



Appeal Decision

Site visit made on 11 March 2025

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10th April 2025

Appeal Ref: APP/J3720/W/24/3351111

Land and Buildings Adjacent Avon Carrow, off Hill View, Avon Dassett, Warwickshire

- 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 M Worrall against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/03397/FUL.
 - The development proposed is the demolition of existing barn, modern garages and dilapidated structure, and erection of one local market dwelling, conversion of existing traditional building to garage, and all associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing barn, modern garages and dilapidated structure, and erection of one local market dwelling, conversion of existing traditional building to garage, and all associated works at Land and Buildings Adjacent Avon Carrow, off Hill View, Avon Dassett, Warwickshire, in accordance with the terms of the application, Ref 23/03397/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the address given in the appellant's appeal form as this more correctly identifies the appeal site.
3. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2024. I have considered its amendments against the earlier version and against the parties' appeal evidence. However, I have not gone back to the parties for comment, as I do not consider the Framework changes to be substantive or determinative to the outcome of this appeal.
4. As a decision-maker, I must consider this appeal in light of the statutory duties placed upon me under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which require that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 202 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

5. A signed and dated Unilateral Undertaking, relating to the provision of a local market dwelling, has been submitted with this appeal. I will consider this matter later.

Main Issue

6. The main issue is the effect of the proposal on the character or appearance of the Avon Dassett Conservation Area and on the special interest and significance of Avon Carrow, a Grade II listed building.

Reasons

7. The appeal site comprises land and buildings which lie within the Avon Dassett Conservation Area. The area's character and appearance is, in part, defined by its historic properties which address the main road through the settlement which climbs up the hillside. These buildings have a largely cohesive character in terms of heights, materials and detailing with a high heritage value, and most have rear gardens with open fields behind. The rising ground results in a staggering of the buildings which adds to the visual interest of the streetscape and draws the eye along the road. The conservation area also includes several larger, more isolated buildings generally set within substantial grounds which are not readily in public view. Surrounding fields, hedges and copses of trees reinforce the attractive, rural character of the area.
8. Based on my observations, and the submitted information, I consider that, for the purposes of this appeal, the character and appearance of the conservation area, and its significance, is mainly drawn from the range of built development within it, the relationship of the buildings to each other and the spaces and land around them. The topography of the landscape contributes greatly to the area's character and shapes attractive views into and out of this picturesque settlement.
9. The list description for Avon Carrow mentions that it is a 19th century country house built of ironstone ashlar with a tiled roof in the Tudor style, arranged in a courtyard plan. It also mentions the form and elaborate architectural detailing of the building range with a focus on the eye-catching, main elevation which faces south west. Although the property adjoins the settlement, it is in a visually discrete location with extensive gardens, mature trees and agricultural land on three sides affording it a degree of privacy and a rural outlook. Its special interest and significance, for the purpose of this appeal, is derived from its age, historic fabric, function and its architectural features. The relationship of the building to its surrounding grounds and agricultural landscape is an intrinsic part of its special interest and significance.
10. Avon Carrow has been converted into separate dwellings. The front elevation of the building and the returns to either side have largely retained their more open, historic garden setting. However, towards the rear, smaller, linear garden plots have been laid out for some of the converted units, and part of the area is used as parking, access and servicing facilities associated with this development. This has, to some extent, reduced the degree to which the immediate setting of the listed building towards its rear contributes to its special interest and significance.
11. The appeal site lies on the edge of the settlement. It is a linear plot of land which is set back from properties on Hill View and extends alongside the property boundary to Avon Carrow, with which it shares an access. The site borders open fields

which extend up the hillside. The appeal site is heavily overgrown with numerous mature trees and shrubs and contains several dilapidated buildings which are mainly former agricultural structures. The main building is a large Dutch barn which occupies a substantial part of the site nearer to the settlement. A public footpath runs along the boundary with Avon Carrow and leads to the surrounding fields.

