



Appeal Decision

Site visit carried out on 13 October 2014

by Mrs J A Vyse DipTP DipPBM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 November 2014

Appeal Ref: APP/J3720/A/14/2217159

Land off Queens Street, Halford, Warwickshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by League of Friends against the decision of Stratford-on-Avon District Council.
 - The application No 13/02570/FUL, dated 3 October 2013, was refused by a notice dated 13 February 2014
 - The development proposed is the erection of 3 x dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 x dwellings on land off Queens Street, Halford, Warwickshire, in accordance with the terms of the application, No 13/02570/FUL, dated 3 October 2013, subject to the conditions set out in the attached schedule.

Application for Costs

2. An application for costs was made by League of Friends against the Council. That application is the subject of a separate Decision.

Procedural Matter

3. At the time that the application was determined, the Council accepted that it could not demonstrate a five year supply of housing land.¹ Subsequently, it produced an update (August 2014) which reports that, as of 31 March 2014, it could demonstrate a 5.4 year supply, including a 5% buffer. However, that turnaround in position has yet to be tested at Examination, with the appellant advising that there are potentially significant outstanding objections to the level of housing proposed by the Council. More recently, the Inspector dealing with an appeal relating to housing development at Hampton Lucy, elsewhere in the District found, based on the evidence before her that, for the purposes of that appeal and in advance of the Examination in to the emerging Core Strategy, the Council could not demonstrate a five year supply.² That said, whether or not the Council can demonstrate a five year supply is not material to the outcome of this appeal since, as I set out below, I find no material harm in any event.

Main Issues

4. These relate to the effect of the development proposed on the character and

¹ Annex A to the officer's report for the 15 January 2014 committee meeting, and Appendix 1 to the officer's report for the 29 January 2014 meeting, confirm the supply as some 4.4 years.

² APP/J3720/ A/14/2215757 - Dismissed 3 November 2014

appearance of Halford Conservation Area, including the setting of nearby listed buildings, and its effect on highway safety.

Reasons for the Decision

Character and Appearance

5. The rectangular appeal site lies within the historic core of the village, at the heart of the Conservation Area, fronting onto a narrow looping road (Queens Street). The rear gardens to various listed and unlisted dwellings back onto the southern and western site boundaries, with a further listed property facing the appeal site, on the opposite side of Queens Street. The site forms part of a larger open area (sometimes referred to in the evidence as a paddock) that extends to the east, behind a distinctive high boundary wall along the rear of the grassed verge on this side of Queens Street, the two areas being separated, currently, by wire mesh fencing.
6. The Conservation Area lies largely to the west of the A429 Fosse Way, within a bend in the River Stour. I saw that there is some variety in terms of the size and type of residential property in this part of the village. For the most part though, the buildings front directly onto the carriageway, or onto grassed verges. The combination of relatively tightly-knit vernacular buildings and their outbuildings, which date from a variety of periods and which are generally linked by strong boundary walls, combine to form 'a delightful composition',³ with Queens Street forming an integral part of the distinctive character and appearance of this picturesque village Conservation Area, contributing to its significance.
7. In its current state the appeal site, which is becoming overgrown,⁴ is largely concealed from public view by tall stone and brick boundary walling along the rear of the wide highway verge here. It is, however, seen from the rear of many of the buildings within the area of land defined by Queens Street, and in views from the street further to the northeast, through the gateway to the remainder of the open space. Having said that, the current open and undeveloped nature of the site does not play a significant role in defining the character of, nor does it comprise a notable component of, the Conservation Area and it does not contribute to the overall heritage significance of the Area. Indeed, the Halford Village Design Statement (VDS)⁵ notes that, notwithstanding its current open nature, the land was previously the site of cottages and other dwellings. That historic arrangement is confirmed in one of the letters of representation in response to the appeal.
8. Two listed buildings lie in close proximity to the site: Grasmere, a grade II listed building that adjoins the western side of the appeal site, and Halford Cottage, also grade II listed, which lies on the opposite side of the road. Both date from the 17th Century. They are of two storeys, constructed of limestone rubble with steeply pitched tile roofs. Although altered over the years, the special interest of these vernacular buildings derives not only from their age and history, but also their form and appearance. The elements of setting that contribute to their significance, include their relationship with the street, and their immediate plots. In that context, I consider that the appeal site

³ Warwickshire County Council County Planning Department 1970: Halford Conservation Area Definition

⁴ Although that cannot be any justification for the development proposed.

⁵ Adopted as Supplementary Planning Guidance in 1999

- contributes little, if anything, to the significance of those buildings, or their setting. The same goes for other listed and unlisted buildings in the wider vicinity that have intervisibility with the site.
9. I recognise that the VDS is of some age now. It does, however, envisage development on the appeal site (as part of a larger development area) noting that any development here should have an overall cohesive identity, utilising a variety of building styles to link it to existing properties. It goes on to suggest that terraced or mews type cottages should be included, mainly of stone, with a single vehicular access point. The development proposed would accord with that advice: it comprises three, interlinked L-shaped dwellings (two four-bedroom, one three-bedroom) with associated garaging and parking, laid out around a central courtyard behind the existing boundary wall, which would be retained. The houses would all be two storey, ranging in height between 8-9 metres, of Cotswold stone/red brick with tile/slate roofs, with access taken via the existing gated field entrance off Queens Street.
 10. The Council's District Design Guide⁶ seeks to ensure that new development has features in common with the buildings and landscape in the surrounding area, treating the historical built environment as a 'library'. Again, I find no conflict in this regard: whilst the dwellings proposed would not front directly onto the street, the arrangement would, as noted in the officer's report, resonate with the farmhouse type dwelling and its associated courtyard, surrounded by barns and outbuildings located to the southeast of the appeal site (Sykes House). I also saw that there is some development in depth immediately to the southwest, where a couple of cottages are set back behind frontage properties. The footprint of each of the dwellings proposed is not dissimilar to those of other dwellings in the locality, including Lomas Barn to the rear of the site, which a number of local residents cite as a good example of recent development. They would also be positioned around the perimeter of the site, adjacent to the site boundaries, a common characteristic of existing built development in this part of the village.
 11. At between 40-170 square metres, the gardens proposed would be well in excess of the minimum 50-62 square metres set out in the Council's 'Meeting Housing Needs' document.⁷ As demonstrated by the Conservation Area map, there is a wide range of garden sizes within the area. Whether or not the gardens proposed might be smaller than some in the vicinity, the combination of their size, together with the open central courtyard area, would be sufficient, in my view, to ensure that the buildings did not appear cramped in their setting.
 12. Only a few elder trees are located within the site, which the arboricultural report identifies as category C. I agree with the conclusions of the report that those trees are of little amenity value. A large yew tree within the grounds of Grasmere, which overhangs the site, does have significant amenity value. However, the use of conditions, were the appeal to succeed, would protect it during the construction process.
 13. As noted above, a strong and distinctive feature of this part of the village is the stone and brick boundary walling along the road frontage, including that along

⁶ Adopted as Supplementary Planning Guidance in 2000 (Although the front cover is dated April 2001, paragraph 0.4.7 of the document itself, confirms the date of adoption as September 2000)

⁷ Adopted as a Supplementary Planning Document in July 2008

the front of the appeal site. The development proposed would be served via the existing gated field access which utilises a gap in the wall. As set out on the submitted plans, and as confirmed in the update to the second of the committee reports, there is no intention to widen that existing gap as part of the appeal scheme. However, the wall here is set behind a slightly embanked, wide grassed verge. To facilitate use of the access, some form of hardsurfacing would be required between the carriageway and the site entrance.

