



Appeal Decision

Inquiry Held on 4 to 6 December 2018

Site visit made on 7 December 2018

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th January 2019

Appeal Ref: APP/J3720/W/18/3199714

South Lynn House, London Road, Shipston-on-Stour CV36 4EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Churchill Retirement Living against Stratford on Avon District Council.
 - The application Ref 17/02704/FUL, is dated 18 September 2017.
 - The development proposed is demolition of existing house and erection of 33 no. retirement living apartments, together with communal facilities, car parking and landscaping.
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Decision

1. The appeal is dismissed and planning permission is refused for demolition of existing house and erection of 33 no. retirement living apartments, together with communal facilities, car parking and landscaping at South Lynn House, London Road, Shipston-on-Stour CV36 4EP.

Procedural Matters

2. The appeal results from the Council's failure to determine the planning application within the statutory period. Had it been in a position to determine the application the Council would have refused the scheme on the grounds of the effect on the character and appearance of the area, highway safety and a lack of affordable housing and infrastructure contributions.
3. The Inquiry sat for three days on 4 December to 6 December 2018. On 7 December 2018 I visited the site and the immediate area on an accompanied basis before visiting a number of pre-agreed locations in the wider area on an unaccompanied basis. I also carried out an unaccompanied visit to the site and surrounding area before the start of the Inquiry.
4. The Shipston on Stour Neighbourhood Plan ('the NP') was made on 15 October 2018 and as part of the adopted development plan I have had regard to it in my determination of this appeal. A Statement of Common Ground ('SoCG') was submitted before the start of the Inquiry. This sets out the policy context along with matters of agreement and those in dispute. There is no objection in principle from the Council to the demolition and the re-development of the site for units of retirement living accommodation. There is also agreement that the site lies in a sustainable location. The SoCG sets out the necessary financial

- contributions required and confirms that the Council's third putative reason for refusal would be overcome on completion of a S106 agreement.
5. A draft planning obligation was presented to me at the Inquiry but due to the need for signatures I agreed a period of time for this to be submitted following the closure of the Inquiry. A completed agreement was received dated 18 December 2018 and this is a matter I return to below.
 6. An amended scheme was put before me prior to the Inquiry commencement, referred to as the 'Wheatcroft amendment' in the drawing pack. This scheme was the subject of a planning application which the SoCG confirms was refused by the Council on 16 November 2018. It essentially included changes to the appearance, form and layout of the proposed building on the site by moving the rear projection across to the other side of the rear elevation and adjacent to the northern boundary with South Lynn Gardens.
 7. My attention was drawn to two court judgments by the appellant¹ including the established 'Wheatcroft Judgement'. I have also had regard to the '*Procedural Guide – Planning Appeals – England*' ('the guidance') which refers to the former but also advises that '*if an appeal is made the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought*' (Annexe M.2.1).
 8. The appellant contended that the way in which the proofs and submissions had been written and constructed meant it would be clear to anyone reading them that the appeal involved two separate schemes. It should not however be for interested persons to have to decipher the appellant's intentions and be notified of the appeal in that way. Interested persons may have been consulted as part of the Council's notification of the amended application but the relevant representations and consultation responses were not before me.
 9. The proposal anticipated to be determined at the Inquiry was that referred to in the notification letter, application 17/02704/FUL and this is plainly not the amended scheme which was refused by the Council a mere two weeks before the Inquiry opened. Accepting the amended scheme would have deprived those who were entitled to be consulted of the opportunity to make any representations as part of an appeal, which, given the nature of the changes, may have been feasible.
 10. To my mind, to use the appeal process in this way is contrary to the guidance and does not sit comfortably with the Wheatcroft principles or other case law cited. No specific case of prejudice was highlighted but to ensure no-one was disadvantaged through the appeal process I did not agree to the consideration of the 'Wheatcroft Amendment'. I have therefore dealt with this appeal on the basis of application 17/02704/FUL.

¹ R (on the application of Holborn Studios Ltd) v Hackney LBC; R. (on the application of Del Brenner) v Hackney LBC [2017] EWHC 2823 (Admin).