12. There is a clear view of the gable end of the Dutch barn from Hill View. However, due to the mature trees on the appeal site and its overgrown nature, other views into the site from the surrounding area are restricted. The appeal site sits at a higher level than Avon Carrow and between the two is a band of mature trees and shrubs. I saw on site that the Dutch barn lies closer to Hill View than Avon Carrow so that they do not sit alongside each other. Instead, the barn roughly stands alongside the more recent garden plots described above. Beyond the Dutch barn, the appeal site is largely covered with trees and shrubs which add to the thick planting around the perimeter of the Avon Carrow site. Despite the appeal site being at a much higher level than Avon Carrow, the dense boundary trees, limit views between them. Even from the public footpath alongside the barn, I was only able to obtain glimpse views of the Avon Carrow site. These would be further limited when the trees are in leaf.
13. The presence of the agricultural buildings on the appeal site are not unexpected or out of character on the edge of this rural settlement. However, their dilapidated condition, clearly viewed from Hill View and at close proximity along the public footpath, means that they have a harmful impact on the character and appearance of the conservation area. These buildings have less of an impact on the setting of Avon Carrow due to the intervening planting and height difference. The mature trees and planting on the wider appeal site contribute positively to the rural character of the area.
14. The Dutch barn would be replaced with a dwelling on a similar site, replicating its arched form but reduced in scale and set slightly further away from the boundary with Avon Carrow. Its design would appear to mimic a barn conversion with a metal roof and untreated larch boarding set on a low stone plinth and simple vertically proportioned openings. It would have a compact residential garden near to it with the remainder of the site planted as an orchard and the overgrown trees and vegetation would be managed.
15. Although the tree management and the planting of an orchard would, to some extent, open views of the site from the surrounding fields, the proposal would be informed by the agricultural characteristics of the site. Whilst a dwelling would be constructed on the site, the proposal, as designed and laid out within a landscaped plot, would be entirely appropriate on this edge of settlement location, set back from most dwellings on Hill View, and adjoining the open fields. In this regard, I note that the Council recognised that the proposal would not harm the quality of the wider landscape and the visual amenity of the street scene.
16. Given the tightly defined garden curtilage, replication of many of the features of the existing Dutch barn and tidying up the frontage to Hill View, the proposal would maintain the agricultural feel of the site, remove dilapidated buildings and manage vegetation. Trees would be maintained around the perimeter of the site to soften and filter views of the proposed development.

17. The Council suggests that the dilapidated buildings should be removed, and the site returned to its original verdant condition. However, given the unsightly nature of the buildings and their longstanding presence, it is reasonable to consider an alternative development, and I see little reason why a new dwelling on the edge of the settlement with a strong agricultural character would not be acceptable. In my view, the proposal is a well-considered solution which would enhance the contribution that the site makes to the character and appearance of the conservation area.
18. The proposed dwelling would not encroach further into the site than the existing Dutch barn, it would have a reduced scale and a slight set-back from the boundary with Avon Carrow. It would therefore not have any greater presence on Avon Carrow than the existing building. Views of it may be slightly opened through the management of trees, but the new dwelling would read similarly to what is already there but with better proportions and appearance. Its agricultural character would be appropriate to the rural setting of Avon Carrow and would not compete or detract from any views of it, particularly principal views. Instead, being situated at the rear of Avon Carrow, any limited visual connection would be predominantly with the more modern gardens of the apartments at the rear.
19. Other dilapidated buildings, including a largely collapsed building nearer to Avon Carrow, would be removed and the land would form part of the proposed orchard. By removing built development on this part of the site the setting of Avon Carrow would be enhanced. Furthermore, the restoration and reuse of the stone building near to the site entrance will ensure the long-term survival of the only building of any note within the site.
20. For these reasons, I conclude that the proposal would have no harmful effect on the character or appearance of the Avon Dassett Conservation Area or on the special interest and significance of Avon Carrow, a Grade II listed building. It would therefore meet the requirements of the Act and the Framework. It would also comply with Policy CS.8 of the Stratford-on-Avon District Core Strategy which states that the District's historic environment will be protected and enhanced for its inherent value and for the enjoyment of present and future residents and visitors.

