



Appeal Decision

Site visit made on 12 November 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/J3720/W/24/3348664

The Old Dairy, Pittern Hill, Kineton CV35 0JF

- 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 Ms S, S and J Allen, Lewis and Lewis against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/02878/FUL.
 - The development proposed is described as “demolition of agricultural buildings with class Q consent for 5 units and the erection of five new dwellings”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the development would be in a suitable location in light of the policies of the Stratford-on-Avon District Core Strategy 2011-2031 (the CS) and Kineton Neighbourhood Development Plan to 2031 (the NP), and (ii) its effect on the character and appearance of the area.

Reasons

Suitability of location.

3. CS policy CS.15 sets out a distribution of development strategy that in essence looks to direct new development to towns and other settlements. The appeal site is outside of the boundaries of any settlement as defined in the CS and so it is appropriate to treat it as lying within the countryside. CS policy AS.10 lists the types of development that are acceptable in rural areas. There is no case made that the proposal would fall within any of these categories. Also, there is no substantive evidence to show the proposal would offer significant benefits to the local area and that it would accord with the overall development strategy.
4. Therefore, I conclude the development would be in an unsuitable location having regard to CS policies CS.9 and AS.10. The Council also refers to NP policy H1. This is permissive of development within settlement boundaries but it includes no provisions on the acceptability of housing development within the countryside. As such, I find no direct conflict with this policy.

Character and appearance.

5. The appeal site is on a road leading out of Kineton. On the approaches towards the site there are roadside hedgerows and trees. Also, there are glimpses of fields from the highway through gaps in the vegetation. As such, the locality

has a distinct rural feel, despite the house and long fence opposite the site and the influence of traffic noise from the road. The barns on the site as well as its agricultural use reinforce this sense of the countryside.

6. The proposal would include the removal of all of the buildings from the farmyard apart from a brick barn on the frontage. A short road would be formed onto the site leading to the proposed dwellings. These would be grouped around the end of the road and would face towards it so as to form a small residential cul-de-sac. The development would not extend beyond the existing farmyard and it would be partially screened from the highway by the brick barn and roadside hedgerow and trees. However, it is likely the development would be seen from the pavement on the opposite side of the road, particularly as 4 of the units would be to the side rather than behind the retained brick barn. The development would therefore have an obvious effect on the visual qualities and the nature of the area.
7. The replacement of the agricultural buildings with residences would undermine the site's contribution towards the countryside character of the area. While the proposed buildings would include architectural features and materials similar to those seen in other local properties, they would clearly be houses rather than agricultural buildings. Moreover, the units closest to the front of the site would back onto the public highway so that domestic paraphernalia within the back gardens may be seen from the road. Also, the development would be viewed as a fairly isolated residential close, separated from the built up extent of Kineton. As such, it would appear incongruous to its rural setting.
8. The proposal would reduce the amount of site covered by buildings compared to the existing situation and so it would increase the openness of the plot. Also, it would lead to the removal of external storage of agricultural produce as well as a tall silo that are prominent in views from the road. However, the site as it stands is compatible with its rural surroundings due to its obvious agricultural nature. Therefore, the increase in openness and removal of existing prominent features would not address nor overcome the incongruity of a residential cul-de-sac in this countryside location.
9. For these reasons, I conclude the development would harm the character and appearance of the area. In these regards, it would not accord with CS policies CS.5 and CS.9 as well as NP policies D1 and D2. Amongst other things, these look to ensure development in rural areas responds to local character and protects the countryside landscape.

Other issues and planning balance.

10. For the reasons as set out under the 2 main issues, the proposal would not accord with the development plan. It follows to consider whether other factors justify allowing the appeal.
11. The Council has granted prior approvals as required under the terms of Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in respect of the appeal site. These relate to the conversion of some of the agricultural buildings to form a total of 5 dwellings (hereafter referred to as the Class Q developments). There is more than a theoretical possibility the Class Q developments would be carried out in the event that this appeal is dismissed and so they represent a fallback position.

12. The Class Q developments would have a similar effect to the appeal scheme in terms of replacing the agricultural use with a residential development. However, they would largely retain the simple form and appearance of the barns to be converted. Moreover, the Class Q developments include the re-use only of the buildings behind the brick barn and the proposed gardens would be smaller. Accordingly, the dwellings and the gardens proposed under the Class Q developments would be less obvious from the road compared to those for the appeal scheme. Furthermore, the Class Q developments would have a more informal layout that is less reminiscent of a urban residential cul-de-sac compared to the current proposal. Consequently, they would retain a more sympathetic, agricultural feel to the site, even though the dwellings proposed under this appeal would be smaller in overall building footprint and volume.
13. The Class Q developments would be similar to the current proposal in terms of harm caused through the conflict with the CS policies on the location of development. Also, both proposals would create the same number of dwellings and so contribute equally towards the housing stock. However, the appeal scheme would incorporate larger, more useable gardens. Moreover, energy generation and efficiency measures such as solar panels are proposed under the current scheme and so eventually it would represent a greater move towards a low carbon future compared to the Class Q developments. However, these would be fairly minor benefits of the current proposal over the fallback position.
14. The appeal development would be more harmful than the approved conversion schemes in terms of its effects on the rural character and appearance of the area. This is the overriding factor. As it would be less harmful, the fallback position attracts limited weight in my overall assessment. It provides insufficient justification to grant planning permission contrary to the development plan.
15. No objections have been raised to the proposal from most of the consultees on the planning application. However, this does not justify allowing a development that would be contrary to CS and NP policies.

Conclusion

16. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR