



## Appeal Decision

Site visit made on 18 June 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

---

**Appeal Ref: APP/J3720/W/24/3358017**

**Arrow Bridge House, Evesham Street, Arrow, Warwickshire B49 5PH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr R Whisson of Alauna Holdings Ltd against the decision of Stratford-on-Avon District Council.
  - The application Ref is 24/01048/OUT.
  - The development proposed is 7 custom build dwellings (4 new dwellings and 3 replacement dwellings) with all matters reserved except access.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs has been made by Mr R Whisson of Alauna Holdings Ltd against the Council. This is subject to a separate decision.

### Preliminary Matters

3. Outline planning permission is sought, with all matters reserved, except for access. Therefore, while a number of plans have been provided showing the potential siting and plot areas of the new dwellings, including their relationship to existing trees, I have considered such plans as indicative only.
4. The main parties dispute the number of existing lawful dwellings on the appeal site. However, this is not a matter for me to consider and so, I have determined the appeal on the basis of the description of development.
5. An updated Preliminary Ecological Appraisal (PEA) and updated Biodiversity Net Gain assessment metric (BNGM) were submitted to the Council before the application was determined. Although, the Council did not accept these documents and determined the application on the basis of the earlier versions of such documents. While a revised PEA and BNGM have been submitted to the Planning Inspectorate as part of the appeal process, the Council were not sent such documents by the appellant as part of their appeal submission. Although, Warwickshire County Council (WCC) ecology have raised various concerns with the additional/amended biodiversity evidence submitted. However, as I cannot be sure that all parties, including the public have had opportunity to comment on the additional/amended biodiversity evidence, whether in support or against it, in the interests of procedural fairness, I have had regard to the earlier versions of the PEA (December 2023) and BNGM (April 2024) in reaching my decision.

## Main Issues

6. The main issues in this appeal are the effect of the proposed development on:
- the housing strategy for the district;
  - character and appearance of the appeal site and surrounding area;
  - biodiversity; and,
  - the living conditions of future occupiers of the new dwellings.

## Reasons

### *Housing Strategy*

7. The appeal site lies outside the defined Built Up Area Boundary (BUAB) of Alcester as set out in the Alcester Neighbourhood Development Plan (2021) (NDP). The appeal site is relatively close to the edge of BUAB for Alcester and located beyond the welcome sign into Alcester. However, from my site observations, there is a clear change in the character of the area and the built form of development where the appeal site is along Evesham Street, compared to the character and form of development which lie within the BUAB. The roadside brick bridge walls on Evesham Street, changes in topography and extent of roadside vegetation, provide spatial and visual features which define the physical confines of Alcester, beyond which the appeal site is located.
8. Whereas part of the access driveway of the appeal site is adjacent to the BUAB, where the new dwellings are proposed within the site would not be adjacent to the BUAB, as it is further away, with intervening land and property in between. Therefore, spatially, and visually the appeal site is not within the physical confines of Alcester nor within or adjacent to the BUAB and so, is within the open countryside. Consequently, even though the proposal partly includes the replacement of existing dwellings, overall, due to its location, it would not be a type of development supported by Policy AS.10 of the Stratford-on-Avon Core Strategy (July 2016) (SCS). Additionally, the appeal site is not allocated for housing in the SCS or the NDP and the proposal would not satisfy the criteria of Policy CS.15 and Policy CS.16 of the SCS, even though Alcester is a main rural centre.
9. While it is proposed the new dwellings would be custom build properties, there is no mechanism in place to secure such. Therefore, it is not demonstrated that the proposal would help meet the identified need for self-build and custom build dwellings in the local area, even if there is a shortfall of such type of dwellings. Furthermore, even though the appeal site is not within the Green Belt or a National Landscape, the proposal would be unacceptable new housing within the open countryside, in conflict with the housing strategy for the district.
10. Even if, with regard to the Neighbourhood Plan it is proposed to review and extend the BUAB boundary in another location around Alcester, no substantive evidence of a proposal to extend the BUAB to encompass the appeal site has been provided. Also, while another site elsewhere outside the BUAB line is considered to be a sustainable location, this does not justify new housing development at the appeal site, which is in a different location. Furthermore, although the appeal site is not that far from Alcester and its services and facilities and there is a bus route close by, the proposed dwellings would still be located within the open countryside, where SCS policy restricts new housing, and it has not been demonstrated that the

proposal would meet all the relevant policy criteria for new housing in the open countryside.

11. In view of the above, the proposed development would have a harmful effect on the housing strategy for the district, in conflict with Policies CS.1, AS.10, CS.15 and CS.16 of the SCS, which amongst other matters, set out the objectives for sustainable development and the direction of housing growth within the district, including when residential development in the countryside and villages would be acceptable in principle.

### *Character and appearance*

12. The appeal site is an attractive, large spacious site with a number of large and visually significant trees along its access and towards the edges of the site, some of which are protected. The site levels generally slope down toward the boundaries with agricultural land at one side and to the rear. Furthermore, due to the low density and extent of garden area and vegetation, this provides a pleasant, relaxed boundary edge to the open fields and this part of the countryside. The large trees and vegetation within and surrounding the appeal site, make a positive contribution to the character and appearance of the surrounding rural area, including from public viewpoints along the nearby Public Right of Way (PRoW) which crosses the adjacent agricultural land.
13. The existing buildings within the appeal site are not that discernible from Evesham Road, due to other houses in front and the extent of large trees and vegetation. However, I observed during my site visit that due to the change in levels across and between the appeal site and adjacent agricultural land at the rear, the existing main dwelling, Arrow Bridge House, is prominently visible from the nearby PRoW, even if only from certain viewpoints along it, due to existing trees and vegetation.
14. The final design and scale of the proposed dwellings are unknown at this outline stage, although it is envisaged that the new dwellings would have lower ridge heights than the existing dwelling. Despite such, to accommodate 7 new dwellings, it would likely result in development being set much closer to the field boundary than the existing main dwelling. Consequently, the proposed development would be even more prominent from the PRoW than the existing dwelling, due to the expansion of built form, together with the increased density of development within the site. Even though the appeal site is not located within a protected area and the agricultural field principally lies between the BUAB and the A435, the proposed development would, despite any landscaping, have a harmful urbanising effect, due to the additional built form and increased density. This would be detrimental to the verdant open character of the site and surrounding rural landscape.
15. While siting is reserved for future consideration, to accommodate 7 detached dwellings of the footprints suggested with spacing between, through necessity, it is likely that the new dwellings would extend closer to existing large trees within or surrounding the appeal site. Even if appropriate tree protection measures could be implemented during construction and having regard to the appellant's intentions to retain and plant replacement trees, due to the likely close proximity and orientation of some surrounding trees to the proposed dwelling plots, it is likely the trees would cause overshadowing to some of the new dwellings and/or their gardens. Consequently, this would likely place pressure to prune or remove trees in the future. As the trees are visually important and provide a positive contribution to the

character and appearance of the surrounding area, any harm or loss of such trees would have a detrimental effect thereto.

16. It is asserted that allocated land for housing in the NDP would alter the visual context of this side of the A435 and views from the PRoW, although, I have not been provided with substantive evidence to demonstrate such, or how it would diminish the prominent views of the proposed development from the PRoW. Furthermore, even if the allocated site in the NDP would have a greater effect on the environment of the PRoW than the proposed scheme, based on the existing appeal site context and surroundings, I find the proposed development would have a detrimental impact on the character and appearance of the appeal site and the surrounding rural area.
17. In view of the above, the proposed development would have a harmful effect on the character and appearance of the appeal site and surrounding area, in conflict with Policies CS.5 and CS.9 of the SCS. Policy CS.5 amongst other matters, requires that the landscape character and quality of the district is maintained by ensuring development takes place in a manner that minimises and mitigates its impact, including proposals that will have an impact on woodland, hedges and trees incorporate measures to protect their contribution to landscape character, public amenity and biodiversity. Furthermore, Policy CS.9 requires amongst other things that proposals will reflect the context of the locality, ensuring a continuity of key design features that establishes the identity of the place, making best use of on-site assets including landscaping features as well as public views and vistas and not harming existing ones.

