



Appeal Decision

Site visit made on 26 November 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2025

Appeal Ref: APP/J3720/W/24/3348874

Land adjacent to Hercules Farm, Henley Road, Claverdon, Warwickshire CV35 8LJ

- 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 Stark against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/00064/FUL.
 - The development proposed is erection of one self-build dwelling to meet identified local need, alterations to existing vehicular access, demolition of agricultural building, and all associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published in December 2024 that replaces the previous version published in December 2023. However, as any policies in the Framework that are material to the issues in this decision have not fundamentally changed, I am satisfied that neither party would be prejudiced by my consideration of the revised Framework in reaching my decision.
3. In considering whether to grant planning permission for development which affects a listed building or its setting, section 66(1) of the Listed Buildings and Conservation Areas Act 1990 (the LBCA Act) requires me 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.
4. There is no statutory protection for the setting of a conservation area in the LBCA Act 1990. However, as a conservation area is a designated heritage asset there is still a need to consider whether the significance of the heritage asset would be affected by development proposed outside it.

Main Issues

5. There is some overlap between the Council's reasons for refusal. I therefore consider the main issues in this appeal to be:
 - a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies, and the effect on the openness of the Green Belt and purposes of including land within it;

- b) The effect of the proposal on the setting of the Grade II listed building and the setting of Claverdon Conservation Area;
- c) The effect of the proposal on the character of the area with regard to its location within the Arden Special Landscape Area; and
- d) If the proposed development constitutes inappropriate development in the Green Belt, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

a) Green Belt issues

Whether inappropriate development in the Green Belt

6. The site is located within the West Midlands Green Belt. Framework paragraph 142 states that the Government attaches great importance to Green Belts and identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state at paragraph 153 that 'inappropriate development' is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Development in the Green Belt is inappropriate unless one of the exceptions listed in paragraph 154 applies. The proposed development falls to be considered under exception 154e) for 'limited infilling in villages'.
7. Green Belt Policy CS.10 of the Stratford-on-Avon Core Strategy 2011-2031 (the Core Strategy) sets out the forms of development that are not inappropriate in principle in the Green Belt. It is broadly compliant with the Framework. It also allows limited infilling in Local Service Villages in accordance with Core Strategy Policy CS.16, which in turn requires housing development in the Green Belt to be assessed under Policy CS.10. Core Strategy Policy CS.15 identifies Claverdon as a Category 3 Local Service Village, whereby new development may take place on sites identified in the Neighbourhood Plan and through small-scale schemes on unidentified but suitable sites within their Built-up Area Boundaries (BUAB). In the countryside, Core Strategy Policy AS.10 allows small-scale housing schemes within BUABs, or small-scale community housing within or adjacent to a village to meet a need identified by the local community in a Parish Plan, Neighbourhood Plan or other form of local evidence. The Council's housing policies are broadly in line with the Framework's principles to promote sustainable patterns of development to
8. There is no dispute between the main parties that the appeal site lies outside the BUAB of Claverdon and is not identified for housing in the Neighbourhood Plan. Therefore for policy purposes the site lies in the countryside.
9. That said, Framework exception 154e) does not specify what type or category of villages can have limited infill or that infill must occur within defined settlement boundaries. Settlement boundaries, or BUABs, are a planning tool generally used by Councils to control the location of new housing for strategic purposes but may not necessarily coincide with the administrative or physical extent of a particular settlement. The courts have established that the boundary of a village defined in a local plan is relevant but may not be determinative as to whether a site falls within a settlement, and therefore

regard should be had to the situation on the ground and a judgment made. Therefore, the term 'limited infill in villages' needs to be considered in more detail.

10. The appeal site is grassland and forms part of a much larger agricultural field and swathe of open countryside with no defined boundary on its northern aspect. It was in use for sheep grazing at the time of my visit. It is situated between the outbuildings of Hercules Farm to the east and the detached dwelling, Pipers Croft, to the west.
11. On my visit I saw that the main cluster of built development of the village started from Hercules Farm, approximately where the 30mph road sign is located. Built development was clearly visible progressing eastwards past the Crown Inn into the heart of the village and formed a relatively tight grain built form with houses on both sides of the road, certainly until a little after the triangular junction with Lye Green Road.
12. In reverse, when leaving Claverdon travelling west, the road sign by Hercules Farm says 40mph, which in this case is indicative that one is leaving a built up area. Despite views ahead of Pipers Croft there are hedgerows and fields on both sides of the road and this contributes to the rural setting and a strong sense of having left the village. Beyond Pipers Croft the road descends downhill with verdant roadside hedgerows and dispersed properties. Approaching the village up the hill from the west, Pipers Croft is on the brow of the hill, but the adjacent field, that is the appeal site, creates a rural gap before Hercules Farm, such that Pipers Croft and the appeal site do not feel part of the village. Whilst I saw that the appeal site lies within the administrative limits of Claverdon, as indicated by the village name sign some distance to the west at the bottom of the hill beyond the junction with Kington Lane, my observations of the situation on the ground lead me to conclude that the appeal site does not lie within the village but outside it for the purposes of applying the Framework. I find that the BUAB also follows the built up form I have described at this point. The presence of a pavement in front of the appeal site in both directions is not indicative of the site being within the village – I have seen many roads in rural areas, away from settlements, that have pavements.
13. As the site does not lie within the village there is no need for me to consider the other aspects of exception 154e). Even if I were to consider the proposal could be considered as infilling, as I have found the site would not be in a village, or within the BUAB, then it would still be inappropriate development as defined by the Framework and the development plan.
14. In addition, the proposal would not represent inappropriate development under paragraph 155 as all of the required criteria are not met and the Council has confirmed¹ it has more than a 5 year supply of deliverable housing sites – indeed some 24.65 years.
15. Whilst the erection of a single dwelling is limited in quantity, I have found the appeal site lies outside the village and so the proposal for a single dwelling on the appeal site cannot be regarded as limited infilling in a village. Therefore, it does not fall within Framework exception 154e) and represents inappropriate development in the Green Belt.

¹ Email to PINS dated 8 November 2024

The effect on the openness of the Green Belt

16. The Framework describes that the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in the Framework or the development plan, but the courts have established that openness has both a spatial and a visual aspect and a number of factors are capable of being relevant to openness, depending on the particular facts of a specific case. Hence the effect on openness is a matter of planning judgement.
17. The appeal site is an open undeveloped field that currently forms part of a much larger swathe of fields and countryside stretching beyond the site, such that the openness of the Green Belt is clearly evident. The appeal site is part of, and contributes to, the openness of the Green Belt.
18. The proposal would involve introducing built form where none currently exists. This would instantly reduce openness. The proposed dwelling would have a large footprint that would occupy space on the ground, as would the areas of hardstanding for the entrance drive to both the house and field beyond, parking and turning areas, paths and patio. Furthermore, the proposed dwelling would be a substantial two-storey structure that would have height, mass, bulk and volume and be a permanent three-dimensional built form in an open field. Consequently, the proposed dwelling would significantly reduce spatial and visual openness of the Green Belt. The resulting domestication of part of the site, with the likely presence of domestic paraphernalia around the property, would further erode openness.
19. The appellant proposes to demolish a small, corrugated tin agricultural building at the northwest corner of the farmyard, some distance from the parcel of land that would be for the dwelling. Its removal has been included in site area calculations to help reduce overall built form. However, the tin building is not sited on the land on which the new dwelling would be erected. Instead it is some distance away from the appeal site and is read as part of an existing complex of farm buildings. Therefore, whilst its removal would see the loss of some built form in the vicinity of the site, this would have a negligible impact on any openness compensation for the appeal site itself.
20. Proposed additional hedgerow planting along the roadside boundary and tree planting within the site would help provide some screening from the road and play some part in minimising loss of visual openness. I understand that the roadside hedge was removed as part of the previous planning permission granted for a dwelling in 2012. However, the arbitrary northern site boundary with the rest of the adjacent field would be a post and rail fence, which would have no screening function. Whilst landscaping might lessen the visibility of the proposed dwelling, and could be conditioned, the site currently has no built form on it and proposed new planting would not mitigate against the loss of spatial openness. The proposal would therefore see a significant reduction in openness of the site.

Conclusion on Green Belt issues

21. The proposal is not limited infill in a village and hence does not fall within Green Belt exception paragraph 154e). Nor does it fall under paragraph 155. The proposed development therefore constitutes inappropriate development in the Green Belt for the purposes of Core Strategy Policy CS.10 and the

Framework. There would also be a reduction in the openness of the Green Belt. Furthermore, the erection of a dwelling in a field that forms part of the wider agricultural landscape would fail to safeguard the countryside from encroachment and conflict with one of the purposes of including land within the Green Belt, contrary to paragraphs 142 and 143 of the Framework, respectively. It would also be contrary to Core Strategy Policies CS.10, CS.15 and AS.10.

22. Harmful inappropriate development in the Green Belt should not be approved except in very special circumstances. I shall consider whether these exist later in the decision.

b) Heritage assets

Special interest and significance of the heritage assets

23. The Grade II listed building is known as 'Hercules Farmhouse and attached stables'² (hereafter The Farmhouse). The Farmhouse is timber framed and probably dates from the 17th century, with later additions and alterations. The listing also describes that internally there are historic features such as exposed timber framing, rafters and inglenook fireplaces. The special interest and significance of the listed building, insofar as it relates to this appeal, are largely derived from the building's architectural and historic interests in illustrating a 17th century vernacular farmhouse. The building's age, traditional construction techniques, surviving historic fabric and its continued use as a farmstead making important contributions in these regards.
24. The special interest and significance of the asset are also derived in part from the surroundings, or setting, in which the listed building is experienced. Whilst the Farmhouse fronts the road and views from the appeal site of the Farmhouse itself are thus limited, primarily it is still read as a farmstead with outbuildings and surrounding agricultural land. This allows the Farmhouse to be seen and experienced as part of the village scene and wider agrarian landscape. The surrounding fields are integral to understanding the building's function as a farmhouse and its relationship with the land farmed around it. Hence the appeal site contributes in a tangible and positive way to the building's special interest and significance.
25. The appeal site also sits adjacent to the Claverdon Conservation Area (the CCA) which comprises two parts – a western part of the village and an eastern part. The village is a hilltop settlement with Saxon origins and until about the mid-19th century was a small and scattered agricultural settlement. Since then the village has grown with various hamlets joined together by newer housing. I saw the linear plan form with buildings of different styles and designs, including vernacular cottages and former farmsteads. Thus the historic significance of the conservation area, in so far as it relates to this appeal, is largely historic and architectural reflecting the village's evolution and links to its agricultural past.
26. The submitted Ordnance Survey map extracts, dating from the 1st edition of 1886, show the appeal site and land to the west and north of Hercules Farm and along Henley Road as farm land - this is still evident today and seemingly little changed in the vicinity of Hercules Farm. Hence the appeal site, and the

² National Heritage List for England: list entry number 1382082

fields around, provide Claverdon with physical and visual links to its agricultural past, particularly along Henley Road into and out of the village. Thus the appeal site positively contributes to the rural setting of the CCA and hence to its significance.

Effect of the appeal proposal

27. The proposal would introduce a large dwelling in the field immediately adjacent to the Farmhouse and its farm buildings, with the resulting domestication that would occur. It is not uncommon for associated agricultural land to not directly face a Farmhouse, and in this case the Farmhouse fronts the road, rather than being set back some distance with fields in front. Nonetheless, the proposal would sever the agricultural land from the Farmhouse. This would reduce the authenticity of how the listed Farmhouse would be read as part of the design and functionality of the historic farmstead, whose large fields have sat mainly to the west and north of the farmhouse, as shown on the submitted map extracts. The proposal would thus erode the contribution that the setting makes to the listed building's significance and would fail to preserve its setting and would harm its significance as a designated heritage asset.
28. Similarly, the proposed dwelling would erode the agricultural setting to the village along Henley Road, an old route through the village as shown on the map extracts. As the rural setting is an integral part of the CCA, it follows that the heritage significance of the conservation area would be diminished and harmed by the proposal. The proposed landscaping along the roadside would do little to mitigate this.

Public benefits

29. The Framework states that heritage assets are an irreplaceable resource. Paragraphs 212 and 213 of the Framework state that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to, or loss of, the significance of a designated heritage asset, from its alterations or destruction or from development within its setting, should require clear and convincing justification.
30. In finding harm to the significance of a designated heritage asset, Framework paragraphs 214 and 215 require the magnitude of that harm to be assessed. Given the nature and extent of the proposed development against the advice in the Framework I find the harm to both the significance of the listed building and the CCA would be 'less than substantial'. Nonetheless, a finding of less than substantial harm still carries considerable importance and weight.
31. Under such circumstances, paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal. Public benefits, as described in the national Planning Policy Guidance can be anything that delivers economic, social or environmental objectives and do not have to be visible or publicly accessible.
32. There would be some short-term economic benefits to the wider local economy from jobs and the supply chain during the construction phase. There would be social benefits in that the new dwelling would free-up the larger farmhouse for a family to live in the village, now that the appellant wants to downsize. It

would also increase the supply of new built houses in the district, albeit modestly being a single dwelling. However, as the Council has a healthy housing land supply, the need for a dwelling is less pressing.

33. The proposed dwelling would be a self-build, which the appellant suggests is an identified local need, whereby the Parish Housing Survey of 2022 revealed some interest in self-build properties. There is no dispute that the appellant has local connections, having lived in the village with his family for over 27 years. That said, the Parish Council does not support the application and this brings into doubt whether a self-build dwelling, just because the appellant said he wanted to build one, constitutes a proposal identified by the community or a community-led scheme required by the Council's housing policies.
34. That said, the Framework identifies "people wishing to commission or build their own homes" as a distinct section of the community that should be reflected in policies. However, neither the current Core Strategy nor Claverdon Neighbourhood Plan (the Claverdon NP) have specific Self-Build Custom Housing (SBCH) policies to help the Council meet its legal obligation³ to maintain a three-year rolling programme of SBCH. The Council does advise that the demand for SBCH in the district has increased and there is a gap between supply and demand. Therefore the appellant's proposed self-build dwelling would help meet the shortfall and be another public benefit, albeit a modest contribution.
35. However, to be appropriately delivered as SBCH, the Council must be satisfied that the initial owners of the SBCH will have primary input into its final design and layout otherwise it will not meet the legal definition of SBCH. Whilst self-build is included in the description of development, there is no mechanism, such as a legal agreement, submitted with the application or appeal to secure the tenure. A submitted Heads of Terms for a legal obligation is not the signed and executed legal obligation I would need to have, should I be minded to allow the appeal. The absence of a duly executed legal obligation therefore weighs against the proposal and reduces the scope for the self-build dwelling to be a public benefit.
36. There would be some modest environmental public benefits as the dwelling would incorporate energy-saving and low carbon measures to help reduce carbon emissions, and there would be some biodiversity net gain in the form of new tree and hedgerow planting.
37. I acknowledge that the proposal would allow the appellant and his family to downsize and provide more appropriate accommodation, especially in light of the appellant's ill health and medical conditions. However, these are personal circumstances and do not amount to a public benefit.
38. Overall, there would be some public benefits that weigh in favour of the proposal. However, the weight I ascribe to them is not sufficient to outweigh the considerable importance and weight I attach to the harm that would be caused to the significance of the listed building and the CCA. I find that clear and convincing justification for the harm to the assets' significance has not been provided. Accordingly the proposal would fail to preserve the setting of the Grade II listed Farmhouse, and thus fails to satisfy the requirements of the

³ The Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and the Self-build and Custom Housebuilding Regulations.

Act and the provisions of the Framework. The proposed development would also harm the significance of the Claverdon Conservation Area.

39. It would also be contrary to Core Strategy Policy CS.8 and Claverdon NP Policy BE.2. Collectively these seek, amongst other things, to protect and enhance the historic environment and avoid harm to the significance of heritage assets.

c) Landscape and character of the area

40. Claverdon is a hilltop settlement, and it and the appeal site are both located within the Arden Special Landscape Area (the Arden SLA), an area of high landscape quality identified in Core Strategy Policy CS.12, following the Council's Special Landscape Area Study (2012). The policy seeks to protect such areas of high landscape quality by resisting development that would have a harmful effect on the distinctive character and appearance of such areas. In addition, Policy NE1 of the Claverdon NP identifies valued landscapes and the appeal site falls within 'valued landscape B' of views from fields facing west.
41. Core Strategy Policy CS.5 seeks to maintain, amongst other things, the landscape character and quality of the district and development should avoid detrimental effects on features which make a significant contribution to the character, history and setting of a settlement or area. Core Strategy Policy CS.9 seeks, amongst other things, to ensure that development does not damage or destroy features which positively contribute to local distinctness. Furthermore, the Framework recognises the intrinsic character and beauty of the countryside and seeks to ensure that valued landscapes are protected and enhanced.
42. The Arden SLA is characterised by its undulating and rolling land form with a mosaic of fields, hedgerows and Arden woodland, and a network of winding lanes and tracks with scattered hamlets and farmsteads. Some of these features were evident to me on my visit. The appeal site is open and forms part of the wider countryside setting and network of fields. I also saw that the appeal site and Henley Road commanded views over the surrounding Arden SLA to the north. Hence the appeal site positively contributes to the rural character and appearance of Claverdon, this part of Henley Road and to the wider Arden SLA landscape and surrounding area within which it sits.
43. Even though the dwelling would be set down within the site, sited to the west end of it and there would be new landscaping, the proposal would see the loss of an open field gap in the street scene that is important to the rural character and appearance of the area and the wider countryside setting. The dwelling would visually reduce the views north and westward across the valley. This would diminish the contribution the site plays to the rural setting of the Claverdon, this part of Henley Road and would thus degrade the qualities of the valued landscape.
44. I accept the appeal site may not be particularly visible in the wider landscape. However, to the south of the site land rises. Even if the roadside hedge was more established, the top of the dwelling would be seen and there would still be views out across the appeal site and to the countryside beyond and down towards the valley of the River Alne, reinforcing Claverdon's rural setting. The proposed dwelling would interrupt these panoramas across the tranquil

countryside and would reduce Claverdon's connection with its agricultural and countryside surroundings.

45. Furthermore, whilst the village has a range of house types of different sizes, ages and styles, most are of a modest size in modest sized plots. The proposed dwelling would be elongated parallel to the road and appear as a long building, despite some slight break in the roof line and some nominal set back of the eastern bay. Its size, bulk and appearance would be more akin to the larger detached dispersed properties to the west of the appeal site, rather than those within the village, reinforced by the dwelling's location at the western end of the site furthest away from the main part of the village. It would therefore be out of keeping with the prevailing pattern of smaller dwellings and plots within the village.
46. I understand that a previous planning application was granted for a dwelling on the site or part of it, as a Framework paragraph 80 dwelling⁴. Such dwellings whereby their design is of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture and would significantly enhance its immediate setting. The current proposal is not put forward as a truly outstanding design. Even if the current openness of the site is due in part to the roadside hedge having been removed/replanted in readiness for that dwelling, I find that the presence of a fairly standard dwelling of unremarkable design would not enhance the immediate surroundings, but instead diminish them.
47. The design of the dwelling would incorporate features found elsewhere in the village, such as using similar materials, low eaves level, horizontal and eaves brick detailing. As such, I have no reason to doubt the dwelling would be built to a high standard.
48. However, taking all factors into account I find that on balance the proposal would not preserve or enhance the valued landscape and would not retain the open space at the western edge of the village. Hence the proposed development would cause harm to the Arden SLA, the local valued landscape and the character of Claverdon. Accordingly, the proposal would be contrary to Core Strategy Policies CS.5, CS.9 and CS.12. It would also be contrary to Core Strategy Policy AS.10 that seeks to ensure that development in the countryside minimises its impact on the characteristics of the local landscape. Furthermore, it would be contrary to Claverdon NP Policy NE1.

Other Matters

49. The proposed development is supported by the local Ward Councillor and a number of third parties as a small-scale community housing scheme for a local couple.
50. There are no objections to the proposal on technical grounds from Warwickshire County Council as local highway authority and the County Ecologist raises no objection.

⁴ Now paragraph 84 in the 2024 revision of the Framework

Other Considerations and Green Belt Balance

51. The development represents inappropriate development in the Green Belt and there would also be harm to its openness. It would also result in an encroachment of built form into the countryside and hence conflict with one of the Green Belt purposes. Inappropriate development is, by definition, harmful to the Green Belt and Framework paragraph 153 requires that substantial weight is given to *any* harm [my emphasis].
52. In addition, there would be harm to the significance of designated heritage assets (the setting of a Grade II Listed building and the setting of Claverdon Conservation Area) which are not outweighed by public benefits, to which I must give great weight to their conservation, as already discussed. There would also be harm to the character and appearance of the area including the valued landscape of the Arden Special Landscape Area. These are serious planning objections.
53. Therefore, inappropriate development should not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

Appellant's personal circumstances

54. The appellant has a number of health conditions⁵ and is registered disabled. Moving from room to room of varying temperatures exacerbates his conditions. The proposed dwelling would be built with advanced eco-friendly technologies and materials, that would include improved indoor air quality. Ground source heating and mechanical heat recovery would help create a stable environment that would be vital to his health, something the old Farmhouse does not do. The dwelling would also include an exercise room for his treatments. Furthermore, being able to continue living in Claverdon would allow continuation of healthcare with established health professionals, which is important to the appellant.
55. I am sympathetic to the appellant's needs, his long standing connection to the village and desire to build a new home to improve his health whilst remaining in the community. It is a well-established principle that planning permission usually runs with the land. Where development would not normally be permitted, it *may* be justified on the basis of who would benefit from the permission, but only in exceptional circumstances.
56. I am bound by the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to have due regard to the three aims to eliminate unlawful discrimination, harassment and victimisation; to advance equality of opportunity, and to foster good relations between people who share a protected characteristic and people who do not share it. The appellant is disabled by his medical conditions and disability is a protected characteristic for the purposes of the PSED, thus the PSED is engaged in this appeal. But the duty does not mean that the appeal must automatically succeed.

⁵ Evidenced by letter from the appellant's GP, but as they are personal I have not recorded the particulars here but have taken them into account.

57. It has not been shown that there is no alternative way to provide the desired accommodation, for example that the existing Farmhouse could not be extended or altered in some way to provide more accessible and comfortable accommodation. Nor is there evidence to show that there are other less harmful sites nearby or at Hercules Farm that could be used for a new dwelling that would not involve the harms I have identified.
58. The appellant refers to the size of the Farmhouse and its maintenance being too much to cope with now. Whilst a new house may have fewer maintenance issues and the family wants to downsize, the plans show that the proposed dwelling would be sizeable, with large reception rooms and bedrooms, all ensuite. There is a proposed large exercise room, but no information has been submitted to justify it has to be the size it is, or how this room is to be used and what equipment if any it is intended to accommodate. The bedrooms are all on the first floor and there is no ground floor bathroom or shower room, only a small toilet. Although there is mention there is the potential for a lift to be installed, the appellant would need to negotiate the stairs, which seems at odds with the health conditions described to justify the new dwelling. This raises doubt in my mind as to whether the proposed dwelling has been designed to appropriately accommodate the appellant's needs and whether it needs to be the size it is shown. In my view, the appellant's evidence does not show that he and his family's circumstances are exceptional. Therefore the weight I give to personal circumstances is limited.

Self-build dwelling and the development plan

59. The lack of SBCH policies in the Core Strategy and Claverdon Neighbourhood Plan does not automatically render the development plan out-of-date and engage Framework paragraph 11d). Whilst there is a shortfall of SBCH this does not mean they can be allowed anywhere. The proposal is for housing and the plan has a spatial strategy to guide housing to locations that will promote sustainable patterns of development in a manner broadly consistent with the Framework. The Council can also demonstrate it has about a 24 year supply of deliverable housing land. Therefore, read as whole the development plan is not out-of-date and Framework paragraph 11d) is not engaged.
60. The Council's emerging Site Allocations Plan does propose specific SBCH policies, but due to the plan's state of preparation and the amount of work yet to be done before it can be submitted for examination, only limited weight can be given to its SBCH policies. Nonetheless, the policies indicate the direction of travel and that location of SBCH will be guided by similar sustainability principles that guide the Council's existing housing strategy.
61. There is no legal agreement to secure the proposed dwelling specifically as a SBCH dwelling. Therefore, the weight given to any SBCH is limited.
62. Moreover, footnote 7 of Framework paragraph 11d) provides that planning permission should not be granted where Framework policies protecting areas or assets of particular importance, such as Green Belt and designated heritage assets, provide a strong reason for refusing the proposed development. I have found this to be the case in this appeal.

Conclusion about other considerations

63. I find that the above 'other considerations' taken together, plus the public benefits already advanced, do not clearly outweigh the totality of the harm to the Green Belt, the harm to the designated heritage assets and the harm to the character of the area and the Arden Special Landscape Character. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.
64. For the reasons given it follows that the appellant's personal circumstances cannot be the decisive consideration in this case. I find that dismissing this appeal would not amount to unlawful discrimination, and a refusal of permission for this unacceptable development would be essential to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
65. Similarly, I have considered the rights of the appellant and his family under Article 8 of the Human Rights Act 1998, which affords the right to respect for private and family life, home and correspondence. This is a qualified right and interference may be justified in the public interest, but the concept of proportionality is crucial.
66. A refusal of permission would interfere with the appellant's rights under Article 8. But the interference would be in accordance with the law and in pursuance of a well-established and legitimate aim, namely the conservation of heritage assets which are an irreplaceable resources, and protection of the character and appearance of the area, Green Belt and valued landscapes. I find the interference would be proportionate and necessary, and it would not amount to a violation of the appellant's rights.

Conclusion

67. The proposal would conflict with the development plan when taken as a whole and this conflict is not outweighed by other material considerations as identified above. Therefore, for the reasons above the appeal should be dismissed.

K. Stephens
INSPECTOR