14. There are a handful of hardsurfaced driveways across the grassed verges in close proximity to the appeal site, including a vehicular access on the far side of Grasmere. The introduction of hardsurfacing to provide an access to the appeal site would not, therefore, be an unusual feature in this regard and, subject to the use of appropriate materials, the arrangement proposed would not cause material harm in terms of visual amenity.
15. I recognise that the introduction of buildings onto land that is currently open and undeveloped will change its character and appearance. However, change does not, necessarily, equate to harm. Notwithstanding that it is open to one side, I consider that the otherwise relatively enclosed nature of the appeal site, combined with the materials and simple styling of the buildings proposed, which echo the vernacular detailing of the older properties in the village, means that the development would be respectful of its sensitive location within the village and there would be no material harm to the character or appearance of the Conservation Area, which would be preserved. Similarly, the ability to appreciate and understand the special interest of the listed buildings would not be materially affected by the development, and their significance would not be harmed.
16. The proposal would, therefore, be consistent with the objectives of the National Planning Policy Framework (the Framework) and with policies PR.1, EF.13, EF.14 and DEV.1 of the Local Plan Review⁸ which, collectively, seek to ensure that development respects and enhances the character and quality of the local area, that it integrates as far as possible into the existing built form, and conserves heritage assets and their setting.

Highway Safety

17. I have no doubt, given the restricted nature of the carriageway along Queens Street, that localised problems associated with on-street parking do arise, and that these cause inconvenience and frustration. However, a total of nine on-site parking spaces, including a dedicated visitor space, would be provided, which complies with the maximum suggested by the Council's Car and Cycle Parking Standards SPD.⁹ The local highway authority is satisfied that the spaces to be provided would be acceptable for the quantum of development proposed. I am also mindful, as noted in the officer's report, that the hardsurfaced central courtyard could also accommodate additional parking, if needed. In addition, it would provide sufficient turning space to allow drivers to enter and leave the site in a forward gear. All in all, I am satisfied that the level of on-site parking proposed would not, necessarily, result in any significant increase in on-street parking in the locality and there would be no material consequences for highway safety. The highway authority also

⁸ Stratford on Avon Local Plan Review – July 2006

⁹ The extract before me indicates that two spaces are needed for dwellings with up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

confirms that the increase in traffic movements associated with development proposed would not have significant implications for highway safety generally. A planning condition, were the appeal to succeed, could ensure that the parking provided was retained for that use in perpetuity. On balance, therefore, I find no conflict with Local Plan Review policy DEV.4, which seeks to ensure that development does not have an adverse impact on the safety of road users and pedestrians.

Other Matters

18. Local residents, supported by their Councillor, are concerned that future residents would be heavily reliant on the private car to access the services and facilities required on an everyday basis. Both committee reports confirm that Halford is identified in the Stratford on Avon Local Plan Review (2006) within the 'all other settlements' category which, essentially, precludes most new residential development in such locations. Although initially identified in the Intended Proposed Submission Core Strategy as a Category 4 Local Service Village,¹⁰ the update report for the second committee meeting advises that the 'Local Services Methodology' had been revised, with the effect that Halford has reverted back to the original 'all other settlements' category.
19. However, Framework paragraph 55 indicates that, in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. An example cited is where development in one village may support services in a nearby village. As set out in the officer's second report update, Halford is approximately 2 kilometres from Newbold on Stour, which has a shop, school and good public transport links. It is also some 4 kilometres from Shipston on Stour, which has a wide range of services and facilities. On that basis, the officer concluded that, even though there are very limited services within Halford itself, there would be no conflict with Framework paragraph 55, in that the development proposed would support the services in those nearby sustainable settlements. I have no reason to disagree with the officer on this matter and find no conflict with the Framework in this regard.
20. Some local residents also had concerns in relation to the impact of the development proposed on their residential amenity. The committee reports confirm that, since the Council's minimum separation standards¹¹ are either met or exceeded, there would be no material harm in terms of overlooking. For the same reason, the development would not be seen as overbearing. Moreover, given the extent of the garden areas proposed, I have no reason to suppose that there would be any material harm in terms of noise and disturbance through use of those spaces by future occupiers. The proposal would be consistent therefore, with the objectives of the Framework and with policy DEV.1 of the Local Plan Review which, together, seek to ensure high quality design and a good standard of amenity for existing and future residents.
21. I understand that local residents have expressed an interest in buying the site from the League of Friends, with a view to promoting a smaller development scheme, but that negotiations have been unsuccessful. Be that as it may, I am required to come to a view on the scheme that is before me on its own merits.

¹⁰ Identified as being capable of taking approximately 10-20 homes over the Plan period.