Main Issues

11. Given the above and based on the evidence submitted and heard in relation to the appeal the main issues are:

- The effect of the proposal on the character and appearance of the area.
- Highway safety, with particular regard to the provision of acceptable visibility splays.

Reasons

Character and appearance – Assessment of character

12. The Council's concerns are that the scale and height of the building would create a cramped and dominant development with a poor level of private amenity space, significantly out of character with surrounding properties and in the area and the streetscene. In considering the townscape, landscape and visual impacts of the proposal I have had regard to the Townscape and Visual Impact Assessment ('TVIA') submitted with the appeal. Both parties agreed that the content and opinions in such assessments involve inherently subjective judgements, albeit that the appellant had specifically done so within the framework of a stated objective methodology.
13. I observed that the area south of where New Street forks off London Road has a distinctly different character to the historic core, in terms of plot size, shape and building form and size, notwithstanding the extent of the conservation area designation. There is a clear visual break between areas of narrow plots and continuous rows of building set back from the footway and the detached, single family houses to the south and on the eastern side of London Road. South Lynn Gardens, a cul-de-sac development built in what was originally part of the South Lynn curtilage and other backland development extends from London Road close to this point.
14. Moving south and continuing beyond the sports club access there are mature street trees within the verge and within front gardens on both sides along London Road with mature hedgerows and soft landscaping. This continues until Furze Hill Road and there is no highway verge in travelling up and down this section of London Road on the western side. This is decidedly different to Callaways Road opposite where its corner plot frontages, wide road junction and verges mark the entrance to a street and area with substantially less street trees, hedgerows and with dwellings sited close together and on more regular shaped plots with boundary walls. In terms of building heights along London Road, there is a mix of 1, 1 ½ and 2 storey buildings, some with alterations upon the roof.
15. Overall, the appeal site falls within a distinctive character area extending south from the historic core along both sides of London Road and predominantly made up of single family detached dwellings. The dwellings are set back a range of distances from the carriageway behind generally maturely landscaped front gardens and substantial grassed highway verges on moderate sized plots. I did not perceive any notable change between the eastern and western sides of London Road to such an extent that makes them so different that they should be defined as belonging to areas with a different identity or distinctiveness that makes them readily distinguishable from each other.

16. My attention was drawn to other infill development to the rear of London Road that has occurred further to the south and known as Compton Gardens. I observed that development remained no greater than two storeys, albeit plot coverage is greater on such recent developments as opposed to earlier examples such as South Lynn Gardens. Nonetheless, such development does not inherently change what I consider to be the defining characteristics and appearance of London Road given the set back and low key access in between existing dwellings.

The appeal site

17. South Lynn House occupies a substantially larger plot than those that surround it. It sits at the end of the view from Callaways Road opposite and the existing two storey detached dwelling is located toward the boundary with South Lynn Gardens. A substantial part of the site on the corner with the access to the recreation ground is therefore free from development.
18. The site slopes from front to back such that No. 9 South Lynn Gardens sits at a lower level with the levels falling further away to the recreation ground to the rear and the valley of the River Stour beyond. The appeal site is bordered by a mature hedge and trees and the size of the existing building allows for a sense of openness and spaciousness that positively contributes to the character and appearance of this area on approach into the historic core of the town and in wider views from the river corridor.

Localised effects

19. I was provided with a plot coverage map which was corrected during the course of the Inquiry so that the plot coverage ratio of development proposed on the appeal site was more accurately shown to be in the highest category of coverage of 35-45% footprint to plot ratio. In that regard it is only comparable to recently approved residential developments at Compton Gardens and Wilkins Close but these are much smaller buildings in a different context. Whilst the drawing was of assistance such a consideration is only one measure of acceptability insofar as character and appearance is concerned. I also found it somewhat selective in the properties identified and not sufficiently comprehensive in its coverage of the areas in question.
20. The main 'L' shaped building of the proposal would be sited very close to the boundary with the sports club access, projecting for a considerable depth along this boundary. It would respect the existing building line and provide a policy compliant level of external amenity space for residents. It would also satisfy separation distances within the Council's guidance. Whilst I do not consider the amenity space for occupants would be poor, such a finding should not automatically be taken to mean the setting of the building within the plot would be appropriate or taken as acceptance that the proposed building would not appear cramped or have sufficient space to not be perceived as such. This requires a number of other judgements to be made including the effect of its overall size and scale.
21. The proposal would be a substantial building and over such an extent of the front and side boundaries, the size and mass of the block would be conspicuous from all approaches. Whilst it was put to me by the appellant that the increase in height of approximately 1.6m above neighbouring buildings would not be substantial, over such a width and depth the difference would be perceived as

being much greater. It would contain rooms within the roof served by flat roof dormer windows and the clear perception would be of three storeys of built form and a building far larger than any within the immediate area. In such terms it would be an alien addition to the established character of surrounding properties which have significantly much less bulk and mass.

22. It would also be one of the densest developments being within the 35-45% range and much denser than plots in this northern part of London Road. In such proximity to its southern boundary and extending across the majority of the width and depth of the site, it would appear dominant and cramped in relation to its context and would be quite unlike any buildings that could reasonably said to form part of the character and appearance of this part of the town. It would be at odds with the existing discontinuous nature of the plots and the positive contribution that the appeal site makes to the sense of openness and spaciousness of the area would be diminished harmfully.
23. An attempt has been made to break up the massing of the elevations by the inclusion of a mixture of gable and flat roof projections. However, they are relatively small additions and neither this, nor the unsymmetrical layout of the flat roofed dormer windows and other fenestration are sufficient to visually mitigate its height and scale to an acceptable degree. Despite a palette of contrasting materials, the front and side elevations would appear as a single, insufficiently articulated mass of a more institutional scale as opposed to the domestic scale contended by the appellant. The double parallel roof arrangement at the rear would be particularly incongruous, being neither symmetrical to or stepping down appropriately from the main building and appearing as a jumble of different roof configurations with the mass of the main roof looming over it in the background.
24. In terms of visual effects within the TVIA Receptor 3 should be considered as of 'moderate' not 'low' value given the open view across this part of the site and the contribution it makes to the character and appearance of the area and streetscene. It is of local visual amenity importance. The buildings on the right hand side do not detract from this. In any event, the visual dominance of the proposal would be evident in all viewpoints put before me but it would be especially acute on the approach to the junction down Callaways Road. On the approach toward the junction the upper storeys and roof of the building, being taller, much wider and closer to the front boundary than the existing house, would unacceptably reveal itself, visually filling in the majority of space between the trees and to the side.
25. I do not share the view of the appellant that it would not be glimpsed, a key characteristic identified for this area in the TVIA with which I agree. It would be a notably stark and incongruous addition to the London Road streetscene. Its visual incongruity would also be widely apparent from the recreation ground and surrounding residential dwellings. Whilst the effect would vary depending on the extent to which there are currently views of the appeal site, the adverse effect of the scheme would nonetheless be evident.

Wider effects

26. The site is within the Built up Area ('BUA') of the town and The Stour River corridor lies to the east which is a central element contributing to the character of the settlement. It is a key natural feature around which the settlement has been built and provides for a strong rural setting to the town. The proposal

would not materially affect many of the special qualities which justify the designation² of the surrounding landscape but the site is plainly visible from Shakespeare's Way ('PRoW SS120') which runs across the hillside and through the corridor on the opposite side of the river.

27. From Shakespeare's Way the site is viewed in the context of existing houses and rear gardens of properties along London Road and South Lynn Gardens. My own observation is that it would not appear wholly behind No. 9³ given the siting of that property and because the majority of built form would be located adjoining the southern boundary. The land also rises up from the sports pitches and the hedges and trees located along the side and rear boundaries do little to filter views of the site even allowing for summer foliage.
28. From this area I observed a broadly consistent roofscape which also allowed for views of the higher open countryside to the west. The TVIA finds this viewpoint is of 'moderate' value with a 'high susceptibility to change' but the photograph within the TVIA of Viewpoint 5 is only one snapshot taken in the summer and does not account for the clearer and open views of the appeal site that I experienced from the PRoW. The proposal would be partially seen in the context of the two storey sports and social club building and detached dwellings but as one moves along the corridor it would appear visually much larger and of a more complicated form and design than any other buildings in this part of the settlement. Combined with the overall size, height and expanse of roof upon the proposal it would also diminish views of mature landscaping on London Road and the open countryside beyond. This is identified within the TVIA as being 'moderate adverse' and I agree.

