



Appeal Decision

Site visit made on 10 September 2025

by **B Plenty BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th September 2025

Appeal Ref: APP/J3720/W/25/3363868

Land Adjacent to Meadow Bank, Camp Lane, Henley in Arden B95 5QG

- 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 Andrew Graham against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/03119/FUL.
 - The development proposed is the erection of a detached two-storey dwelling and detached garage (Self Build Plot).
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a detached two-storey dwelling and detached garage (Self Build Plot) at Land Adjacent to Meadow Bank, Henley in Arden B95 5QG in accordance with the terms of the application, Ref 24/03119/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made by Mr Graham against Stratford-on-Avon District Council. This is the subject of a separate decision.

Preliminary Matters

3. The appeal site is within the Green Belt. The site is subject to a dismissed appeal¹ for a dwelling determined in 2024. This was refused by the Council as it was considered to conflict with Green Belt policy, in failing to be regarded as limited infilling within a village, and harmed the character and appearance of the area, within the Arden Special Landscape Area. The previous appeal found that the proposal would not amount to limited infilling, as the site was not deemed to be within a village, but found no harm to the character and appearance of the area. Although, the appeal proposal is similar to the former scheme, the accompanying evidence and the Council's reason for refusal of the proposal the subject of this appeal, is markedly different.
4. The Council has asserted that, based on its assessment of the appellant's evidence and historic imagery, the site is considered to be previously developed land as it is within the historic curtilage of Meadow Bank. Furthermore, it also concluded that the proposal would not cause substantial harm to the openness of the Green Belt. Accordingly, the Council concluded that the proposal would not amount to inappropriate development in the Green Belt. As this is not a matter of

¹ Planning Appeal Reference: APP/J3720/W/24/3339007

dispute between main parties, and despite contrary views raised by interested parties, I see no substantive reason within the submitted evidence to question this agreed position. I shall therefore regard the scheme as not inappropriate development in the Green Belt and in compliance with paragraph 154(g) of the National Planning Policy Framework (the Framework).

5. The Council's Site Allocations Plan (SAP) is at Regulation 18 stage, which is an early stage in a plan's adoption. The SAP includes emerging policies SAP.6 and SAP.7 which support self-build housing within certain criteria. The Council asserts that the proposal would not meet the requirements of policy SAP.6. Nonetheless, due to the plan's early stage of adoption and the reported level of objection to these policies, they can only be afforded limited weight in my consideration of the appeal.
6. A S106 Legal Agreement, in the form of a Unilateral Undertaking (UU), has been submitted in support of the appeal and seeks to secure the proposal as a self-build dwelling. I shall return to this later.
7. An appeal decision, dated 3 September 2025, has been brought to my attention. The allowed appeal gave outline planning permission for the erection of up to 130 dwellings in Bordon Hill within the same district. In consideration of housing supply this noted that the 5-year supply figure would be around 2.74 years, with a shortfall of around 2,285 dwellings, meaning that the Council cannot demonstrate a 5 year housing land supply. This decision is a material consideration of significant weight in my assessment of the merits of this appeal. As this submission was passed to me at a very late stage in the process the Council has been given an opportunity to comment on this matter, and, as a result, it has stated that it no longer seeks to defend this appeal.

Main Issue

8. The main issues are:
 - whether the proposed site would be a suitable location for residential development having regard to local and national policies, and
 - Whether material considerations would be of sufficient magnitude to outweigh any conflict found with the development plan.

Reasons

Locational matters

9. The Stratford-on-Avon Core Strategy [2016](CS) establishes the Council's approach to the distribution of housing across the borough. CS policy CS.15 seeks to focus development within its 'Main Town' of Stratford-upon-Avon and 'Main Rural Centres' of Alcester, Bidford-on-Avon, Henley-in-Arden, Kineton, Shipton-on-Stour, Southam, Studley and Wellesbourne. Lesser development is targeted towards its 'Local Service Villages' with only restricted development allowed in all other settlements. As such, the village of Henley-in-Arden is classed as a Main Rural Centre, providing access to a range of goods and services. However, the appeal site is beyond the defined built-up boundary of this village within a small hamlet adjacent to the A3400.