¹¹ Planning Advice Note - Extending your home: a planning guide for householders Adopted in October 2007

Conclusion

22. The National Planning Policy Framework promotes sustainable development, which has economic, social and environmental dimensions. I have found that whilst there would be change, there would be no material harm to the character or appearance of Halford Conservation Area, which would be preserved, as would the setting of nearby listed buildings. Economic benefits are likely to be limited given the scale of the development, although they would, as noted in the officer's reports, include the New Homes Bonus, short term construction jobs and longer term support for the wider local economy from new residents. As referred to above, even though there are very limited services within Halford itself, the development proposed would support services in nearby sustainable settlements. When assessed against the policies of the Framework taken as a whole, I am satisfied that the proposal amounts to sustainable development and conclude, subject to the conditions set out in the attached schedule, that the appeal should succeed.

Conditions

23. In addition to the standard implementation condition, (1) and otherwise than as set out in the decision and conditions, it is necessary that development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. (2) I note, in this regard, that the plans listed in the suggested condition do not relate to those that accompanied the appeal application. The plans set out in the condition below are those agreed at the start of the site visit as being relevant to this proposal.
24. Conditions relating to external materials and requiring the submission of large scale drawings of certain elements of detailing, are necessary to protect the character and appearance of the Conservation Area and the setting of the nearby listed buildings. (3 and 4)
25. The Council suggests that schemes of soft and hard landscaping should be submitted. With regard to soft landscaping I agree that, in order to protect the character and appearance of the area details of the common green areas that would be clearly seen from the site entrance are necessary. It would be inappropriate however, to require details of what would be private garden areas. The details to be submitted should also include finished ground and floor levels (existing levels are already provided on the plans submitted with the application) to ensure a satisfactory relationship with adjacent properties and the street scene. Existing landscape features are shown on the survey drawing already submitted and so no further details are required in this regard. In relation to hard landscaping, again I agree that some details are required, although not all those suggested by the Council are relevant to the scheme proposed (e.g. minor artefacts and structures such as street furniture, play equipment etc, or retention of historic landscape features). Although the Council suggests two separate conditions, one for soft landscaping and one for hard landscaping, I have combined them, since a number of the requirements overlap or were repeated. (5) A condition to ensure replacement in the event of any landscape failure is also necessary. (6)
26. Trees which are retained on site, and those on neighbouring land but which overhang the site, need to be protected during construction, in order to safeguard the character and appearance of the Conservation Area. (7)

27. The Extended Phase 1 Habitat Survey identified that habitats within the site are suitable for reptiles, with adjacent sites providing optimal habitats. A condition is necessary, therefore, to secure a reptile survey prior to commencement of development and to implement any necessary mitigation measures to ensure their protection. (8)
28. The appellant's Archaeological Evaluation identified features of probable medieval and post-medieval date, as well as a ditch which remains undated. Based on those findings, the County Archaeologist raised no objection to the development proposed, subject a programme of archaeological work in accordance with a written scheme of investigation. A condition to that effect is necessary, to ensure that a proper archaeological evaluation can take place. (9)
29. The Council has suggested a condition requiring that the gap in the front boundary will be widened to 5.5 metres. However, as referred to earlier, the appellant has no wish to widen the existing gap. That is important, in my view, in terms of retaining the character and appearance of the street scene here. The consultation response from the highway authority confirms that it has no objection to retention of the gap at its existing width, subject to the access between the vehicular carriageway and the boundary wall being at least 5.5 metres in width. However, that would, in my view, have an adverse impact on the appearance of the green highway verge. I am mindful, in this regard, that *Manual for Streets* indicates that carriageway widths should be appropriate for their context. I recognise that the access would not be a carriageway, but I see no reason why the same sentiment should not apply and note that a width of 5.5 metres would be sufficient for oncoming lorries to pass, whilst 4.1 metres is sufficient to accommodate oncoming cars. Rather than specify a measurement, I consider that a condition requiring details of the access to be submitted to and be agreed by the local planning authority would suffice in this instance. (10)
30. Given the problems currently associated with on-street parking, a condition is necessary to ensure that the proposed garages and parking spaces are provided and retained thereafter. Although not a condition suggested by the Council, such a condition was canvassed on a 'without prejudice basis' and no objections were raised. (11)
31. The houses will need to be provided with water butts and refuse bins pursuant to policy DEV.6 of the Local Plan Review and in the interests of sustainable development. (12) It is also necessary to secure a satisfactory drainage scheme to limit flood risk and prevent pollution. (13)