### *Biodiversity*

18. Evidence of tree removal within the appeal site, including photographs of tree stumps, have been provided. Even if, it is unlikely that the trees removed were Oak trees, no substantive evidence has been provided to demonstrate that the trees removed were appropriately included within the April 2024 BNG matrix assessment. Furthermore, in comparing the headline figures for BNG as set out in the April 2024 matrix and those given in the appellant's statement of case, there has been a significant change in the level of BNG. Therefore, even though, as asserted by the appellant there would still be more than 10% BNG overall, this variance and the tree removal creates doubt about the reliability of the April 2024 BNG assessment.
19. Also, no substantive details have been provided in respect of the proposed BNG measures, nor is any mechanism in place to ensure the delivery and long term management and maintenance of any BNG. Therefore, it has not been adequately demonstrated the proposal would deliver the proposed BNG as set out in the BNG matrix.
20. The PEA identifies that there is some evidence of protected species within the site, including bats and badgers. It refers to the loss of a bat roost and need for badger precautionary methods of working, although no substantive details of such have been provided to demonstrate the proposed development would not harm or disturb protected species. Having regard to Circular 06/2005, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant material considerations may not have been

addressed in making the decision. Therefore, it would not be appropriate that such details, including further species and habitat surveys or precautionary methods of working are required via condition following the grant of permission.

21. In view of the above, the proposal would cause harm to protected species and their habitats and a lack of information has been provided to demonstrate appropriate biodiversity net gain would be delivered. Therefore, the proposed development would have a harmful effect on biodiversity, in conflict with Policy CS.6 of the SCS, which amongst other matters, requires proposals to minimise impacts on biodiversity and, where possible, secure a net gain in biodiversity by safeguarding and where possible, enhancing existing habitats including those which comprise or host habitats and species of principal conservation importance.

### *Living conditions*

22. The siting of the proposed dwellings is not for consideration at this outline stage and so, the proposed site layout plans, including the proposed build area plan are for indicative purposes only. However, even though the new dwellings would likely have reasonable sized plots and/or the new dwellings could be smaller than indicated, in view of the extent of existing trees within and surrounding the appeal site and the number of proposed dwellings, some of the dwellings would likely be sited close to trees.
23. Due to the position, scale and orientation of the existing trees and that other existing trees would likely mature into much larger trees, compared to the number of detached dwellings proposed, it is likely there would be some harmful overshadowing caused to some of the new dwellings and their gardens. This is even if the trees would be located on or beyond the plot boundaries and that a number of the trees are asserted to be established to their likely maximum height for their species already. Additionally, for the same reasons and likely proximity of at least some of the new dwellings to large trees, it would be likely that the proposed development would result in a detrimental overbearing impact on the living conditions of future occupiers of some of the new dwellings, from inside them and/or from their garden areas.
24. Even if trees would provide shade, aligned with some of the Council's climate change objectives, no substantive evidence has been provided to demonstrate that there would be no harmful effect on the future occupiers of all of the proposed dwellings, due to loss of outlook and/or overshadowing in this instance.
25. Consequently, the proposal would likely have a harmful effect on the living conditions of future occupiers of the new dwellings, in conflict with Policy CS.9 of the SCS, which amongst other matters, requires proposals to ensure a good standard of space and amenity for occupiers, including that occupants of new buildings will be protected from unacceptable loss of daylight and adverse surroundings.

### **Other Matters**

26. The absence of a policy for custom and self-build dwellings within the SCS does not in itself make the development plan out of date, or that it is inconsistent with the National Planning Policy Framework (the Framework) as a whole. Although, it is undisputed by the main parties that there is unmet need for self-build and custom build housing in the area. However, notwithstanding the description of development

and the appellant's intentions, there is no mechanism in place to ensure that the delivery and occupation of the proposed dwellings would be custom or self-build properties in this instance. Therefore, there is no guarantee that the proposed development would contribute to meeting the unmet demand or assist the Council in meeting its legal obligation to maintain a rolling supply of self-build and custom dwellings.

27. The proposal would provide some social and economic benefits during its construction and through the occupation of the new dwellings, although in view of the scale of development and number of additional dwellings, the benefits derived would not be that significant.
28. The actions of the Council, that the site is not at risk of flooding, no objections have been raised by the Highway Authority in regard to the proposed access and highway safety, and that there are no objections from some other consultees relating to matters which are not of concern in this appeal, are neutral matters in regard to my findings on the main issues. Furthermore, the pre-application advice of the Council was given on the basis it was not binding on any subsequent formal consideration of a planning application.

### **Conclusion**

29. For the reasons given above, the proposal would conflict with the development plan as a whole and material considerations do not indicate a decision should be made other than in accordance with it.
30. Therefore, I conclude the appeal should be dismissed.

*C Billings*

INSPECTOR