10. Consequently, the site is within the open countryside for policy purposes. CS Policy AS.10, identifies that to maintain the vitality of rural communities and a strong rural economy in the countryside, provision will be made for some, albeit restricted, development in rural parts of the district. This supports limited housing development that includes conversions, dwellings of exceptional design, replacement dwellings and those that would meet an essential need, none of which would be applicable for this proposal.
11. Policy H1 of the Beaudesert and Henley-in-Arden Neighbourhood Plan [2024](NP) relates to housing growth. This states that new housing in the countryside will be strictly controlled and resisted in favour of development within the settlement boundary. It also states that new housing developments should be restricted to small-scale development in character with the parish.
12. The appeal site is within a small hamlet and would not therefore result in isolated development. It is accessed by a short, shared driveway onto Camp Lane, which gains access onto the A3400 by the narrow twisting lane. A streetlight on Camp Lane, at the corner of the rear boundary of the site, would increase the safe use of the lane at night for pedestrians and cyclists associated with the proposal. The hamlet is adjacent to a number of commercial buildings along the A-road creating a loose cluster of development.
13. Henley-in-Arden is around 1200 metres from the site. Pedestrian access can be gained to this settlement along the footway that follows the A3400. The village of Henley-in-Arden is relatively large, providing access to a wide range of goods and services. The appellant identifies that Henley in Arden includes a range of day to day services including primary and secondary schools, a medical centre, retail and leisure uses and a railway station. Bus stops are also located on Liveridge Hill within 200 metres of the site, providing an hourly service into Henley-in-Arden.
14. As a result, the site would enable occupiers to have reasonable access to a range of goods and services within a reasonable walking and cycling distance. In terms of public transport, buses pass the hamlet along the A3400 at regular periods, although I note that interested parties suggest the service can be irregular. This would be a relatively high frequency bus service and offer future occupiers with a reasonable choice for sustainable travel, preventing a dependence on private car travel. Therefore, whilst noting that the site is not in a highly sustainable location the Framework is clear that opportunities to maximise sustainable travel solutions will vary between urban and rural areas, which should be taken into account in decision-making.
15. Accordingly, the site has reasonably good access to a range of sustainable transport solutions where future occupiers would not be reliant on the private car. Nonetheless, in being located outside of a settlement boundary the proposal would undermine the Council's spatial and settlement strategy for the location of new housing and in supporting sustainable patterns of development. Consequently, the proposal would conflict with CS policies CS.15 and AS.10 and NP policy H1 whose objectives I have already set out above.

Self-Build Housing

16. The Self-Build and Custom Housebuilding (SBCH) Act 2015 (the Act) has placed a statutory duty on 'relevant authorities', including district councils, to keep a self-build and custom register. They are also subject to duties under sections 2 and 2A

of the Act to have regard to this and give enough suitable development permissions to meet the identified demand. The benefits of SBCH are recognised by the Planning Practice Guidance (PPG) in finding that it helps to diversify the housing market and increase customer choice. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes.

17. The Council asserts that it has a surplus of SBCH plots within the district, with an oversupply of 18 plots as reported in table 3 of the Council's December 2024 position statement. Nonetheless, this table shows demand for 72 plots in the current base period, up to October 2025. This, minus the latest recorded surplus of 18 plots (as at October 2024), results in a deficit of 54 plots and an ongoing potentially growing deficit. Whilst I recognise that new plots may have been approved between October 2024 and now, there is insufficient evidence to demonstrate that this remaining demand has been fully met. This suggests that the Council is not fulfilling its ongoing statutory duty to provide sufficient SBCH plots to meet demand. This deficiency is a material consideration that is of significant weight in the planning balance.
18. The proposal is described as being for SBCH and evidence has been provided to demonstrate that the appellant is included on the Register of individuals seeking SBCH. The appellant has designed his own house and has declared that he intends to live in the property for a minimum of 3 years. Consequently, it has been demonstrated that the appellant has had a primary input into the design and layout of the plot. Although the provision of one dwelling would have only a small impact on the provision of SBCH it would nonetheless be of benefit in assisting the Council in meeting its provision.
19. The UU requires the dwelling to be designed and built as a SBCH and occupied by an owner, who meets the requirements of a SBCH developer, for a minimum period of three years. The Agreement is a certified and signed document that would satisfactorily secure the unit as SBCH. Thus, the UU would deliver SBCH to my satisfaction in accordance with the requirements of the Act.

Other Matters

20. The site is accessed via a private driveway that also provides access to the adjacent property Meadow Bank and a Severn Trent Pumping Station which requires 24 hour access. The shared driveway access onto Camp Lane is of sufficient width to accommodate two passing vehicles and provides adequate visibility splays. This lane is tortuous, including several sharp bends and a bridge when approaching the A3400. However, there is adequate space for vehicles to pass in the lane. Also, construction vehicles would be able to safely access the site upon applying the normal care and attention required of motorists. Any potential noise or other disturbance, caused by construction activity, would be limited due to the temporary nature of the construction process. Furthermore, the number of vehicles associated with the dwelling once occupied would be minimal, causing no material impact on the free flow or safety of Camp Lane.
21. The appeal site is within the Arden Special Landscape Area in a countryside location. The hamlet includes dwellings of various designs, some of a similar scale to that proposed. The proposed dwelling would be of traditional design and would

be largely screened from Camp Lane. Street views of the proposal could be further diffused through the addition of new landscape screening, secured by condition. As such, the proposal would have a minimal effect on the character of the surrounding landscape.