Other Matters

21. Both parties refer to Hillside Farm, a Grade II listed building which lies some distance to the north of the appeal site. In relation to this appeal, its significance is principally derived from the legible interrelationships of the dwelling, farm buildings and broader landscape. This is principally understood from Hill View, where the historic relationships can best be appreciated. It is suggested that the appeal site historically formed part of Hillside Farm, but the land was sold before its listing. Both parties consider that due to the intervening topography and distance, the appeal proposal would not harm the contribution that the rural setting makes to the building's significance. I have little reason to disagree. Nor is there any adequate suggestion that any other listed buildings in the vicinity would be impacted adversely by the proposal.
22. I have had regard to all other concerns raised by interested parties. Regarding light pollution, ecology, trees and drainage, these matters can be addressed through conditions which are addressed below. Whilst it is suggested that there is no community support for the proposal, the evidence before me indicates that the

dwelling would be a small-scale community led housing needs scheme which has the support of the Parish Council. There is little information to suggest that the development would threaten the structural stability of the bank alongside Avon Carrow, and, in any event, this would be a private matter between the parties concerned. I have considered all the matters raised but none would present me with a sufficient reason, either individually or collectively, to withhold permission.

Planning obligation

23. A certified copy of a Unilateral Undertaking was submitted as part of the appeal which would secure the property as a local market dwelling if the appeal were successful. The Council has seen and accepted all parts of the document but comments that the name of the Council should read 'Stratford-on-Avon District Council' rather than 'Stratford upon Avon District Council'. The appellant's solicitor has advised that on a fair interpretation, the planning obligations have been lawfully provided to the correct local planning authority and considers that they are safely secured. I'm inclined to agree.
24. In terms of this undertaking, the Council's Committee Report sets out the requirements for the Undertaking and the links to relevant policies. Both Policies AS.10 and CS.15 support small-scale community-led housing schemes within or adjacent to settlements. The Council considers that the proposal meets the requirements of these policies.
25. Consequently, I am satisfied that the undertaking is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related to the scale and kind of the development. The undertaking would meet with the requirements of Regulation 122 of the Community Infrastructure Levy 2010, and I therefore attach it full weight.

Conditions

26. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and to accord with the advice in the Framework and Planning Practice Guidance. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty.
27. Several pre-commencement conditions are required to address issues that are fundamental to the development and need to be planned for and agreed at the start of the works. A condition to require ground floor levels is needed to ensure that the development accords with visual and residential amenity. Risks to future users of the land and neighbouring land arising from contamination also need to be addressed through conditions. Due to the likely impact of the groundworks associated with the development on potential archaeological remains, a condition is required to secure a programme of archaeological work. A condition is also required to ensure that the biodiversity enhancement area is managed and maintained. To prevent harm to the amenity of the area, a highway safety condition to submit a Construction Management Plan is required.
28. Details of materials and finishes shall be secured by condition to secure good design and local distinctiveness. Conditions are required in relation to tree protection, given the potential for damage during the construction work, and for

landscaping and the demolition of structures to protect character and appearance heritage assets.

29. Conditions relating to parking and bin storage are also required to ensure that the new development has a positive relationship with its surroundings and that adequate levels of amenity will be enjoyed by future occupiers or users of the proposed development. A condition is also required to secure good broadband connectivity. To ensure resources are used efficiently conditions are required to encourage the re-use of water, drainage, and to secure sustainability measures. Conditions are also required to ensure that protected species are not harmed by the development and to minimise light pollution.
30. The Framework advises that conditions should restrict permitted development rights only where there is clear justification to do so. Owing to the proximity of designated heritage assets, a condition restricting permitted development rights in relation to the enlargement or other alteration of the dwelling, including any alterations or additions to the roof, the erection of outbuildings within the curtilage and boundaries is justified to secure the quality of the development and ensure the significance of the heritage assets are preserved. Consequently, the removal of selected permitted development rights in this respect is reasonable and necessary to make the development acceptable in the circumstances of the site and its surroundings.

