



Appeal Decision

Site visit made on 18 November 2025

by **K Townend BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 December 2025

Appeal Ref: APP/J3720/W/25/3363886

Land rear of Box Tree Cottage, Goldicote Road, Loxley, Warwickshire CV35 9JT

- 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 Mrs Vicki Leach and Mr John Adams against the decision of Stratford-on-Avon District Council.
 - The application Ref is 22/00254/OUT.
 - The development proposed is construction six self-build/custom-build dwellinghouses and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for construction of six self-build/custom-build dwellinghouses and associated works at Land rear of Box Tree Cottage, Loxley, Warwickshire CV35 9JT in accordance with the terms of the application, Ref 22/00254/OUT, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with approval sought for access and layout. The matters of appearance, scale, and landscaping are reserved for later and I have determined the appeal on that basis. I have had regard to the indicative plot plan context layout (drawing 1123 004) but only as far as it is an illustrative indication of the appearance and size of the six dwellings proposed.
3. A signed Unilateral Undertaking has been submitted with the appeal in respect of ensuring the proposed dwellings are provided as self-build units. This is a matter which I will return to.

Main Issues

4. The main issues are:
 - whether the proposed development would provide a suitable location for housing, having regard to the development strategy for the area;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on biodiversity, with particular regard to rare grasses.

Reasons

Settlement strategy

5. The appeal site is an area of grassland situated behind existing houses in Loxley. It lies outside but next to the settlement boundary as identified in the Loxley Parish Neighbourhood Development Plan 2011-2031 (the NDP) and is, for planning purposes, considered to be within open countryside. Policy AS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (the CS) is the key policy for consideration of housing development outside of the defined built-up areas. The policy supports small-scale schemes for housing to meet identified needs on land within or adjacent to a village. However, I have not been provided with any compelling evidence that the appeal proposal is for an identified need, even though it is proposed as self-build plots. Policy AS.10 also allows for small-scale housing schemes within the built-up area or within the physical confines of the village. As the appeal site lies beyond the defined built-up area, as identified by the development boundary in the NDP, the proposal would fail to comply with this part of Policy AS.10 of the CS.
6. The Council and the appellants both contend that the development complies with the penultimate paragraph of Policy AS.10 of the CS which provides an exception to the general restriction against development in the countryside where it is fully justified, offers significant benefits to the local area and is not contrary to the development strategy for the district. I will return to this matter within the planning balance.
7. Policy H1 of the NDP supports new housing within the development boundary. In areas considered as open countryside the policy seeks to limit new development and the proposal would not fall within any of the limited forms of development set out as exceptions to Policy H1.
8. For the above reasons, the proposal would not provide a suitable location for housing, having regard to the development strategy for the area and would be contrary to the housing strategy set out in both Policy AS.10 of the CS and Policy H1 of the NDP.
9. Both main parties have drawn my attention to Policies SAP.6 and SAP.7 of the emerging Stratford-on-Avon Site Allocations Plan (the SAP), which supports the principle of self-build and custom-build dwellings, including small groups of plots adjacent to settlements to meet local need. However, the SAP is at an early stage and the Council has confirmed that there are outstanding objections to it. Moreover, I have no certainty as to when the SAP is likely to be adopted. I, therefore, have only given very limited weight to the policies in the SAP.

Character and appearance

10. The appeal site is accessed through a gap between existing dwellings and sits behind the existing road-fronting houses. It is enclosed on one side by the village play area and well-established trees and hedges, the houses on the main village road lie on two sides of the site with various forms of boundary, and a relatively modern cul-de-sac development lies on the opposite side of a footpath that leads from the play area to Barracks Green.