Character and appearance - conclusion

29. Retained and replacement landscaping would serve to partially soften the overall appearance of the building in certain views but it would not mitigate the visual effects from the overall height, size and scale of the building, in particular its upper floors. This is particularly evident to me in the winter viewpoints and for a significant part of the year there would be minimal leaf coverage. The unduly dominant and inappropriately excessive size of the building would be clearly evident.
30. In townscape character terms I find the value of London Road to be 'moderate', and susceptibility to change more 'medium' to 'high' rather than 'low'. In my judgement the sensitivity to change is 'moderate'. The magnitude of effect is concluded as being 'Negligible/Neutral'⁴ but having regard to the above, its size and scale, undue dominance and because it would be permanent I consider the magnitude of change would be much greater and harmful than the appellant concludes. In terms of visual effects, having regard to the viewpoints and my own observations, also during the winter, these confirm my view that the proposal would cause unacceptable visual harm to the character and appearance of the area from all of the viewpoints put before me and in terms of localised effects the TVIA underestimates the magnitude of change.
31. I have noted from the Inquiry the significance of the number of units proposed, that the number of units dictates the scale and layout of such a building and

² CD 12 – Stratford on Avon Landscape Sensitivity Assessment 2011.

³ 16b of Appellant's closing submissions.

⁴ Paragraph 5.1.6 of Mr Thomas Grantham-Wrights PoE.

that associated viability matters had been agreed between the parties. Further, that the National Planning Policy Framework ('the Framework') requires at Paragraph 127(e) for decision-makers to 'optimise the potential' of the site, including in relation to the amount of development. I do not doubt there are clearly operational requirements of the appellant that inform the design in addition to many other factors. However, there nothing substantively persuasive⁵ before me that this is the only site in town available for development. Moreover, in terms of the development plan a proposal must still be appropriate to the local context with regard to the principles of good design which is reflected as important in national planning policy and guidance.

32. Overall, the proposal would introduce development of a damagingly different size, height, scale and appearance that would be overly dominant and appearing cramped on the site. It would unacceptably alter the established grain and pattern of development and harmfully diminish the positive contribution the appeal site makes to the character and appearance of the area and its distinctiveness. In such a context it would not represent suitable high quality design and reasonable planning conditions could not mitigate the harm arising.
33. For these reasons, the proposal would cause significant harm to the character and appearance of the area. It would conflict with Policies CS.5, CS.9 and CS.15 of the Stratford-on-Avon District Council Core Strategy 2011-2031 ('CS'), Policy ENV3 of the NP and The Stratford on Avon District Design Guide and Draft Development Principles. Amongst other things, these require all forms of development to reflect the character and distinctiveness of the locality, be a high quality of design that avoids detrimental effects on features which make a significant contribution to the character and setting of a settlement. Further, that development is attractive, sensitive to existing built form, of a scale appropriate to its immediate surroundings and can be readily integrated with the existing form of the settlement.
34. These policies are consistent with the Framework's objective of achieving well-designed places, ensuring that developments are sympathetic to local character, are visually attractive and add to the overall quality of an area. Accordingly, the proposal would also conflict with the design objectives of national planning policy.

Highway safety

Visibility

35. The main matter in dispute between the principal parties is the safety of the proposed access from London Road given the presence of two mature street trees located within the proposed visibility splays. I observed that London Road has many similar accesses where visibility for vehicles exiting driveways and residential side roads is partially obscured by the presence of mature trees. This includes the sports club access adjoining the site which I heard also holds events for large numbers of people⁶.
36. My attention has been drawn to existing access arrangements at Angela's Meadow, a more recent residential development. However, having viewed the highway layout around that junction with London Road its context and design is

⁵ Including Inquiry Document 12 – Letter on behalf of LandSite.

⁶ Inquiry Document 7 – Letter from Shipston Sports Club Ltd.

materially different to the proposal before me and is not therefore directly comparable. It does not follow that it provides a basis for finding no harm in terms of the scheme before me and each case is dealt with on its own merits.

37. Notwithstanding some disagreement regarding how the comparable trip generation surveys were undertaken, the appellant's assessment of vehicle trips seems reasonable to me. I am also mindful that car ownership is likely to fall after occupation, not least because it is an accessible location. In any reasonable assessment the likely number of vehicle movements generated by the proposal would not be significant.
38. Despite a reference in earlier correspondence to Design Manual for Roads and Bridges⁷, I consider the relevant guidance is Manual for Streets 1 and 2 ('MfS') which advises on suitable visibility splays⁸. MfS1 advises that the impact of obstacles, including street trees should be assessed in terms of their impact on the overall envelope of visibility. It goes on to state that occasional obstacles to visibility that are not large enough to obscure whole vehicles will not have a significant impact on road safety⁹. I heard from the Council's witness that speeding beyond the 30mph limit was not an issue along London Road and it was confirmed during the course of the Inquiry¹⁰ that it is not a red route for haulage lorries serving development elsewhere in the district. No evidence was presented that there have been any personal injury accidents on this part of London Road relating to street trees and visibility. Furthermore, no issues were identified within the appellant's Stage 1 Road Safety Audit.
39. Although visibility on exiting the proposed access could potentially be affected by vehicles exiting the sports club access to the south, there would be no significant obstruction of the view of traffic travelling on the correct side of the road or if crossing the centre hatching of the carriageway. Other trees within the verge further south would be beyond the required visibility splay and the proposal would be acceptable in this regard. There would also be no obstruction of views of users of the footway in either direction. Whilst there would be the added consideration of any driver having to take account of vehicles using the junction of Callaways Road opposite this is a wide and spacious junction and there would be clear views from the proposed access of any vehicles using it.
40. To the north the evidence indicates that a family sized car¹¹ would not be entirely obstructed, with the nearside body from the rear of the front wheel arch and offside front corner still visible when passing the tree. Smaller cars however do use the road and I accept that the tree to the north could provide a momentary partial obstruction to visibility for drivers exiting the appeal site.
41. The parties agreed there would be a 0.37 second duration within which a motorcycle travelling at 30mph would be totally obscured although none of the evidence indicates to me there is an accepted duration for such a time. My observations were that visibility would be affected for a distance of 4-5 metres to the north and this would not occur over the first 10 metres from the site access. London Road is long and straight and approaching vehicles from the north could be seen in between the trees. The time a motorcycle or small

⁷ H Kumesh email dated 17 November 2017 timed at 15:48 – Appendix E to Mr Friel's PoE.

⁸ In this instance, 2.4m x 43m.

⁹ Manual for Streets 1, 7.8.6 – CD6.

¹⁰ Inquiry Document 14 – Highway Authority Supplementary Note on HGV Issue.

¹¹ Skoda Octavia as in Fig.6 of Mr Danial Friel's PoE.

vehicle would be behind the tree would be momentary and users of the highway would have a clear view of any vehicle emerging from the access in all directions. Taking everything together, the visibility splays would be acceptable and I do not find therefore that the Council's suggested condition to remove the trees, were I to grant planning permission is necessary.

Parking

42. Subject to the imposition of conditions relating to a management plan the main parties agree that the parking arrangements would not give rise to an unacceptable impact on highway safety. I agree. Given proposed highway improvements future occupants would be able to access services and facilities within the town without being overly reliant on the private car. The immediate part of London Road has no parking restrictions but concerns regarding the effects of any potential future overflow parking would be addressed by a Traffic Regulation Order ('TRO') contribution for waiting restrictions on Callaways and London Road.

