
Appeal Decision

Site visit made on 19 August 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/J3720/W/25/3363525

The Nelson, 69 Priory Road, Alcester, Warwickshire B49 5EA

- 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 A Danks against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/01918/FUL.
 - The development proposed is the conversion of former coaching inn to 2no. dwellings (C3), demolition of existing temporary lean-to structures, construction of 2no. new dwellings on the site of the demolished coach house and stables, to enable the conservation and repair of the heritage asset.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An associated application for listed building consent, 23/01919/LBC, was also refused, but is not a matter for the appeal before me.
3. Amended plans have been submitted with the appeal (drawings AD03b Proposed Plan elevations, AD04b Context plan and AD05b Site Context Location plan). Whilst submitted to the Council, these were not considered in full and the decision was issued on the basis of the previous set of plans. The amended drawings have not been the subject of consultation, and in my view, by virtue of amending the siting of the proposed new units, they materially amend the proposal. The appeal process should not be used to evolve a scheme and were I to accept them then that may prejudice the interests of interested parties. Consequently, I have determined the appeal on the basis of the scheme considered by the Council.
4. The appeal site consists of the Grade II listed building known as the 'Lord Nelson Inn', which is located within the Alcester Conservation Area. In reaching my decision, I have considered the statutory duties under sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 (the Act).
5. The first and second reasons for refusal overlap in terms of the alleged effects of the proposal on the character and/or appearance of the area, which is a designated conservation area. I have therefore considered these issues together as part of the fourth main issue below.

Main Issues

6. The main issues in this case are:

- whether the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding;
- the effect of the proposal on the biodiversity of the site;
- whether the proposal provides adequate living conditions for future occupiers, with respect to outlook and privacy; and
- whether the proposal would i) preserve the Grade II listed building, Lord Nelson Inn, or its setting or any features of special architectural or historic interest which it possesses; ii) preserve the setting of adjacent listed building 71-77 Priory Road; and iii) preserve or enhance the character or appearance of the CA.

Reasons

Flood risk

7. There are no submitted drawings illustrating the flood zones of the appeal site before me, however the submitted planning and heritage statement¹ sets out that the gardens of the public house development would be within flood zone 2. The National Planning Policy Framework (the Framework) is clear that a sequential test is therefore necessary. The Planning Practice Guidance (PPG) and guidance from the Environment Agency states that a sequential test (ST) is therefore necessary.
8. The PPG states that the aim of the sequential approach is to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas, considering all sources of flooding.
9. No ST has been submitted. Without this information it is not possible to determine whether other reasonably available sites are suitable for the type of development proposed. Therefore, it has not been adequately demonstrated that there are no suitable sites for the proposal in areas of lower risk of flooding.
10. Consequently, I conclude that the proposal would not comply with policies that seek to steer new development away from areas at the highest risk from flooding, including Policy CS.4 of the Stratford-on-Avon Core Strategy 2011-2031 (CS). This policy seeks amongst other things, to reduce flood risk overall and ensure that the impact of new development on flooding is fully taken into account.
11. The refusal reason also makes reference to CS Policy CS.15, which is a general distribution of development and settlement hierarchy policy that makes no reference to flood risk. As such, it is not determinative on this particular matter.

Ecology

12. Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it "... is essential that the presence or otherwise of protected species, and the extent that

¹ By Marrons Planning September 2021

they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”

13. The PPG² indicates that an ecological survey will be necessary in advance of a planning application, if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate.
14. CS Policy CS.6 requires that proposals will be expected to minimise impacts on biodiversity. It states that development decisions will be based on current and accurate ecological and geological information, and *‘Where reasonable, it is essential that the necessary evidence be recorded and collected in order to assess any development proposal.’*
15. The appeal site is not subject to any policy designations relating to ecology, and I have not been made aware of any nearby sites designated for their ecological qualities.
16. Nevertheless, the proposal involves the demolition of a number of structures. There are nearby areas of verdant open spaces, such as Moorfields Park to the rear and the churchyard opposite, in addition to Alcester cemetery.
17. The structures to be demolished have evidently been empty for some time. Moreover, I saw on site that there were numerous small gaps under the roof areas, particularly the garage building. As such, there are various features which may provide a habitat for bats, having regard to the standing advice from Natural England. For these reasons and given the relatively close proximity of areas of wildlife potential, on the balance of probabilities there is potential for the presence of protected species that may be affected by the proposal. It is reasonable therefore for evidence to be submitted.
18. In the absence of any survey information, it is not possible to establish if, or to what extent, protected species would be affected by the proposal. Therefore, it is appropriate to take a precautionary approach. Having regard to the Circular, it would not be appropriate to require surveys or further investigation by planning condition.
19. Accordingly, the proposal would be contrary to the biodiversity protection and enhancement goals of CS Policy CS.6 which, amongst other matters, seeks protection and enhancement of biodiversity and the natural environment.