11. The site is within the Dunsmore and Feldon National Character Area and the Lias Uplands sub-character area. It is also part of the designated Special Landscape Area (SLA), which washes over most of the village. The distinctive character and appearance of the SLA is set out in the Stratford-on-Avon District Special Landscape Areas Study. The wider area includes large scale rolling topography and a nucleated pattern of small estate villages. The SLA aims to conserve settlement character by restricting development to that which reflects the vernacular style, scale, pattern, and materials. This is similar to the requirements of Policy H3 of the NDP which, amongst other matters, seeks to ensure that development relates to the design and character of the area.
12. The village of Loxley is trilinear in that it is historically formed around three focal points; the church, the manor house, and the pub. The houses are also mostly along three roads; Goldicote Road, Stratford Road and Wellsbourne Road with rural views to the rear and greenfield areas encircling the village. However, I also saw that there are other minor roads and existing cul-de-sac developments off the main roads which result in a small, clustered village. The density and layout of the village is organic; there are areas of tighter grain such as the houses on Manor Lane and Barracks Green and areas where the houses are larger and in larger plots such as around the war memorial. Overall, the village has a varied pattern and grain.
13. There are existing views of the appeal site from the houses around it and glimpsed views from the play area through the existing boundary landscaping. I saw that the site is highly visible from the entrance to the play area on Goldicote Road where the road is higher than the play area and appeal site. It is also highly visible from the footpath, near to where it joins Barracks Lane. However, there were very limited views from the wider area, including from Blue Lane as the appeal site is well-enclosed by landscaping along its edge and also along the edge of the play area. Moreover, any long distance views of the appeal site are read alongside the backdrop of the existing village.
14. My views of the site correspond with the information provided in the appellants' Landscape and Visual Impact Assessment (the LVIA) which accepts that the development would result in adverse effects on the landscape and the agricultural setting of the village but that the effect would be reduced over time as the proposed landscaping matures. Even if I accept the Council's argument that the value of a LVIA is limited in relation to small sites such as this, I concur with the findings of the LVIA in this case and find it materially different to the appeal at Upper Quinton, referred to by the Council.
15. Even with additional landscaping, the development would be visible from Goldicote Road and, to a lesser extent, other vantage points, and the wider area. Although the appeal proposal would not be the only perpendicular cul-de-sac in the village it would be read as new development behind the existing road-fronting properties which are prevalent in this part of the village. It would introduce built form into what is currently a semi-rural setting, result in the loss of the openness of the site and modifying the edge of the settlement.
16. The site provides a semi-wild and verdant backdrop to the houses along Goldicote Road. However, due to the village play area, which I saw was well-maintained and mowed grass containing a football pitch, children's play equipment, a hard-surfaced tennis court and a small basketball area, and due to the footpath from the

play area to Barracks Green, the appeal site is separated from the open countryside and greenfield areas encircling the village. It forms part of the transition between the built-up part of the village and the countryside around it. However, its contribution to the countryside and the landscape setting of the village is limited.

17. The proposal would, in planning policy terms, result in encroachment into the countryside and the sub-urbanisation of a currently undeveloped grassland area. The introduction of development behind the existing housing on Goldicote Road, including a new access road, would serve to dilute the trilinear settlement pattern and harm the open countryside. It would also be prominent in views from Goldicote Road and, to a lesser extent, visible from the footpath to Barracks Green and the wider area.
18. The introduction of housing onto the appeal site would, therefore, harm the character and appearance of the area by reason of loss of the openness and the visual impact of the housing on the noted views. It would also be harmful to the trilinear settlement pattern. Overall, it would be contrary to Policies CS.5, CS.8, CS.9, CS.12, and AS.10 of the CS. It would also be contrary to Policy H3 of the NDP. Collectively and amongst other matters, these policies seek to maintain the landscape character and quality of the district, require development to have regard to local distinctiveness, minimise visual impacts, be of high quality, integrate with its context, and resist development that would have a harmful effect on SLAs.

Biodiversity

19. The appeal site is part of a wider area allocated as the Grove Hill and Adjacent Grasslands Local Wildlife Site (LWS) designated for its rare grasses. Even if I accept that the existing grasses on site may not be the most important, and that the rarer grasses are diminishing through poor management, the appeal proposal would result in the loss of part of the site for rare grassland habitat and the partial loss of the protected site and protected flora. I also accept that the appeal site is only part of the wider LWS, nevertheless, it remains designated as a LWS for its rare grasses.
20. Policy CS.6 of the CS requires development to contribute towards supporting ecosystems and wildlife, minimise impact on biodiversity and secure a net gain, where possible. It also seeks to ensure that development safeguards and, where possible, enhances existing habitats. Policy NE2 of the NDP reflects the policy in the CS in seeking to resist harm to biodiversity, secure net gains and retain designated LWS's.
21. The appeal proposal, by resulting in loss of part of the wider area, would not safeguard nor enhance this existing habitat nor the LWS. It would, therefore, have an adverse effect on biodiversity, with particular regard to rare grasses and fail to comply with Policy CS.6 of the CS and Policy NE2 of the NDP.

Other Matters

22. The proposal would provide six additional self/custom build plots. 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.

