



Appeal Decision

Site visit made on 7 July 2025

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/J3720/W/24/3356286

34A Talbot Cottage, High Street, Alcester, Warwickshire B49 5AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mary Ann Properties Ltd against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/01957/PIP.
 - The development proposed is one self-build dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle, and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The PPG advises that the scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for one dwelling on the appeal site. A full set of plans have been submitted. However, as a permission in principle such plans would be indicative only and I have, therefore, considered these as such.
4. An amended site location plan has been submitted with the appeal which seeks to show the access from the public highway to the appeal site. The amended plan would result in a fundamental change to the nature of the proposal over what was considered at the planning application stage and over what was consulted on.
5. I have no compelling evidence that the landowner of the car park, across which the access is gained, or the neighbouring occupiers have been notified of the amendments and no evidence that the Council has considered this. Consequently, the interested parties are not aware that this appeal includes the amended plan and would therefore be prejudiced.
6. As such I have not accepted the amended plan for the purposes of this appeal. In the interests of natural justice, I have determined it on the basis of the plans

considered by the Council. Furthermore, the consideration of any alternative scheme is a future matter for the main parties separate from this appeal.

Main Issue

7. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with particular regard to whether the site would have vehicular access to the public highway, the effect of the development on flood risk, and the effect on the character and appearance of the Alcester Conservation Area, the setting of Talbot Cottage, a Grade II Listed Building, and archaeology.

Reasons

Access

8. The appeal site is accessed via the car park to the Bear Hotel. Although the appellants contend that they have legal right of access over the car park I have no compelling evidence that this legal right would allow for vehicular access to the appeal site, especially for construction traffic. Moreover, as noted in preliminary matters there is no evidence that the landowner of the car park has been notified.
9. For these reasons, it has not been shown the site is suitable for residential development, having regard to its location, the proposed land use, and the amount of development, with regard to whether the site would have vehicular access to the public highway. The development would, therefore, be contrary to Policy CS.26 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (the CS) which, amongst other matters seeks to ensure that the scale of traffic generated by the proposal is appropriate for the function and standard of the roads serving the area.
10. The Council's reason for refusal and the appellants statement of case also refer to the proposal being car-free development. However, the indicative layout plan shows car parking within the appeal site, and I have taken this to mean that the appeal is not proposed to be car-free.

Flood risk

11. The appeal site lies within Flood Zone 3 with a couple of small sections in Flood Zone 2. Although I note the views of the appellants regarding the flood defences and the need for the flood zones to be updated, the advice from the Environment Agency is that the site is within Flood Zone 3. New dwellings fall into the "more vulnerable" class of development as identified in Annex 3 of the National Planning Policy Framework (the Framework).
12. A sequential test is required for developments in areas identified as being at risk of any source of flooding now or in the future. The Framework aims to steer development away from areas at highest risk of flooding, and to areas with the lowest probability of flooding, through a sequential test.
13. The appellants sought to argue that the sequential test is passed on the basis of Table 2 in the PPG. However, this table relates to the requirement for an exception test and the first note attached to the table advises that it does not show the application of the sequential test.

14. The additional information provided by the appellants regarding the property search for building plots is not sufficient to meet the requirements of a sequential test. The information does not assess whether there are other plots of land available that were not being marketed at the specific time that the appellants did their search, it indicates at least two plots that were available, even if they are at a different price range to the appeal site, and the information does not assess the availability of land across the whole of the district, including in other sustainable locations. Moreover, the information again implies that the appeal proposal is for car-free development which is contrary to the indicative plans.
15. Additional evidence has been submitted by the Council which confirms that the Environment Agency's comments on the planning application did not relate to the sequential test, which is a matter for the decision maker. Therefore, that the Environment Agency raised no objection does not alter my decision. For the above reasons, the proposal has not been provided with an appropriate sequential test. There is, therefore, no reason for me to consider the exception test as it has not been sufficiently shown that there are no sites available at lower risk of flooding.
16. Consequently, the appeal site is not suitable for residential development, having regard to its location and the proposed land use, and with particular regard to flood risk. The proposed permission in principle is, therefore, contrary to Policy CS.4 of the CS which only accepts development in Flood Zones 2 and 3a where the sequential test and, where applicable, the exception test has been satisfied.

Heritage, character, and appearance

17. The appeal site lies within the Alcester Conservation Area. It is also to the rear of Talbot Cottage, a Grade II Listed Building, which itself is to the rear of 34 High Street, also a Grade II Listed Building.
18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
19. Section 72(1) of the Act provides that, with respect to any buildings or other land, when exercising any powers under the planning acts in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of that area.
20. I acknowledge that the advice set out in the PPG notes that other statutory requirements, including those relating to listed buildings, may apply at the technical details stage as both parts are required to obtain planning permission. However, these two sections are statutory requirements placed on the decision maker. Furthermore, Section 66(1) of the Act, as referred to above, was amended by the Housing and Planning Act 2016 to include permission in principle in the general duty with respect to listed buildings.
21. The Framework aims for development within the setting of a heritage asset to enhance or better reveal the significance of the asset. It also requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced. The level

of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential effect of the proposal on significance. In this case no heritage assessment was provided with the planning application, neither has one been provided with the appeal. Although a heritage assessment was not required to make the permission in principle application valid, it would be required to be able to assess the effect of the development on heritage. Consequently, I have no evidence that the appellants have considered the effect of the location, land use and the amount of development on the heritage assets.