Highway safety - conclusion

43. For the reasons given above, the proposal would not cause harm to highway safety. It would not conflict with Policy CS.26 of the CS which, amongst other things, requires development to be consistent with improving the safety of all road users and that necessary mitigation is provided from impacts which rise directly from that development. There would also be no conflict with the Framework which, at Paragraph 109 requires that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

44. The S106 contains obligations for financial contributions for improvements to existing bus stops on London Road, including pedestrian crossing improvements, healthcare contribution, Sustainable Transport Pack ('STP') contribution in addition to a contribution to a TRO and a contribution towards off site affordable housing of £220,199.93.
45. The Council's CIL statement sets out the detailed background and justification for each of the obligations in terms of their necessity, relationship to the appeal scheme and their reasonableness. In general these matters were not controversial at the Inquiry and the need for the obligations was not in dispute. The Council has a CIL charging schedule in place and on the evidence before me the obligations would accord with the provisions of Regulation 122 of the CIL Regulations 2010 and the tests for planning obligations set out in the Framework and I have taken them into account. I return to matters of whether these go beyond mitigation and the weight to be afforded to them in the planning balance below.
46. I note that the appellant engaged positively with Council officers at the pre-application and application stages. However, this does not alter my findings as set out above. I have also taken into account any wider matters raised by interested parties, including by those who spoke or submitted representations during the Inquiry. However, they have not led me to any different overall conclusion.

47. My attention has been drawn to established case law¹² in relation to the removal of the street trees were planning permission to be granted. That case held that it was unreasonable for the highway authority to then effectively prevent development after planning permission had been granted. In this case however I have not found harm to highway safety and my decision has been to dismiss the appeal on unrelated character and appearance grounds. This means that it is not necessary for me to consider the implications of that judgement any further.

Planning balance and overall conclusion

48. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
49. I have not found harm to highway safety and there would be compliance with some parts of the development plan, including the in principle support for such housing in Policy CS19 (c) of the CS and Policy HSG3 of the NP. Set against this however I have found significant harm to the character and appearance of the area. In my view the harm and subsequent conflicts with the development plan are such that the scheme should be regarded as being in conflict with the development plan, as a whole.
50. In considering whether there are material considerations which indicate that permission should be granted the appellant does not contend the so called 'tilted' balance in Paragraph 11 of the Framework is engaged. Simply that were I to find conflict as a whole, material considerations exist that outweigh the harm and this is a matter I now turn to.
51. The proposal would provide accommodation for older people, of which there is a critical need as set out in National Planning Practice Guidance¹³ and locally there is no dispute that there is a need for such accommodation¹⁴. The former also refers to accessible and manageable homes for older people freeing up under-occupied housing for other population groups and if so, this is likely to demonstrate a market need that supports the approval of such homes. The level of such housing is very difficult to quantify but in any reasonable assessment these matters combine to weigh significantly in favour of the proposal. The contribution towards off-site affordable housing would be a public benefit that weighs moderately in favour of the scheme, tempered by the fact it is less than the policy envisages due to viability issues.
52. I give a little amount of weight to the economic benefits of construction jobs, future employment and associated spending in the local economy given their short term nature and limited scale. There would be an increase in spending in the local economy from future residents which also attracts a little weight in favour of the scheme but I do not share the view it carries moderate weight given the limited number of residents. The proposal would also make a more efficient use of the appeal site, albeit the parties do not consider it is 'Previously Developed Land' and weighed against this is my finding it would be to the significant detriment of the character and appearance of the area. I

¹² Inquiry Document 9 - *Regina v Warwickshire County Council Ex parte Powergen Plc*: CA 31 Jul 1997.

¹³ Reference ID 2a-021-20150326 and ID: 3-037-20150320.

¹⁴ Strategic Housing Market Assessment November 2013 – 7.9 of SOCG.

ascribe negligible additional benefit in respect of accessibility to local services, as I consider this to be an absence of harm.

53. The obligation would secure financial contributions towards the construction and implementation of a pedestrian crossing and improved bus stops. Mitigation in the form of financial contributions is intended to respond to needs arising from the development in question but in this case there would be a direct associated benefit to the residents and an improvement for pedestrians and other users accessing the town centre. It is difficult to quantify who would benefit but in general this attracts a small amount of weight in favour. Contributions towards healthcare services, STP's for future occupants and a possible contribution to a TRO would be solely to mitigate the associated effects of development and are neutral in the planning balance.
54. Drawing my conclusions together, there are a number of considerations that weigh in favour of the scheme but my findings in terms of the first main issue are compelling and I give greater weight to the significant harm that I have identified. Neither collectively, nor individually would these material considerations outweigh this harm and the subsequent conflicts with the development plan that I have identified.
55. For the reasons set out above, the proposal would conflict with the development plan, as a whole. Material considerations do not indicate a decision should be made other than in accordance with it. I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Gavin Grant, of Counsel	instructed by Macer Nash, Legal Services Stratford on Avon Council
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He called

Dr Karl Kropf BA MA PhD	Built Form Resource
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John Glendinning Dip TP	Development Management Engineer Warwickshire County Council
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Alice Cosnett BSc (Hons) Msc MRTPI	Senior Planner Stratford on Avon Council
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FOR THE APPELLANT:

Neil Cameron, of Queens Counsel	instructed by Andrew Burgess Planning Issues Limited
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He called

Chukpar Singh Jagpal BA (Hons) Dip Arch RIBA ARB	Planning Issues Ltd
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Thomas Grantham Wright BA (Hons) Dip LA CMLI Cert.Arb	Bea Landscape Design Limited
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Daniel Friel BA (Hons) MA MCILT	Mott Macdonald
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Kim Langford Trejar LLB BSc PGDIP MRTPI	Planning Issues Ltd
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INTERESTED PERSONS:

Andrew Burgess	Churchill Retirement Living
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Cllr J Barker	Stratford on Avon Council Ward Member Shipston South
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Local residents:

Brian Cooper	Carl Tunnicliffe
Jane and Stephen Miles	Diane Wilcock
John Holland	Carole Gibbs
Stephen Willock	Katherine Sole
Richard Gardner	Stephen Thorn
Tom Marks	
Peter Gibbs	
Janet Neale	

DOCUMENTS SUBMITTED AT THE INQUIRY

Document Number	Document name	Submitted by
Document 1	Plot Coverage Map – The Appealed Scheme	Appellant
Document 2	Winter Views 12122/1, 12122/2, 12122/3 and 12122/4	Appellant
Document 3	Forward Visibility drawing	Appellant
Document 4	<i>Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another (1982) 43 P. & C.R.233</i>	Appellant
Document 5	<i>Regina (Holborn Studios Ltd) v Hackney London Borough Council, Regina & (Brenner) v Hackney London Borough Council [2017] EWHC 2823 (Admin)</i>	Appellant
Document 6	Shipston Town Council written statement	Shipston Town Council
Document 7	Shipston Sports Club Ltd written statement	Shipston Town Council
Document 8	Jane Miles written statement	Jane Miles
Document 9	<i>Regina v Warwickshire County Council Ex parte Powergen Plc: CA 31 Jul 1997</i>	Appellant
Document 10	Opening submissions on behalf of the appellant	Appellant
Document 11	Opening submissions on behalf of the local planning authority	Council
Document 12	Letter from Mr J. Holland of LandSite dated 4 th November 2018 verbally amended to 5 th December 2018.	John Holland
Document 13	Further written statement of Jane and Stephen Miles, written and submitted on 5 December	Jane Miles
Document 14	Warwickshire County Council Supplementary Note on HGV issue – J. Glendinning.	Council
Document 15	Letter from Councillor Jo Barker, Ward Member for Shipston South dated 5 December 2018	Cllr J Barker
Document 16	Hand annotated character area plan	Appellant
Document 17	Statement regarding plot area ratios	Appellant
Document 18	Appeal Decision APP/P5870/W/16/3159137	Appellant
Document 19	Written acceptance of pre-commencement conditions	Appellant
Document 20	Conditions v5 – Original scheme	Appellant/Council
Document 21	Closing submissions for the LPA	Council
Document 22	Closing submissions for the appellant	Appellant

DOCUMENTS SUBMITTED AFTER THE INQUIRY

Document 23	Completed S106 agreement	Appellant
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