Conclusion

31. The proposal would accord with the development plan as a whole and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed

G Bayliss

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 1354-L01 Rev C, Proposed Site Plans 1354-P20 Revision A, Proposed Plans 1354-P21 Revision A, Proposed Elevations 1354-P22.
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) Development hereby permitted shall not commence until clauses a), b) and c), listed below, have been complied with:
 - a) A Phase 1 Desk Study and site walkover shall be carried out. The Desk Study shall provide results of the site walkover; detail a full history of the site uses; and identify any unacceptable risks to human health and the environment. The Desk Study shall be submitted to and approved in writing by the Local Planning Authority;
 - b) Where unacceptable risk is identified by the Desk Study, a detailed Site Investigation shall be carried out and a Site Investigation Report submitted to and approved in writing by the local planning authority. The Report shall detail all investigative works and sampling on site, together with results of analysis and risk assessment to any receptors;
 - c) Where unacceptable risk is identified by the Site Investigation Report, a proposed Remediation Strategy (including a Quality Assurance Scheme) shall be submitted to and approved in writing by the local planning authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- 5) Prior to occupation of the development hereby approved, clauses a), b) and c), listed below, shall be complied with:
 - a) All remediation work approved under the above Remediation Strategy shall be completed as approved and be carried out under the Quality Assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed, and an appropriate remediation scheme and timescales shall be submitted to and approved in writing by the local planning authority;
 - b) A Completion Report shall be submitted to and approved in writing by the local planning authority. The Completion Report shall include details of the remediation works and Quality Assurance certificates to verify that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included together with the necessary waste transfer documentation detailing the waste materials that have been removed from the site;

- c) A certificate signed by the developer shall be submitted to and approved by the local planning authority confirming that the appropriate works have been undertaken as detailed in the Completion Report.
- 6) No development, including demolition, shall take place until the applicant, or their agents or successors in title, has secured and implemented a programme of archaeological work in accordance with a Written Scheme of Investigation and timetable which has been submitted to and approved in writing by the local planning authority.
- 7) The development hereby permitted shall not commence, including site clearance, until a Management and Maintenance Plan for the proposed biodiversity enhancement area has been submitted to and approved in writing by the local planning authority. The approved plan shall thereafter be implemented in full and maintained in strict accordance with the approved details in perpetuity.
- 8) No development shall take place, including any demolition works, until details of a Construction Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved details shall be adhered to throughout the construction period. The Plan shall provide for:
 - a) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials, including the times of such loading and unloading;
 - c) Storage of plant and materials used in constructing the development or stockpiling during development;
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) Wheel washing facilities including the location of wheel washing facilities;
 - f) Measures to control the emission of dust and dirt during construction;
 - g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h) The hours of demolition and/or construction (it is recommended that no works (including the deliveries) take place outside 08.00 hours to 18.00 hours Mondays to Fridays; 08.00 hours to 13.00 hours on Saturdays or at any time on Sundays or Public Holidays);
 - i) Details of any piling together with details of how any associated vibration will be monitored and controlled;
 - j) The location and noise levels of any site electricity generators or industrial equipment and hours of use of such equipment;
 - k) Means of access and routing plan for construction traffic;
 - l) Management of surface water run-off;
 - m) Contact telephone number(s) and email address(es) of the site manager(s) these should be displayed on the site;
 - n) Details of external lighting required during construction; and
 - o) Measures to prevent degradation of the public highway by construction vehicles.
- 9) No development above ground level shall take place until details of the materials and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by

the local planning authority. The development shall be carried out in accordance with the approved details.

- 10) No demolition, site clearance or building operations shall commence or equipment, machinery or materials brought onto site, until the tree protection measures detailed within the approved Arboricultural Method Statement and Tree Protection Plan (Tim Pursey) dated 29 November 2023, have been fully implemented.

The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed from the site.

Furthermore, the following work shall not be carried out within the Root Protection Area (RPA) of any retained tree or hedgerow, except with the prior written approval of the local planning authority:

- a) No materials, equipment, machinery or structure shall be attached to or supported by a retained tree or hedgerow, nor stored or stacked within said RPA;
 - b) No mixing of cement or use of other contaminating materials or substances shall take place within, or close to, a RPA that seepage or displacement could cause them to enter a RPA;
 - c) No fires shall be lit within any RPA or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of any retained tree or hedgerow within or adjacent to the site as per the requirements of BS5837 :2012;
 - d) Levels shall not be raised or lowered in relation to the existing ground level within the RPA of any retained tree or hedgerow;
 - e) No roots shall be cut, trenches dug or soil removed within the RPA of any retained tree or hedgerow;
 - f) No buildings, roads or other engineering operations shall be constructed or carried out within the RPA of any retained tree or hedgerow; and
 - g) No vehicles shall be driven over the area within the RPA of any retained tree or hedgerow.
- 11) Prior to construction of any parts of hard and soft landscaping of the development hereby approved, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the local planning authority.

