



Appeal Decision

Site visit made on 22 April 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/J3720/W/24/3354243

Land off Queen Elizabeth Way, Bidford on Avon, Warwickshire, B50 4GN

- 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 Carl Varney (Varney and Varney Homes) against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/02977/FUL.
 - The development proposed is erection of 3 detached dwellings with associated access, parking and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revision to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given an opportunity to comment on the effect of these changes. This decision is based on the current Framework and has taken account of the representations made on this.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises a vacant plot of land which is flanked by the dwellings on Queen Elizabeth Way and Waterloo Crescent to the north and south. Queen Elizabeth Way runs along the site's eastern boundary. Waterloo Crescent comprises a mixture of single and 2-storey dwellings set back within their plots addressing the road. Queen Elizabeth Way comprises large modern 2-storey dwellings laid out in short rows behind small setbacks facing the road. This results in a varied and pleasant street scene.
5. The proposal seeks to erect 3 dwellings which would be accessed from Queen Elizabeth Way. The dwellings would be consistent in scale, design and materials with dwellings in the surrounding area. The 2 dwellings facing Queen Elizabeth Way (plots 1 and 2) would be set back from the road consistent with the layout of dwellings on Queen Elizabeth Way. However, plot 3 would be located to the rear of the site, accessed via a narrow drive from Queen Elizabeth Way, and would not have a street frontage. This layout would disrupt the prevailing pattern of

development, appearing discordant and inconsistent with the layout of dwellings in the surrounding area.

6. All sites and proposals have their own particular characteristics, and each case must be considered on its individual merits. Therefore, even if it were the case that 'backland' development has been allowed by previous Inspectors, there is no reason to assume that this should set a precedent by which I am bound.
7. The proposal would cause harm to the established character and appearance of the surrounding area. I therefore find conflict with those aims of policies CS.5 and CS.9 of the Stratford-upon-Avon Core Strategy (2016) and Policy ENV9 of the Bidford-on-Avon Neighbourhood Plan (2017) which promote high quality design and require developments to respect the character and distinctiveness of the area.

Other Matters

8. The Council raised no objections in relation to accessibility to facilities, highway safety, drainage, flooding, biodiversity, protected species, trees or the effect on landscape character and heritage assets. I see no reason to take a different view. I have been presented with no compelling evidence that the proposal would result in harm to the living conditions of the occupiers of nearby dwellings. Future occupiers would be provided with adequate amenity space, car parking and cycle storage. Nonetheless, compliance with the relevant development plan policies on these matters would be required in any case. Therefore, these matters weigh neutrally rather than in favour of the proposal.

Planning Balance

9. There is a suggestion that the Council is unable to demonstrate a 5-year housing land supply. In the event that the Council is unable to demonstrate a deliverable 5-year supply of housing land, Paragraph 11d of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
10. The proposal would provide 3 dwellings on a small site at low risk of flooding with good access to services and facilities. However, the benefits of housing delivery, to which I have attached significant weight, are tempered by the fact that the provision of 3 units would only make a small difference to housing supply. There would also be some economic benefits during the construction phase as well as any potential Council tax that future occupiers might pay. The proposal would result in potential biodiversity enhancements through the creation of new landscape features and the incorporation of bat and bird boxes.
11. Even if the Council is unable to demonstrate a 5-year supply of housing land, and there was a reasonably significant shortfall, I have found harm to the character and appearance of the area, the protection of which is a key aim of the Framework. Therefore, whilst the framework seeks to significantly boost the supply of housing, the adverse impacts on character and appearance would significantly and demonstrably outweigh the modest benefits of the delivery of 3 dwellings, when assessed against the policies in the Framework taken as a whole. As such, the proposal would not constitute a sustainable form of development in terms of the Framework and therefore does not benefit from the presumption in favour of sustainable development.

Conclusion

12. The proposal would conflict with the development plan. Material considerations, including the Framework, do not indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

N Robinson

INSPECTOR