclude that the proposal would have a harmful effect on the landscape character of the area. The magnitude of this harm would be moderate. It would therefore conflict with Policy CS.12 of the CS which seeks to resist development that would have a harmful effect on the character and appearance of SLAs.

Other Considerations

Self-build and custom housebuilding

25. Councils have a duty under Section 2A of the Self Build and Custom Housebuilding Act 2015 (as amended) to "give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area."
26. The Council accepts that it has a significant shortfall in the supply of SBCH plots and that the proposal would provide a SBCH plot. The proposal would make a small but valuable contribution towards meeting the demand for SBCH in the area.

Other matters

27. The Council can demonstrate in excess of 5 years' worth of housing land supply. Nevertheless, the Government aims to significantly boost the supply of homes and the proposal would result in the provision of a new dwelling, making a modest contribution to supply.
28. The location of the proposed dwelling would have reasonable accessibility to facilities and services within the village, including a pub, village hall, post office, primary school, sports club and bus stops providing access to higher

order settlements. However, these would not be sufficient to service all day-to-day requirements and as such it is likely that future residents would be reliant on a private car. I therefore attach limited weight to the relationship of the appeal site to services and facilities.

29. The proposal did not give rise to any concerns about the design of the proposed dwelling, the density of development, harm to the living conditions of future and neighbouring occupiers, highway safety or drainage. The lack of harm in these respects is a neutral factor in the appeal.
30. It is intended that the proposed dwelling would exceed building regulations in respect of achieving energy efficiency and cooling. It would also achieve a net gain in biodiversity, although it is not clear that this would exceed normal policy requirements.
31. The proposal would result in economic and social benefits through job creation and through residents using and supporting local services and facilities.

Planning Balance

32. The Framework and CS Policy CS.8 make it clear that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal.
33. Set against the harms identified, the proposal would result in public benefits comprising the provision of a SCBH plot which would also make a small contribution to general housing supply, the provision of an energy efficient dwelling and limited social and economic benefits. Even taking into account of the extent of the shortfall of SCBH provision, given the small scale of the development overall, I afford these benefits moderate weight.
34. However, given the great weight which should be given to the conservation of heritage assets, I find that the public benefits of the proposal do not outweigh the harm which would occur to the character and appearance of the CA and the setting of the LB. The proposal would therefore conflict with Policy CS.8 of the CS and the Framework.
35. The Framework and Policy CS.12 of the CS also require that planning decisions should ensure that development is sympathetic to local character including landscape setting. The proposal would conflict with this aim.
36. As there are no policies in the CS which positively favour development of this kind in this location and as the proposal would be contrary to the policies referred to above, there would be a conflict with the development plan as a whole.
37. Paragraph 11d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed. Footnote 7 states that this includes designated heritage assets.

38. The Council accepts that there are no development plan policies which directly address the provision of SBCH. In this respect it also considers Policies CS.15, CS.16 and AS.10 are out of date, because they do not address SBCH provision.
39. Whether or not that is a correct interpretation of policy weighting, I have found that the application of policies in the Framework that protect designated heritage assets provide a clear reason for refusing the development proposed, in respect of the harm I have identified to the setting of the LB and to the character and appearance of the CA. Consequently, the provisions of paragraph 11d) of the Framework are not applicable.

Conclusion

40. 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