This landscaping scheme shall include:

- a) Planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- b) The method and specifications for operations associated with planting establishment, protection, management and maintenance of all retained and new tree, hedge and shrub planting;
- c) Existing landscape features such as trees, hedges, shrubs and ponds which are to be retained and/or removed, accurately plotted (where appropriate);
- d) Location, type and materials to be used for hard surfacing where applicable for permeable paving, including specifications and details of manufacturer,

type and design, colour and bonding pattern where appropriate. Samples may be required to be submitted and approved;

- e) The position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings, hedge(banks)), where appropriate;
- f) Car parking layout and any other vehicular and pedestrian access and circulation areas;
- g) A timetable for the implementation of the soft and hard landscaping scheme.

The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

- 12) Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping scheme, if within a period of five years from the date of the completion of the building works OR completion of the landscaping scheme pursuant to condition 11 (whichever is later), any tree, hedge or shrubs felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the local planning authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.
- 13) Before occupation of the development hereby permitted, the structures indicated to be removed on drawing no. 1354-P20 Rev A shall be demolished and all arising materials shall be removed from the site (or the arising materials re-used or retained in a position on site to be approved in writing by the local planning authority and thereafter so retained).
- 14) Prior to the occupation of the development hereby permitted, the vehicular parking spaces and turning area shall be laid out, hardened and surfaced, and drained and delineated, in accordance with the details indicated on the approved drawing no. 1354-P20 Rev A for the parking of 3 cars.

Thereafter, the parking spaces and turning area shall be maintained and retained for such purposes and shall not be used for any other purpose other than for the parking and turning of vehicles (and for the loading and unloading of vehicles) used by persons residing, working, visiting or attending at the site and shall be kept permanently free from any other forms of obstruction.

- 15) Prior to the occupation of the development hereby permitted, provision shall be made for bicycle parking on site in accordance with details previously submitted to and approved in writing by the local planning authority. Details shall include the means and methods to be used to accommodate secure bicycle parking and the extent of such parking. The approved details shall thereafter be retained and maintained in perpetuity.
- 16) The dwelling hereby permitted shall not be occupied until 3 bins for the purposes of refuse, recycling and green waste have been provided for that approved dwelling, in accordance with the Council's bin specifications.

Any siting of domestic refuse bins shall be at the rear of the building or within any suitably screened area for bin storage. Details of any proposed bin store to be erected or constructed shall be submitted to and approved in writing by the local planning authority prior to erection or construction and shall be retained in that form thereafter.

- 17) The dwelling hereby permitted shall not be occupied until it has been provided with a connection to facilitate superfast Broadband connectivity.
- 18) The dwelling hereby permitted shall not be occupied until a 190 litre (minimum) capacity water butt, fitted with a child-proof lid, has been connected to a downpipe. It shall be retained in that form thereafter.
- 19) The dwelling hereby permitted shall not be occupied until the sustainability measures set out within the supporting 'Climate Change Checklist' submitted to the local planning authority on 15 December 2023 shall be incorporated into the design of the development and/or site layout as relevant. Thereafter, the approved sustainability measures shall be retained and maintained.
- 20) The development hereby permitted shall be carried out in full accordance with the recommendations contained in Section 4 of the 2023 Updated Protected Species Survey Report (Cotswold Wildlife Surveys) dated 6 February 2024 Version 04.
- 21) Prior to the erection, installation, and/or operation of any external lighting on the site (including on the building itself), details of the lighting shall be submitted to and approved in writing by the local planning authority. Details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowlings of all external lights and the hours at which the lighting is to be operated.

The lighting shall thereafter be carried out in accordance with the approved details and shall thereafter be retained in that form.

- 22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A-E of Part 1 and Class A of Part 2, of Schedule 2 to the Order shall be undertaken.