Living conditions

20. The front bedroom of the proposed dwelling closest to the public house would be served by a first floor side elevation window. This would be the only window serving this room and would directly face the side elevation of the public house.
21. The distance between the two buildings would be limited. Given the scale of the side elevation of the public house both in height and depth, the occupants of the bedroom would be faced with a significant and prominent elevation in sufficiently close proximity to restrict the outlook and be visually dominant. The relationship

² Paragraph: 019 Reference ID: 8-019-20240214

between the buildings would result in poor quality of living conditions available to users of this room as a result.

22. The side facing windows of unit 2 within the public house conversion would directly face the garden area of the new properties. Whilst it would not meet the recommended 10m separation distance set out within the Supplementary Planning Document 'Development Requirements', the shortfall would be minimal. Moreover, due to their semi-detached nature, the rear garden areas of the two new dwellings would experience some mutual overlooking from each other.
23. As such, the side windows of conversion unit 2 would not lead to an unacceptable level of overlooking that would harm the privacy and therefore living conditions of the users of these rear gardens.
24. Nevertheless, I conclude that the proposal would not provide adequate living conditions for future occupiers with respect to outlook. The proposal would therefore be contrary to CS Policy CS.9, which seeks to ensure that proposals do not result in an unacceptable impact on neighbouring properties' amenity.

Heritage Effects - Lord Nelson Inn

25. The appeal relates to an early/mid-19th century public house named the Lord Nelson. The public house, currently vacant, is located on Priory Road, which extends out from the historic centre of the settlement towards the cemetery. The road is relatively mixed in its use, with residential properties, a church, commercial and civic buildings evident. It is therefore mixed in character, however there is a distinct number of 19th century buildings, a number of which are listed, including the appeal site, on its eastern side.
26. The Lord Nelson Inn was Grade II listed in 1967 and consists of a three storey detached brick structure. It has a three storey gabled range at the front, with fenestration consisting of sash windows symmetrically arranged around a centrally placed entrance. There is an asymmetric pitched slate roof and brick ridge stacks, and around the front door are 2 flanking cast iron columns, supporting a central section of roof that continues over 2 canted bays. The first floor has rendered flat arches with keystones, and a central painted panel depicting Lord Nelson.
27. There are various modern additions to the building, including flat roofed projections to the side, incorporating a washing area, and a large flat roofed projection to the side/rear (incorporating the toilets) with additional projecting semi external timber smoking area. To the rear are various outbuildings and a small beer garden area, and to the side is a large tarmac car park.
28. The interior consists of principal accommodation, bar lounge, rear service room on the ground floor and residential rooms on the first and second floors. There is a large basement that contained the kitchen, a well and cellar. The ground floor appears much changed and is opened up into a large modern space, however the upper floors contain details such as cornices, architraves and skirtings indicating that much of the historic fabric and layout remains apparent.
29. Given the above, I find that the special interest and significance of the listed building to be primarily associated with its historic and architectural interests as a good illustration of a 19th century public house. Important contributors in these

regards which are pertinent to the appeal are its polite architectural style, and surviving historic fabric, detailing and features.

30. The modern additions and extensions are largely unsympathetic and detract from the asset's historic and architectural interests and therefore significance.

Setting of Lord Nelson Inn

31. Whilst the setting includes its large modern car park and modern nondescript dwellings to the rear, the Lord Nelson is part of the distinct 19th century row of development on the eastern side of Priory Road. Whilst it has evolved over time, and the car park and outbuildings could be argued to detract from the adjacent assets, the large plot in which it sits and the space around the building ensures a visual separation that increases the prominence of the listed building. The space allows the building and its merit to be appreciated and is key to the way the heritage asset is experienced.
32. As such, the wider setting of the building makes a positive contribution to its significance.

