



Appeal Decision

Site visit made on 2 December 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/J3720/W/24/3345999

Middle Huncote Farm, Charlecote, Warwickshire CV35 9ET

- 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 J Dooler against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/00094/FUL.
 - The development proposed is full planning application for the relocation of the consented garage and change of use of land to garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A separate householder planning application for improvement of the farmhouse and the erection of a detached garage was approved by the Council in 2023 (Council ref: 23/00814/FUL) (original 2023 permission) and relates to land immediately adjacent to the appeal site. Although the main parties have confirmed that this permission has been partly implemented and remains extant, the garage had not been constructed at the time of my site visit.
3. I also saw during my site visit that the external walls of the garage building subject of the appeal proposal, has commenced construction with the exception of the installation of windows, doors and roof. I have considered the appeal based on the plans before me.
4. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

Main Issue

5. The main issue is whether the proposed change of use of land to garden and the erection of a garage would be suitably located and the effect on the character and appearance of the countryside.

Reasons

6. The wider area is characterised by large arable fields with mature verdant boundaries broken up by small pockets of development including various rural farmsteads and isolated dwellings. Middle Huncote Farm comprises an isolated complex of farm buildings accessed via a long narrow track off Stratford Road

which assimilates into the wider rural setting. Agricultural buildings associated with the wider farm, including barns which received planning permission for conversion to residential use (Council ref: 21/00163/FUL) are located adjacent to the appeal site.

7. The appeal site relates to the large dwelling at Middle Hunscombe Farm and land adjacent to it, located to its side and front. It is set back a considerable distance from the main road, along an access track defined by hedgerow on both sides. Even though the house has been significantly altered and extended, the spacious and verdant qualities of the surrounding undeveloped land, including land within the appeal site, contributes to the rural character and appearance of the locality.
8. The strategic objective of Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) (CS) is to maintain and enhance the rural character of the area and requires all proposals to meet a number of criterion. Most pertinent to the appeal proposal, this policy includes the need to minimise the impact on the character of the local landscape and to avoid the loss of large areas of high-quality agricultural land. The appeal proposal does not fall within any of the types of development listed as being acceptable in principle under this policy. However, this list is not exhaustive and the policy further states that all other types of development will need to be fully justified, offer significant benefits to the local area and not be contrary to the overall development strategy.
9. The proposed change of use to garden area would represent a significant increase in size over and above the size of the existing garden serving the dwelling. Whilst it would be located on the inside of a hedgerow that functionally separates the appeal site from the agricultural fields beyond, it is physically separated from the dwelling by the existing driveway and visually assists with the transition between the agricultural fields and the dwelling. The domestication of this land including any associated paraphernalia would result in a suburbanising impact on the rural landscape. In the absence of a lawful development certificate, whether or not the appeal site is already in lawful use as garden has had no bearing on my decision which is based on the proposal before me for the change of use of the appeal site to garden.
10. The garage comprises four-bays with rooms at first-floor level. Its height and massing combined with features such as the dormer windows would have an overly suburban appearance not reflective of the agrarian buildings more typical in the surrounding area. Views would partly be set against the backdrop of higher buildings within the existing farm complex. Even so, the large size of the garage would be appreciable along the access roads on entry into the appeal site and the wider Middle Hunscombe farm complex. Even with landscaping, a domestic building of the scale proposed would have an urbanising effect that would project beyond the core shape of the farm complex to the detriment of the rural setting of the appeal site, resulting in significant harm to the character and appearance of the countryside.
11. The appellant suggests that the appeal garage would be more suitably located than the garage approved by the original 2023 permission in terms of its connectivity to the main dwelling. Whilst this would no doubt be more convenient for the appellant, this benefit would not be sufficient to outweigh the harm to the character and appearance of the wider area through the

extension of the domestic curtilage and construction of a garage within the open countryside. Moreover, there would be no significant benefits to the local area resulting from the appeal proposal.

12. I conclude that the proposed change of use of land to garden and the erection of a garage would not be suitably located and would result in a harmful effect on the character and appearance of the countryside. In this regard, it would be contrary to Policies AS.10, CS.5 and CS.9 of the CS which require the need for development to be justified and to offer significant benefits to the local area, to maintain landscape character and to reflect the character and distinctiveness of the locality.

Other Matters

13. The design, size and materials of the appeal garage would be similar to the garage approved in the original 2023 permission ('the fallback scheme'). The appellant has confirmed that they propose to construct the appeal garage instead of the fallback scheme. Even though the fallback scheme remains a realistic fall-back position, and a condition could be imposed to ensure both buildings cannot be built, the associated change of use of the land associated with the appeal garage would have a greater harmful effect on the character and appearance of the countryside compared to the extant scheme. As a consequence, this is not a matter that weighs in favour of the appeal proposal.
14. The appellant has submitted a Great Crested Newt Survey (April 2024) (GCN Survey) with the appeal. The GCN Survey appears to have been undertaken in relation to a scheme for an unrelated development on the wider Middle Hunscombe Farm site. Whilst the appellant indicates the appeal proposal would be less harmful to GCN's than the extant garage in the original 2023 permission, a survey specific to the appeal proposal has not been provided to confirm this. It has not been demonstrated that there are any benefits to protected species arising from the appeal proposal and therefore, this is not a matter that weighs in favour of the appeal proposal either.
15. The Grade II Listed Upper Hunscombe Farmhouse is located over 500 metres to the east of the application site. In considering whether to grant planning permission, I have been mindful of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Council refer to the potential for the proposal to impact on this heritage asset in their report but this is not a matter in dispute. Having considered the separation distance and relationship between the appeal site and this asset, I am satisfied that no harm to significance would arise.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR