



Appeal Decision

Site visit made on 22 October 2024

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2024

Appeal Ref: APP/J3720/W/24/3341894

The Park, Alcester Road, Studley, Warwickshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr W Green against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/01932/OUT.
 - The development proposed is outline application for the erection of up to 2 self and custom build dwellings and associated infrastructure (All Matters reserved except for access).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address of the site from the Council's Decision Notice, which better reflects its location than that used in the application form. I am satisfied that no party would be prejudiced as a result.
3. The proposal is for outline consent, for 'up to' two dwellings. Access falls to be considered now, but all other matters are reserved for future consideration. However, at appeal stage, a conceptual layout plan showing only one dwelling has been submitted. This would accord with the description of the development and the proposed access point. The Council has had the opportunity to comment on this plan. As such, no party would be prejudiced if I take the additional plan into account. I will therefore determine the appeal as being for one dwelling.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the proposal would comply with the spatial strategy of the Development Plan for housing.

Reasons

Character and Appearance

5. The appeal site consists of part of a larger field, adjacent to the edge of Studley village. The field is undeveloped, and forms part of the countryside

within the Arden Special Landscape Area (SLA). It includes a row of three frontage trees, protected by a Tree Preservation Order (TPO). Either side of the site are dwellings fronting Alcester Road and Southmead Gardens, with other properties opposite the site. The appeal site therefore provides a gap within the built-up frontage along Alcester Road.

6. The site is within a parcel of land identified in the Stratford-on-Avon District Landscape Sensitivity Assessment (July 2011) as a relic parkland landscape, with a strongly open, rural character and high sensitivity to housing. The Stratford-on-Avon Special Landscape Area Study (June 2012) seeks amongst other things to conserve and restore parkland and its features. The proposal seeks to erect a dwelling within the site. The illustrative conceptual plan shows that it would be adjacent to number 109A Alcester Road. The remainder of the site would be used as meadow.
7. The proposal would be visible in key views from several public rights of way and Studley parish church. From these viewpoints, it would be seen in the distance and against the backdrop of existing houses and buildings. I therefore concur with the findings of the appellant's Landscape Statement that the visual impact of the proposal from these locations would be of low or negligible magnitude.
8. However, views of the site are clearly obtainable from Alcester Road itself, where it provides attractive and extensive views over the gently sloping valley, with the parish church in the distance. Hedge planting would mitigate the visual impact of the proposal. No veteran field oaks, said to be a feature of the relic parkland landscape would be affected by it. The wildflower meadow area would include new oaks and the management of the biodiversity offsetting area could be secured by a planning condition.
9. Even so, the additional built form of a dwelling would physically erode and encroach into the space provided by the appeal site, diminishing its open character and distinctiveness. Consequently, even as just one dwelling, I find that the visual impacts of the proposal would be of high negative magnitude. Furthermore, despite the wider ecological improvements, the creation of a dwelling, access and lawn would intrinsically domesticate the site, resulting in the loss of an area of former parkland. As such, the proposal would undermine the sensitive rural landscape hereabouts and this part of the SLA.
10. The three TPO trees contribute to the bucolic appearance of the site. When the appeal application was being considered, the Council had limited information about the effects of the proposal on the trees. At appeal stage, further details have been provided, including in respect of access construction. Furthermore, as only one dwelling is now proposed, the width of the access and its effects on the trees would be reduced. The Council does not dispute that the information provided is sufficient to avoid adverse effects on the trees and I see little reason to take a different view.
11. Nevertheless, for the reasons given above, the proposal would harm the character and appearance of the area. It would therefore conflict with policies CS.5, CS.9, CS.12 and AS.10 of the Stratford-on-Avon Core Strategy 2011-2031 (SACS), adopted July 2016, which inter alia require landscape character and distinctiveness to be maintained and the SLA to be protected. For the same reasons, it would conflict with the aim of the National Planning Policy

Framework (the Framework) to enhance the natural and local environment. As a result, I give this conflict substantial negative weight.

Spatial Strategy

12. SACS policies CS.15 and CS.16 set out the strategy of the Development Plan for the distribution of development, seeking a pattern consistent with the function of sustainable locations. Studley is identified as a Main Rural Centre with a range of services and facilities. Even so, relevant to the proposal, Policy CS.15 requires development to take place within the village Built-Up Area Boundary (BUAB). As the proposal would be outside of the BUAB for Studley, it conflicts with this Policy.
13. SACS Policy AS.10(a) permits housing on land adjacent to a village, to meet a need identified by the local community. The Self Build and Custom Housebuilding Register records people who have identified Studley as their preferred location for such housing, albeit often as one settlement amongst others. That said, the Policy and its explanation requires schemes to be specifically identified and supported by the community, usually in a Parish or Neighbourhood Plan, which is not the case here.
14. Policy AS.10(b) permits small-scale housing schemes within the BUAB of Local Service Villages, or otherwise within their physical confines. However, Studley is a Main Rural Centre, rather than a Local Service Village, and so this does not provide support for the proposal. Policy AS.10 allows other types of development in the countryside, if amongst other things they are not contrary to the overall development strategy. However, this is in the context of a strong level of restriction over development in the countryside and I have already found conflict with the strategy provided by the SACS in Policy CS.15.
15. For the reasons given above, the proposal would not comply with the spatial strategy of the Development Plan for housing and would conflict with SACS policies CS.15 and AS.10. I will give weight to this conflict below.

Other Considerations

16. There is no dispute that the Council is failing to provide sufficient numbers of self and custom build housing as required under the relevant legislation, with a considerable gap between supply and demand. Framework Paragraph 11 makes clear that, where there are no relevant Development Plan policies or the policies relevant to the application are out-of-date, its presumption in favour of sustainable development applies.
17. However, bearing in mind my findings above, SACS Policies CS.5, CS.9, CS.12, and most importantly CS.15 and AS.10 are clearly directly relevant to the proposal. It is not therefore the case that there are no relevant Development Plan policies. Policies CS.15 and AS.10 do not refer to self and custom build housing. Even so, having regard to Framework Paragraph 225, they are broadly consistent with the Framework, including its aim of recognising the intrinsic character and beauty of the countryside. As such, Paragraph 11 of the Framework is not engaged.
18. Nonetheless, having regard to the accepted need for self and custom build housing in the District, I give the conflict with policies CS.15 and AS.10 only moderate negative weight in respect of the second main issue. The proposal would contribute to the supply of self and custom build housing. However, as

only one unit is now proposed, its contribution would be minor and so carries only limited weight in favour of the proposal.

19. The parties have referred to the emerging Site Allocations Plan (SAP), which I understand makes specific provision for self and custom build housing adjacent to BUABs but excludes Green Belt sites. The site is within the West Midlands Green Belt, but a previous appeal decision¹ concluded that limited infilling here would not amount to inappropriate development. I see little reason to disagree. Therefore, having regard to Framework Paragraph 48, given the early stage of the SAP, it carries limited weight in favour of the proposal.
20. The proposal includes ecological enhancements far greater than a 10% net gain. Construction of the proposal would have positive economic effects, for instance to the building industry. Its future occupiers would also make social and economic contributions. The proposal would result in the efficient use of land, in a location well-placed for the services and facilities within Studley. Even so, as a single dwelling, these benefits would be modest and so I give them limited positive weight.

Planning Balance and Conclusion

21. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case, and the weight I give them, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR

¹ PINS reference APP/J3720/W/22/3309151