22. Interested parties have reported that the lane floods and I note that parts of the lane are within flood zone 2. However, the site itself is within flood zone 1, being the least likely to flood, and therefore not at risk of flooding. Furthermore, there is no reason why the proposal would materially exacerbate existing off-site flooding issues. A condition could be imposed to require the scheme to be subject to a sustainable drainage scheme, ensuring off-site storm water runoff is restricted to green field rates.
23. In terms of wildlife impacts, the site is largely an open grassed space with perimeter tree and hedge planting. An ecological survey has not been submitted. However, the Council's ecologist raised no objection noting that whilst bats were present in the area, no adverse effect was anticipated, as no trees were proposed for removal. I find that this matter could be adequately controlled through the imposition of conditions for the proposal to comply with the Arboricultural Impact Assessment and the submission of a lighting scheme. Furthermore, wildlife habitat could be suitably created on site through the imposition of a condition requiring the appellant to submit an Ecological Mitigation and Enhancement Plan. Subject to these measures the site would not result in a negative impact on biodiversity.
24. Interested parties have raised concerns as to the effect of the proposal on both the living conditions of occupiers of Meadow Bank and users of Camp Lane, which it is asserted would be overshadowed by the proposal.
25. The residential property of Meadow Bank is to the northwest of the site. As a result, afternoon/evening sunlight and daylight to this property would be unaffected by the proposal. Furthermore, in the mornings, most shadows created would fall within the rear garden of the proposed dwelling, but a limited extent of shadowing may occur to the parts of the neighbour's rear garden that are close to the shared boundary. Nonetheless, this would cause a minimal reduction of sunlight levels and no material effect on daylight levels. In terms of privacy, no side windows are proposed and the nearest first-floor rear facing window would serve an ensuite which is regarded as a non-habitable room. As a result, only oblique views into the neighbouring garden would be possible creating no substantive loss of privacy. Also, as the proposed dwelling would be alongside and slightly ahead of Meadow Bank, it would not materially affect the outlook from habitable windows of the adjacent property.
26. Also, the proposal is set away from Camp Lane and boundary planting would be retained. As such, the proposed dwelling would not affect the character of the lane, including with respect to any overshadowing of the highway.
27. Representations were made that under Article 8, as set out in the Human Rights Act 1998, residents' right to private and family life would be violated if the appeal were allowed. I have found that the proposed development would not result in residents being materially affected so that they would suffer unacceptable harm to their living conditions. I am satisfied that a grant of planning permission would not unacceptably interfere with residents' right to a private and family life and home.

As a result, it would be proportionate in the circumstances to allow the appeal, with respect to the effect on human rights.

28. Interested parties report that the site is subject to covenants by Severn Trent, preventing development. Nonetheless, any such covenants would be a civil matter between affected parties, and their operation would be separate to the outcome of a planning application.

Planning balance

29. The Council has a housing land supply position of 2.74 years. Therefore, there is a significant shortfall against the requirement to demonstrate a five-year supply of deliverable housing land, as set out at paragraph 78 of the Framework.
30. In this circumstance, paragraph 11 of the Framework is engaged, whereby planning permission should be granted unless (i) policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or (ii) 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, and having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. There is nothing to suggest 11(d) (i) is relevant to this case, hence the balance in 11(d) (ii) applies.
31. The proposed development would be located on the A3400 within a small hamlet providing reasonably good access to Henly in Arden, within walking and cycling distance of local services. The proposed development would not be isolated, and the development would be in an accessible location with opportunities for travel by public transport. Future occupiers would be only partially reliant on the use of a private car to access services located in larger settlements. Also, the Framework recognises that where there are groups of smaller settlements, development in one village may support services in a village nearby. The proposal would therefore accord with paragraphs 84 and 110, and I afford only limited weight to the proposal's conflict with CS Policies CS.15 and AS.10 and NP policy H1.
32. Paragraph 14 of the Framework advises that in situations where the presumption at paragraph 11d) applies, the adverse impact of allowing development that conflicts with the NP is likely to significantly and demonstrably outweigh the benefits. Although finding some conflict with NP policy H1, the proposal would be small-scale and would be in character with the surrounding hamlet. As such, I attribute only modest weight to this conflict. Accordingly, I have found conflict with the development plan taken as a whole.
33. The proposed development would satisfy the Framework's key policies at paragraphs 61 and 63. These require development to meet the needs of groups with specific housing requirements, where planning policies should reflect the needs of people wishing to commission or build their own homes. As the CS is silent on the need to provide SBCH, the requirements of the Framework are of significant weight in this matter. Although providing only one SBCH dwelling this would be delivered in the context of a Council that is underproviding this type of housing.