Jennifer A Vyse

INSPECTOR

**Schedule of Conditions attached to
Appeal Decision APP/J3720/A/14/2217159
Land off Queens Street, Halford, Warwickshire**

- 1) The development hereby permitted shall begin not later than the end of three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location/Site Block Plan No 2255-015A; Proposed Site Plan No 2255-011A Rev A; Proposed Floorplans Plan No 2255-012A Rev A; Proposed Elevations 1 Plan No 2255-013A Rev A; and Proposed Elevations 2 Plan No 2255-014 Rev A.
- 3) Before development begins, samples of the materials to be used for the external surfaces of the buildings hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Before development begins, large scale drawings of windows, doors, eaves, verges, heads and cills and chimneys, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The soft landscaping details to be submitted shall include, but are not confined to:
 - a) planting plans for those common areas of green space shown on Plan No 2255-011A Rev A, including written specifications, a schedule of plants noting species, plant sizes and numbers;
 - b) finished ground and floor levels, including grading and earthworks where appropriate;
 - c) the means of accommodating changes in level (eg steps, retaining walls, ramps);
 - d) hard surfacing materials;
 - e) position, design and materials of all means of enclosure;
 - f) parking layout.

The soft landscaping approved pursuant to this condition shall be completed in accordance with the approved details within the first planting season following first occupation of any of the dwellings hereby permitted. The hard landscaping works approved pursuant to this condition shall be completed in accordance with the approved details before first occupation of any of the dwellings hereby permitted.
- 6) Any planting the subject of condition 5 above that is removed, uprooted, severely damaged, destroyed or dies within five years of the date of planting, shall be replaced in the next planting season with other of a similar size and species.
- 7) No development shall take place, including any works of ground clearance or site preparation, nor shall any equipment, machinery or materials be brought onto the site, until a scheme for the protection of all existing trees to be retained, and those on neighbouring land that overhang the site, has been submitted to and approved in writing by the local planning authority and has been put in place in accordance with the approved details. The details to be submitted shall include a Tree Protection Plan and Arboricultural Method Statement, which shall accord with BS5837:2012 *Trees in relation to design, demolition and*

construction – Recommendations and a timetable for implementation. The arrangements secured by this condition shall remain in place until completion of the construction phase.

- 8) No development shall take place, including any works of ground clearance or site preparation, until a reptile survey of the site, has been carried out in accordance with accepted methodology, and any necessary mitigation, including a detailed schedule of works and timings based on the Reptile Mitigation Report (issued 29 November 2013) has been submitted to and approved in writing by the local planning authority. Any necessary mitigation shall be carried out in accordance with approved plan and timetable.
- 9) No development shall take place, including any works of ground clearance or site preparation, nor shall any equipment, machinery or materials be brought onto the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 10) None of the dwellings hereby permitted shall be occupied until a hardsurfaced vehicular access between the edge of the vehicular carriageway and the entrance to the site, has been provided in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.
- 11) The garages and parking spaces shown on plan Nos 2255-011A Rev A and 2255-012A Rev A shall be provided prior to first occupation of the related dwelling and shall be kept available for the parking of motor vehicles at all times. The garaging and parking spaces shall be used solely for the benefit of the occupants of the dwellings hereby permitted, and their visitors, and for no other purpose and shall be permanently retained as such thereafter.
- 12) No dwelling is to be occupied until three bins for the storage of refuse, recycling and green waste for that dwelling, have been provided in accordance with the Council's bin specifications, and it has been provided with a water butt (minimum 190 litre capacity and fitted with a child proof lid) connected to the down pipe. The water butt and the bins provided shall be retained thereafter.
- 13) None of the dwellings hereby permitted shall be occupied until foul and surface water drainage works have been completed in accordance with details that shall previously have been submitted to and approved in writing by the local planning authority.

End of conditions