22. Talbot Cottage is a building of timber-framing with plaster infill, tile roof and brick chimneys. The significance of Talbot Cottage is derived from its architectural and historic interest. Talbot Cottage is behind 34 High Street which itself is set at the front of a burgage plot which extends out from the rear of the property.
23. Pertinent to the appeal the significance of the listed building is also derived, in part, from its setting. Its immediate setting comprises the properties around it and the burgage plot to the rear. The burgage plot has direct, physical, functional, and historic links with the two listed buildings at the front. The immediate setting contributes in a meaningful and positive way to the significance of the listed buildings. Although there is a large brick wall subdividing Talbot Cottage from the appeal site it continues to contribute positively to the setting of the listed buildings in that it forms the rear part of the burgage plot.
24. The proposal would subdivide the burgage plot and would result in the introduction of a new dwelling within the immediate setting of the heritage asset. It would also result in a building that, due to the shape and size of the site, is likely to front the car park which would further erode the relationship of the site with Talbot Cottage. This would notably alter the shape and form of the burgage plot and would result in the loss of the ability for this element of the heritage asset to be fully appreciated. That there was previously a building within the appeal site would not justify the appeal before me. The previous building was likely to have been ancillary to the buildings at the front of the site, as is the same in other burgage plots. Moreover, even with the existing brick wall, the appeal site is part of the garden to Talbot Cottage and, therefore, garden land in a built-up area and not previously developed land, as defined in the Framework.
25. Even though the Council has provided heritage information and advice, I consider that the proposal would harm the setting of the listed building, contrary to the general duty set out in Section 66(1) of the Act. The contribution that the burgage plot makes to the setting of Talbot Cottage and that the setting makes to its significance would be likely to be diminished, which would result in harm to the overall significance of the designated heritage asset.
26. With regard to the effect on the conservation area the Alcester Conservation Area Appraisal (the CAA) supports the understanding of the importance of this heritage asset. As far as it is relevant to the appeal, I consider that the significance of the conservation area is, in part, derived from the historic buildings and layout of the historic core of the town centre which is still evident even with more recent developments. The burgage plots make an important contribution to the character and appearance of the conservation area and form part of the spatial character. They are evident by the tight knit layout of the frontage buildings on High Street and the lower order buildings or open areas to the rear. The predominance of

buildings fronting either directly onto the pavement or set slightly back from roads is also a key characteristic of the conservation area.

27. The CAA identifies nine distinctive character zones. The appeal site lies within Zone B, however, Talbot Cottage lies within Zone A. Both zones include parts of the historic core and the medieval street pattern. Gas House Lane is detailed in Zone B, but it does not define the character of the appeal site itself.
28. Even though the appeal site is not publicly accessible it forms part of the burgage plot to Talbot Cottage. Moreover, the burgage plot and the gap in the built-up town centre is appreciated in views from Gas House Lane, especially as viewed across the delivery office yard and the public house car park, even though it is not visible from High Street. The absence of development on the site contributes positively to the understanding and appreciation of the conservation area and the medieval street pattern.
29. Whilst I note that there are other buildings at the rear of the frontages, including the Telephone Exchange building and No. 28, next to the appeal site, these are irregular forms in the conservation area. The Telephone Exchange is noted in the CAA as a building that is detrimental to the conservation area, particularly jarring on the eye, and a site for future enhancements or redevelopment. I consider that the presence and height of this building would not be justification for further development. No. 28 is set behind the frontage but does not attempt to create a new frontage nor conflict with its frontage building. It is a lower order building, albeit larger than most outbuildings. The appeal site is also one of the last remaining burgage plots in the immediate area.
30. The CAA notes that it is essential that existing character, including building-to-plot ratios, and plan forms, are fully considered in any new development and that new development is designed to retain buildings, spaces and features that contribute to the special character and appearance of the area. I consider that the construction of a new dwelling on the appeal site, i.e. the location and land use proposed, would not preserve the character and appearance of the conservation area by reason that development within the burgage plot would result in the loss of the ability to appreciate this element of the conservation area.
31. Generally, the location and land use would also introduce a dwelling that would not face a road and would not follow any existing building line or respect the built form as it would not be an ancillary building to the rear of the frontage buildings. It would, therefore, not respect the existing pattern of development in the area, contrary to Policy CS.9 of the CS. The appeal site development would be inappropriate back land development.
32. The housing on Gas House Lane is built on a former industrial site. That development is reflective of the scale, form, and materials of the surrounding area. These houses also provide active street frontages and back onto the car park near to the appeal site. They are, therefore, materially different to the appeal proposal.
33. I am mindful of the 'in principle' nature of the proposal and that there would be an ability to resolve detailed matters at the technical details consent stage. However, based on the evidence before me and given the size and shape of the appeal site, I cannot be certain that this would overcome the harm to the heritage assets. The proposal is likely to result in harm to the setting of Talbot Cottage and the

conservation area that is, at the least, less than substantial, to which I attach considerable importance and weight.