34. In addition to those key policies, paragraph 73 of the Framework recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area. The proposal would provide an additional dwelling, thus making a small but important contribution toward the area's housing requirement. Considering the magnitude of shortfall in the area's housing supply, the provision of one dwelling would make a valuable, albeit limited, contribution to the supply of housing in the district. Also, the proposal would make use of previously developed land, making more efficient use of land, matters also supported by the Framework. Furthermore, in providing a dwelling for self-build this would also help to address the Council's statutory duty which also weighs in favour of the proposal. I also afford modest favourable weight to the scheme's economic and environmental benefits.
35. Consequently, the adverse impacts of the proposal associated with its location outside the development boundary and the conflict with CS Policies CS.15 and AS.10 and NP policy H1, would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies which weighs heavily in favour of allowing the appeal.

Conditions

36. I have considered the use of conditions in line with the guidance set out in the Government's PPG. I shall take the Council's suggested conditions into consideration and impose these with some amendments and adjustments for clarity. I have imposed a time frame condition and approved list of plans for clarity and certainty [conditions 1 and 2].
37. A condition is also required for drainage details to ensure a sustainable drainage system is provided [3]. A condition is required for the submission of an ecological mitigation and enhancement plan to improve wildlife habitat on site [4]. Condition 5 is required to secure a lighting scheme to ensure that the proposed development, both during construction and following occupation, would not adversely affect wildlife. Details of a landscape scheme, for the scheme to comply with the Arboricultural Impact Assessment and for details of external facing materials are required in the interests of the character and appearance of the area [6, 11 and 7].
38. Conditions 8 and 9 are required for the provision of a suitable turning area and access in the interests of highway safety. A condition is necessary to satisfy sustainable construction and operational objectives, in satisfaction of climate change and CS policy CS.2 requirements [10]. Condition 12 and 13, for a water butt and refuse storage, are necessary to provide a sustainable use of water and ensure the site functions well. The Council also requested a condition that the dwelling be retained for SBCH purposes. However, I am satisfied that the signed UU would adequately secure this, providing a more appropriate mechanism.

Conclusion

39. For the above reasons, the appeal should be allowed, and planning permission granted subject to conditions.

B Plenty

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no's Site Location plan - drwg 23 30 15, Site Plan - drwg 20 30 08A, Ground and First Floor Plan - drwg 23 30 01, South and East Elevations - drwg 23 30 02A, North & West Elevations - drwg 23 30 03, Roof Plan (drwg 23 30 04A), Double garage plan - drwg 23 30 05A, North West Aerial View (Axonometric Plan) - drwg 23 30 06A, and Height & Comparison Plan - drwg 23 30 07.
- 3) Prior to the commencement of development, a scheme for surface water disposal shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with such approved details prior to the first occupation of the dwellings hereby permitted and shall be retained thereafter.
- 4) The development hereby permitted (including site clearance) shall not commence until an Ecological Mitigation and Enhancement Plan including the location and specification of proposed enhancements (e.g. native species tree/hedgerow planting, installation of bat and bird boxes etc.) has been submitted to and approved in writing by the Local Planning Authority. Such measures will be shown on all applicable annotated site plans and elevations, and such approved mitigation and enhancement measures shall thereafter be implemented in full and maintained in strict accordance with the approved details in perpetuity.
- 5) No development shall take place until a detailed lighting scheme has been submitted and agreed between the applicant and the local planning authority. In discharging this condition, the Local Planning Authority expects lighting to be restricted around the boundary edges, along hedgerows and trees and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats and other nocturnal wildlife.
- 6) Notwithstanding the details submitted, prior to occupation of the dwelling hereby permitted, a scheme of hard and soft landscaping detailing treatment of all parts of the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. There shall be no excavation or raising or lowering of levels within the prescribed root protection areas of retained trees unless previously approved in writing by the Local Planning Authority. 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.
- 7) Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the proposed dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. The approved development shall be carried out in accordance with these approved details.
- 8) The development shall not be occupied until a turning area has been provided within the site so as to enable vehicles to leave and re-enter the highway in a forward gear.

- 9) The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound macadam material for a distance of 7.5 metres as measured from the near edge of the private shared driveway in accordance with details to be approved in writing by the Local Planning Authority.
- 10) Prior to first occupation of the dwelling hereby permitted, the sustainability measures proposed in the supporting Climate Change Checklist 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.
- 11) The development hereby permitted shall be carried out in full accordance with the recommendations of the Arboricultural Impact Assessment by Wharton - Land, Trees and Ecology, dated 23 December 2024.
- 12) The approved dwelling shall not be occupied or used until it has been provided with a minimum 190 litre capacity water butt fitted with a child-proof lid and connected to a downpipe.
- 13) The dwelling hereby permitted shall not be occupied until bins for the purposes of refuse, recycling and green waste in accordance with the Council's current collection strategy have been provided in accordance with the Council's bin specifications.

End of conditions