23. The Council's evidence suggests that they have an over-supply of 18 self/custom build plots. However, the appellants have challenged this. Moreover, the Council has confirmed that there was a requirement for 54 additional plots to be provided by October 2025 and I have no compelling evidence before me that they have achieved this requirement. Even if I accept that the Council does not have a shortfall, the demand figure is not a maximum and it is likely to continue to increase in the future base periods. There is also little evidence that all of the permissions granted to date would be built out. The provision of six additional units of this type would accord with the National Planning Policy Framework (the Framework) through providing housing for people wishing to commission or build their own homes and is, therefore, given significant weight.
24. A completed Unilateral Undertaking (UU) has been provided by the appellants to bind the construction of the proposed dwellings as self-build units. Following amendments, the UU now complies with the statutory tests, and I am satisfied that the agreement would provide sufficient assurance in binding the self-build method of construction.
25. The appeal site is prone to surface water flooding and a Flood Risk Assessment was submitted with the planning application. Measures have been proposed to ensure that the development would not flood and also would not increase flood risk elsewhere, including to the neighbouring houses, which lie downhill of the appeal site. I have no compelling evidence that the measures proposed would not protect the development from flooding nor that it would cause any greater flood risk to other properties and the details of the drainage of the site would be capable of being secured by a condition.
26. The issues of overlooking and loss of light to neighbouring properties would need to be fully considered at the reserved matters stage. However, in my judgement, the appeal site is of sufficient size to accommodate six dwellings and that a scheme could be designed so as to not cause unacceptable adverse effects on the living conditions of the occupiers of neighbouring properties.
27. Interested parties have raised concerns regarding highway safety, especially given recent increases in traffic in the village and the proximity of the proposed access to a tight bend, noting that there have already been a number of incidents at this bend. The appellants carried out a Road Safety Audit which confirmed that, subject to the maintenance of the roadside hedges, the proposed junction would be appropriate and provide sufficient visibility. Although the residents have local knowledge, I have no compelling evidence to disagree with the findings of the Road Safety Audit or the views of the Council Highway consultee. That the village suffers from increased traffic and speeding, including on the tight bend, is not a matter for the developer of the appeal site to resolve. The proposed development would not increase traffic levels to an extent that would result in severe highway safety implications, including for school traffic and pedestrians. Furthermore, the reserved matters would need to ensure that sufficient space is provided for parking and turning associated with the development, including for visitors.
28. An interested party has also raised concerns that they have a right of access to their property which would be altered and affected by the appeal proposal. Although I am mindful of their concerns, the ownership of the access and whether other parties have a right over it is not determinative in this appeal and would be a civil matter between the appellants and the neighbour.

Planning Balance

29. Following a recent appeal decision the Council has accepted that it is not currently able to demonstrate a five-year housing land supply. The NDP was made in March 2020. Accordingly, paragraph 14 of the Framework does not apply as the NDP became part of the development plan more than five years ago. Paragraph 11d) therefore applies.
30. Policies AS.10, CS.15 and CS.16 of the CS and Policy H1 of the NDP are the most relevant in considering the proposal. Although Policy H1 of the NDP takes a more restrictive approach to development in the countryside than the Framework it is broadly consistent with the Framework as a whole in seeking to enhance the natural and local environment and recognising the intrinsic character and beauty of the countryside. Policy AS.10 is also broadly consistent with the Framework in seeking to limit development in the countryside. Policies CS.15 and CS.16 set the settlement hierarchy and housing requirement for the area and are also broadly consistent with the Framework. Nevertheless, the weight to be given to the policies is reduced due to the lack of a five year housing land supply. The proposed development would conflict with the development plan as a whole and I attribute moderate weight to this harm in the overall balance.
31. The proposal would also harm the character of the area and not reflect the trilinear settlement pattern. However, the appeal before me, albeit for outline planning permission, is for a scale of development that would relate well to the existing village. Although it would provide an additional cul-de-sac, I saw that these forms of housing are already part of the village character and part of its local distinctiveness. In my judgement it would be possible to develop the site in a form that would not significantly alter the character and appearance of the village, as a whole.
32. It would also be possible to provide designs, at reserved matters, which would reflect the character and distinctiveness of the village and fit in with the surrounding development. The submitted plot passports and Design Code provide parameters to ensure that the development would be appropriate to its context, limit the palette of materials and give coherence to the overall design. Moreover, the proposal would, through providing additional planting, enhance the landscape.
33. The harm to the character and appearance of the area, and the trilinear settlement pattern, would be limited due to the limited views of the site, its limited connection to the wider countryside around the village, and that the development would not significantly alter the clustered appearance or the landscape character of the village. The visual harm of the proposal would, therefore, be localised and reduced by it being a continuation of other built development. Consequently, I give moderate weight to this matter.
34. There would also be harm through the loss of part of the site for rare grass species. The appellants have confirmed that the retained area of grassland would be improved and that, without the development, the existing grasses across the whole site would continue to deteriorate. Although the grasses could be improved without the development there is no incentive for the landowner to manage the grassland or improve them. The development would result in benefits to the LWS, through improving the part of the site to be retained as a biodiversity enhanced area. This would also retain green links to the rest of the wider LWS and ecological

corridors. The harm to the LWS is, therefore, limited and the benefit of improving the retained area as a habitat for rare grasses and other biodiversity would comply with the exception given at Policy CS.6, subsection c). I have, therefore, given limited weight to the harm to the LWS and biodiversity.

35. The proposal would accord with the Framework aims of boosting the supply of housing, recognising the contribution small sites can make to meeting the housing requirement of an area, supporting the rural economy, and recognising the need for self/custom build housing. Moreover, the proposal would also provide economic benefits both during and post construction and is in a location that is close to the services and facilities in the village. I afford significant weight to the provision of these new houses.
36. For the above reasons, I find that the harm from the conflict with the development plan and the harm to the character of the area and to the rare grasses would not significantly and demonstrably outweigh the benefits that would arise from the development, when assessed against the policies in the Framework, taken as a whole. The public benefits of the development also outweigh the harm to the non-designated heritage asset from the loss of the ridge and furrow field. Accordingly, there are material considerations, which indicate a decision should be taken other than in accordance with the development plan. For that reason, the proposal would comply with the penultimate paragraph of Policy AS.10 of the CS in that the development is fully justified and offers significant benefits.

Conditions

37. The Council has provided a list of conditions and the appellants have had an opportunity to comment on this. I have considered them in light of the Framework and Planning Practice Guidance, and I have undertaken some minor editing and rationalisation in the interests of precision and clarity.
38. In addition to the standard timescale and other reserved matters conditions, I have also imposed conditions to require the access and layout to be in accordance with the submitted plans and for the reserved matters applications to follow the principles set out in the Design Code and Plot Passports. However, I have not included the list of plot passport plans, the context plan, or the list of submitted documents in the condition approving the plans as these are covered by other conditions or include details that are not for approval at this outline stage.
39. Although landscaping is a reserved matter, I have imposed a condition to require the first reserved matters application to include details of the hard and soft landscaping for the shared areas to ensure that the development is appropriate for the context and character of the area. So as to ensure that the development provides energy efficiencies and other sustainable measures it is reasonable to impose a condition to require the submission of a new Climate Change Checklist with each plot and this would supersede the current document.
40. Due to the access to the site being between two existing residential properties, and the lack of on-street parking in the area, a condition to require a construction method statement is reasonable, even though the proposal is for a small-scale development. I have also imposed a condition to require the details of the foul and surface water drainage to be submitted for approval to ensure that the development is provided with appropriate drainage and to reduce the risk of increasing surface water flooding.

41. I consider it is wholly reasonable and relevant to require the services to be provided to each plot as the appeal relates to a development for self-build dwellings and it is, therefore, the developer's responsibility to ensure that each plot is provided with appropriate access to services. It is also necessary to ensure that the development, as a whole, is provided with facilities for firefighting.
42. I have imposed compliance conditions to require the access, turning area and visibility splays to be provided, in the interest of highway and pedestrian safety as the access is submitted for approval at this stage.
43. However, I have not imposed a condition to require each dwelling to be provided with three bins as this is a matter that is outside the control of planning. Moreover, the provision of appropriate bin storage facilities is for the reserved matters applications. I have also not imposed a condition requiring a CIL phasing plan to be submitted as it is not necessary for the scale of the development and the appeal proposes self/custom build dwellings.
44. Given the sensitive edge of village and rural location, and to minimise light spillage, it is reasonable and appropriate for the details of any external lighting to be submitted for approval prior to its installation. In the interests of reducing flood risk and to encourage the re-use of water, I have also imposed a condition to require a water butt to be installed at each property with a downpipe.
45. Contrary to the appellants' view, details of the management of the shared landscaped areas is required to ensure that the landscaping is maintained and in the interests of the character and appearance of the area. This is required separately to a condition to require replacement tree planting within the first five years. However, the long term landscape management information is not required prior to the commencement of the development and I have, therefore, amended the recommended condition to require this information prior to occupation of any of the dwellings. I have also simplified the condition in the interests of brevity.
46. In the interests of biodiversity and trees it is also reasonable to impose conditions to require the works to be carried out in accordance with the submitted details in relation to these matters.

Conclusion

47. For the above reasons, whilst conflict arises with the development plan, including the NDP, there are material considerations, including the Framework, which indicate that a decision should be taken other than in strict accordance with the development plan. Therefore, the appeal should be allowed, subject to conditions.

K Townsend

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place on each particular plot and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The location, access, and layout of the development hereby permitted shall be carried out in accordance with drawing nos 001, 002, 003, 005, and 204 rev D.
- 5) Each reserved matters application shall follow the principles set out in the submitted Design Code and Plot Passports and shall include a statement setting out how the application responds to those documents.
- 6) The first reserved matters application to be submitted shall include a scheme of hard and soft landscaping for the areas of the site outside of the individual plots. These details shall include:
 - i) planting plans (to a recognised scale) and schedules indicating the number, species, and density;
 - ii) retained landscape features and proposals for restoration, where relevant;
 - iii) existing and proposed levels;
 - iv) means of enclosure and any retaining structures;
 - v) boundary treatments;
 - vi) hard surfacing materials;
 - vii) minor artefacts and structures e.g. furniture, play equipment, refuse or other storage units, signs, etc.; and
 - viii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any of the dwellings are first occupied in accordance with the agreed implementation programme.
- 7) As part of the first reserved matters application for each plot a 'Climate Change Checklist' (CCC) shall be submitted to and approved in writing by the local planning authority. The measures in the approved CCC shall be incorporated into the development and shall thereafter be retained and maintained.
- 8) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking and turning of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;

- iv) measures to prevent mud and debris on the public highway, including wheel washing facilities, and measures to prevent degradation of the public highway by construction vehicles;
- v) measures to control the emission of dust and dirt during construction;
- vi) the location and noise levels of any site electricity generators or industrial equipment and hours of use of such equipment;
- vii) details of any temporary fencing required during the construction;
- viii) means of access and routing plan for construction traffic;
- ix) any external lighting required during construction;
- x) the hours of construction, loading and unloading; and
- xi) contact details of the site manager(s) which shall be displayed outside the site, on Box Tree Road.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) Prior to the commencement of development details of the method of disposal of foul sewage and surface water shall have been submitted to and approved in writing by the local planning authority. The approved details shall be provided prior to the occupation of each dwelling and shall be retained thereafter.
- 10) Prior to the first occupation of any of the dwellings the site shall have all service connections (electricity, gas, water, broadband, etc) provided and made available to the boundary of each plot.
- 11) Prior to the first occupation of any of the dwellings the access and turning area for vehicles shall have been provided in accordance with drawing 8421-204, Rev D.
- 12) Prior to the first occupation of any of the dwellings the visibility splays shall be provided and shall be free of any obstruction exceeding 0.6 metres in height and shall be retained as such thereafter.
- 13) Prior to the first occupation of any of the dwellings a scheme for the provision of adequate water supplies and fire hydrants necessary for firefighting purposes at the site shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the first occupation.
- 14) Prior to the first occupation of any of the dwellings a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all shared landscape areas, shall be submitted to and approved in writing by the local planning authority. All shared landscaping areas shall be managed in accordance with the approved landscape management plan.
- 15) Prior to the first occupation of any of the dwellings that have a downpipe a water butt, with a minimum capacity of 190 litres and fitted with a child-proof lid, shall be connected to the downpipe and shall be retained thereafter.
- 16) Prior to the installation of any external lighting on any of the plots or shared areas details of the lighting shall be submitted to and approved in writing by the local planning authority. The details shall include the positions, sizes, heights, types, supporting structures, luminance/light intensity, direction, and

cowling. The lighting shall thereafter be installed in accordance with the approved details and shall be retained and maintained in a like form and function for the lifetime of the development.

- 17) The development hereby permitted shall be carried out in full accordance with the recommended mitigation measures as set out in the Cotswold Wildlife Surveys Preliminary Ecological Appraisal, dated June 2022, and the Botanical Strategy, dated November 2023.
- 18) The development hereby permitted shall be carried out in full accordance with the Cotswold Wildlife Surveys Trees and Construction BS5837:2012 Tree Survey, Arboricultural Implications Assessment & Method Statement, ref 24021/A2_AIA, dated August 2021.
- 19) If, within a period of five years from the date of completion of the last house, any tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

*** END OF CONDITIONS ***