34. For these reasons, I find that the site is not suitable for residential development, having regard to its location and the proposed land use, with particular regard to the effect on the character and appearance of the Alcester Conservation Area, and the setting of Talbot Cottage. The development would cause less than substantial harm to the heritage assets. This harm must be attributed great weight within the context of the Framework and must be weighed against the public benefits of the proposal. I shall return to this later.

Archaeology

35. The appeal site lies within an area that is identified as archaeologically sensitive, and Alcester is noted in the CAA as one of the best-understood smaller Roman settlements in Britain. The permission in principle route to consent aims to simplify the application process and, unlike an outline application, it is not a planning permission without the approval of the second stage, technical details consent. Consequently, the appeal before me is materially different to the appeal referred to by the Council¹.
36. Although the PPG indicates that it is not possible to impose conditions on a permission in principle it would be possible for the Council to ensure that archaeology was fully considered at the technical details stage. Unlike the consideration on listed buildings and the conservation area there are no statutory requirements to consider archaeology at the permission in principle stage.
37. It is, therefore, not necessary for the appellant to prove that the location, land use and amount of development would not have an effect on archaeology. The permission in principle would, therefore, not be contrary to the requirements of Policy CS.8 of the CS which, amongst other matters, seeks to protect and enhance the historic environment, including sites of archaeological importance.

Other Matters

38. The proposal would provide one additional self-build plot. The Housing and Planning Act 2016 sets out that local planning authorities have a duty to grant planning permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
39. The appellants have queried the supply figures quoted by the Council but have not provided any compelling evidence to indicate that the Council is not meeting its duty.
40. Nevertheless, although the Council has granted permission for more plots than the identified need in the most recent base period, the provision is not a maximum, and the demand figure would likely increase. Moreover, there is little evidence that all of the permissions already granted would be built out. The provision of one additional unit of this type would accord with the Framework through providing an opportunity for people wishing to commission or build their own home. However, due to the lack of evidence of a shortfall in plots and that the proposal is for only one dwelling the benefit of an additional permission is limited.

¹ APP/Z1510/W/23/3314549

41. The appellants have also sought to argue that the appeal proposal would enable the site to be maintained, and its visual appearance improved. Nevertheless, the maintenance of the site and its boundaries is not reliant on the construction of a new dwelling. Neither is the repair of Talbot Cottage from the fire damage noted by the appellants.

Heritage and Planning Balance

42. The Framework requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Moreover, the Framework requires that, where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
43. For the above reasons, I have identified harm to the significance of the listed building and the character and appearance of the conservation area, even at this permission in principle stage. The harm is less than substantial. However, I give this harm significant weight.
44. The development would provide one additional dwelling with the associated social and economic benefits both during and post construction. It would also accord with the Framework's aim to boost the supply of housing and also seeks to contribute to the need for self/custom build housing.
45. Both main parties agree that the Council is able to demonstrate a five year supply of deliverable housing land and, consequently, paragraph 11d) of the Framework does not apply. Although additional housing is a significant public benefit and although the site is in a location that would have good access to services and facilities, given the small scale of development the benefit of one new dwelling would be limited.
46. The limited public benefits would, therefore, not outweigh the harm I have identified. Furthermore, the proposal fails the sequential test, and I cannot be certain that the site can be accessed by vehicles. These matters also weigh against the proposal.
47. The location and land use would, therefore, be contrary to policies AS.2, CS.8, CS.9, CS.4 and CS.26 of the CS. Collectively these policies seek to protect and enhance the historic fabric of the town and the historic environment, require development to reflect the character and distinctiveness of the locality, resist development that would damage or destroy features which positively contribute to local distinctiveness, where proposals would affect a heritage asset, require applicants to undertake and provide an assessment of the significance of the asset, seek to ensure that traffic is appropriate for the roads, and resists development in flood zones 2 and 3a.
48. For the same reasons, the appeal proposal would fail to comply with policies HBE8 and HBE10 of the Alcester Neighbourhood Development Plan 2021 (the NP) which, taken together, seek to ensure that all development is sensitive to the character of its surroundings, respects settlement pattern, and only supports development that affects a heritage asset where the public benefits of the proposal clearly outweigh any harm.

49. The policies within the CS and the NP are consistent with the Framework and the harm to the setting of the listed building and the character and appearance of the conservation area would result in conflict with the development plan, read as a whole.

Conclusion

50. For the reasons set out above, I conclude the appeal should be dismissed.

K Townsend

INSPECTOR