Setting of 71-77 Priory Road

33. The neighbouring terrace, No 71-77 Priory Road, is also Grade II listed. The two storey terrace was added to the statutory list in 1969 and incorporates a brick finish with slate roofs, brick dentil cornice, and some bow windows with glazing bars and some 16 pane sashes with timber lintels.
34. The special interest and significance of the listed building are mainly derived from its architectural interest and fabric, as a good example of early/mid-19th century domestic architecture as well as its group value, and modest curtilages. The wider varied urban setting therefore contributes little to its significance.

Alcester CA

35. The Alcester CA is the central part of a market town, made up of a medieval street pattern that is populated by many fine buildings dating back to at least the 16th century, resulting in streetscapes with a wide range of architectural, aesthetic and social interest. The CA Character Appraisal (2008) (CACA) refers to this and its strategic position, firstly on the Roman Icknield Street, a road running roughly south-west to north-east, and later as a transit point on the 18th century stagecoach routes between Birmingham, Leamington and London.
36. I observed that the significance of the CA as a whole largely derives from its surviving historic street pattern and the rich variety of historic buildings that denote its evolution.
37. The appeal building, despite the later flat roofed additions and alterations and large tarmac car park, which is described in the CACA as a 'rather bland and unattractive space', is a large, fine, prominent 19th century building which reflects the history and development of the settlement and its expansion in the 19th century. As such, the appeal site contributes positively to the character and appearance of the surroundings and the significance of the CA

Proposed development and effects

38. The proposed development involves two elements, the conversion of the public house and the erection of two new dwellings, as a semi-detached pair, within the existing car park.
39. In terms of the development to the public house, its characterful public facing elevations would remain largely unaltered, including the painted panel and pub sign. The addition of a doorway to the modern flat roofed side projection, and the new glazing to the rear to replace the modern concrete projection would not harm any historic fabric and would preserve the listed building and its significance.
40. The replacement of the existing modern timber windows on the north elevation at first floor with sash windows, the blocking up of the existing toilet windows on the north elevation ground floor, the removal of the existing prominent steel flue on the frontage and the unremarkable modern outbuildings would be a benefit to the listed building and its significance.
41. The conversion of the building to residential use would therefore retain much of the historic character of the listed building as a 19th century public house. It would still be read as such and its role in reflecting the history and development of the settlement would be maintained.
42. Overall, this part of the development would preserve the Lord Nelson Inn's identified special interests and not harm its significance. It would also preserve the setting of No 71-77 Priory Road and would not harm the asset's significance. Consequently, it would also preserve the character and appearance of the CA as a whole.
43. The two proposed dwellings within the car park would be located in close proximity to the public house. The car park is identified as an unattractive space, however as set out above, the setting contributes positively to the significance of the Lord Nelson Inn. Nevertheless, the submitted Heritage Statement includes a historic photograph and plan submitted as part of the scheme to demolish a previous coach house in the 1960's which illustrates its siting and close relationship to the public house. There was therefore historically a structure in this location.
44. However, whilst no details of massing nor design are provided, and whilst there is a faint scar visible on the side elevation of No 71 suggestive of an attached structure, the coach house would have been a clearly ancillary building associated with the public house.
45. The proposed semi-detached pair would sit in line with the neighbouring properties and be read as a continuation of the terrace of dwellings, albeit with a small gap. The scale and simple domestic design of the dwellings would be subservient in scale to the listed building 71-77 Priory Road and the Lord Nelson. In addition, the existing car park is nondescript and there is some benefit to its redevelopment.
46. With respect to No 71-77 Priory Road, the dwellings would sit comfortably in the mixed context surrounding this listed building. In this respect therefore, the development would preserve the setting of this listed building and would not harm its significance.
47. However, given their siting and scale, the proposed dwellings would enclose the site when viewed from the highway, reducing the legibility of the historic use of the

site. Despite a substantial front opening being suggested on one of the dwellings, they would not appear as structures associated or ancillary to the public house and the distinction and separation between the historic public house and surrounding domestic use would be reduced. Its siting and scale would diminish the way the listed building is experienced.

48. In this respect therefore, I find that the proposed development would not preserve the setting of the Lord Nelson Inn. In this respect, it would harm the significance of this designated heritage asset.
49. The above harm to significance would result in some residual harmful effect to the wider street scene and character and appearance of the CA as a whole and would harm its significance as a designated heritage asset.

Conclusion on heritage matters

50. Given the fairly localised nature of the development relative to Lord Nelson and CA as a whole, I find the harm to both heritage assets to be, individually and cumulatively, at a moderate level of 'less than substantial' but nevertheless of considerable importance and weight.
51. The development would add four dwellings to the district's housing stock. There would also be associated social and economic benefits related to the construction of the development and the contributions of future occupiers to services and facilities in the area. I attach moderate weight to these benefits.
52. The reuse of this currently vacant public house would be a public benefit, and heritage benefits would accrue from the removal of harmful features, in this case modern insensitive windows and their replacement with timber sash windows, the blocking up of the existing toilet windows on the north elevation ground floor, and the removal of the existing prominent steel flue on the frontage and the unremarkable modern outbuilding.
53. These would, of themselves, sustain and enhance the listed building and preserve the character and appearance of the CA in which it sits. These elements of the proposal also carry modest weight.
54. The appellant also contends that the scheme represents an optimum viable use for the site, given that the existing commercial use of the public house is accepted as being unviable. Even if this is the case, it is not demonstrated that the residential use of The Lord Nelson is dependent on the 4 unit scheme before me, and as such, I also give this modest weight in favour of the proposal.
55. Similarly, whilst the existing car park is an unattractive space, and the obscuring views of the undistinguished development to the rear would be welcome, it is not demonstrated that the scheme before me is the only way to achieve this. This also therefore carries modest weight in favour of the proposal.
56. The introduction of 2 domestic gardens in place of the existing hardstanding of the car park would offer some improvements to biodiversity. However, given the scale of the development, such benefits would be small, particularly in the context of the potential harm to protected species identified above.
57. Paragraph 212 of the National Planning Policy Framework (the Framework) indicates that, when considering the impact on the significance of a designated

heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. On balance, in giving considerable importance and weight to the harm to the significance of this designated heritage asset, I find that this would not be outweighed by the public benefits that the proposal would generate.

58. Consequently, the harm identified to the significance of the designated heritage assets has not been supported by clear and convincing justification. As such, the proposal would conflict with the statutory presumptions set out in sections 66(1) and 72(1) of the Act and would not therefore comply with the provisions within the Framework which seek to conserve and enhance the historic environment. It would also not accord with CS Policies CS.5, CS.8, CS.9 and which along with Policies HBE1 and HBE8 of the Alcester Neighbourhood Development Plan 2017- 2031, collectively require high quality design and development that protects and enhances the district's historic environment.
59. CS Policies AS.10 and CS.5 are referred to in the reasons for refusal, however these relate to the countryside and villages and landscape respectively and so are not determinative in this instance.

Overall Planning Balance

60. Having regard to the economic, social and environmental objectives of the Framework, the benefits which would accrue from the proposal are as set out above in the heritage balance. These benefits are tempered by the modest amount of development that is proposed but, nevertheless, each carry moderate weight in the appeals' favour.
61. The additional units of accommodation would contribute to the Government's broader objective of significantly boosting the supply of homes. However, even if the development would make efficient use of partly previously developed land in a location with excellent access to facilities and services, given the quantum of development in this case, I give each of these matters minor weight in favour of the scheme.
62. Notwithstanding the issues raised above regarding protected species, the introduction of 2 domestic gardens in place of the existing hardstanding of the car park would offer some improvements to biodiversity. However, given the scale of the development, such benefits would be small. Any benefit from the redevelopment of the car park would be modest.
63. For the reasons set out above, the proposal would be located in an inappropriate location in terms of flood risk, would have the potential to harm protected species, would not provide adequate living conditions for future occupiers, with respect to outlook, and would lead to harm to heritage assets. These matters attract substantial weight against the appeal. The moderate benefits outlined above do not outweigh these identified harms.

Conclusion

64. The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than

in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

B Phillips

INSPECTOR