



Appeal Decision

Site visit made on 5 September 2016

by Zoe Raygen Dip URP MRTPI

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

Decision date: 21st September 2016

Appeal Ref: APP/T3725/W/16/3150024

Plough Inn, Old Fosse Way, Eathorpe, Leamington Spa, CV33 9DQ

- 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 Rugby Properties Ltd. against the decision of Warwick District Council.
 - The application Ref W/15/1626, dated 7 September 2015, was refused by notice dated 3 February 2016.
 - The development proposed is the renovation and extension to coach house outbuilding adjacent to the Plough (public house) to facilitate its use as a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the renovation and extension to coach house outbuilding adjacent to the Plough (public house) to facilitate its use as a dwelling at the Plough Inn, Old Fosse Way, Eathorpe, Leamington Spa, CV33 9DQ in accordance with the terms of the application, W/15/1626, dated 7 September 2015 subject to the conditions set out in the schedule to this decision notice.

Preliminary matter

2. The address of the property on the application form is not clear. I have therefore used the address from the Council's decision notice, which is also reflected in the appellant's appeal form.

Application for costs

3. An application for costs was made by Rugby Properties Ltd. against Warwick District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - i) whether the proposal is inappropriate development in the Green Belt;
 - ii) the effect on the openness of the Green Belt;
 - iii) whether the proposal would provide a suitable site for housing with particular regard to its location;
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- iv) whether the proposal would preserve or enhance the character or appearance of the Eathorpe Conservation Area, and
- v) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Policy

5. The development plan for the district is the Warwick and District Local Plan 1996 – 2011 (1996) (the Local Plan). However, the Council has confirmed that it does not have a five year housing land supply. As a result in accordance with paragraph 49 of the National Planning Policy Framework (the Framework) relevant policies for the supply of housing should not be considered up to date. Although I have not been directed to any such policies they would in any case attract limited weight. Furthermore, I have not been directed to any relevant Policies within the Local Plan with regard to development in Green Belts.
6. My attention has been drawn to several Policies within the Warwick District Local Plan 2011-2029 – Publication Draft April 2014 (the draft Local Plan) However, I am not aware from the information supplied on this appeal of the how far the document has progressed towards examination. Moreover, I am not aware of whether relevant Policies have been the subject of unresolved objection. As a result, in accordance with paragraph 216 of the Framework, I give Policies within the draft Local Plan limited weight in my consideration of the appeal.

Reasons

Inappropriate development

7. The appeal site forms a former coach house to the Plough Public House. It is a disused, part two storey part single, storey building sited on the road side with an overgrown area enclosed by timber fencing to the side.
8. Paragraph 90 of the National Planning Policy Framework (the Framework) states that the reuse of buildings providing they are of permanent and substantial construction would not be inappropriate development, as long as they preserve the openness of the Green Belt and do not conflict with the purpose of including land within the Green Belt. Furthermore Paragraph 89 of the Framework states that the extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building would also not be inappropriate development.
9. There is no dispute between the parties that the conversion of the building together with the two storey extension would not constitute inappropriate development within the Green Belt. From my observations on site I have no reason to disagree with this view.

Openness

10. The extension to the Coach House would lead to a reduction in the openness of the Green Belt as it would result in development where there is currently none. However the small size of the footprint of the extension together with its siting within the context of the existing building means that it would cause only very limited harm.

Accessible location

11. Paragraph 55 of the Framework states that new isolated homes in the countryside should be avoided unless there are special circumstances. The Framework does not define or limit the meaning of 'isolated'. In my experience, and having regard to the aims of the Framework, there are two main aspects to be assessed when considering 'isolation', these being the site's physical relationship with a settlement and its functional connectivity to services.
12. The appeal site is within the village envelope of Eathorpe and located adjacent to the public house and therefore is not physically isolated. However, I saw that the village has very limited facilities. This together with an infrequent bus service means that future occupiers would be likely to have a high dependence on the use of motor vehicles to access services and facilities elsewhere. This would be contrary to one of the core planning principles of paragraph 17 of the Framework to make the fullest use of public transport, walking and cycling.
13. The proposal therefore forms an isolated dwelling in the countryside that paragraph 55 of the Framework seeks to avoid. The appeal proposal does however involve the re-use of a redundant building and therefore special circumstances may exist, as set out in paragraph 55, if the development would lead to an enhancement to the immediate setting of the building.
14. The structural survey submitted by the appellant (Report on a Structural Survey PRP Civil and Structural Engineers August 2015) states that the property is capable of conversion. I observed that the building was though deteriorating and in need of repair as advised in the structural survey. Although the building is not listed, it does have some value within the street scene and the proposal for its repair and refurbishment using original openings for windows and doors together with a well designed subordinate extension would improve the appearance of the building. This together with the replacement of the dilapidated timber fencing and cultivation of the rear overgrown unkempt area would lead to an enhancement of the immediate setting of the building.
15. The proposal would be in a relatively inaccessible location by any other means than the car, and therefore lead to an isolated dwelling in the countryside. However for the reasons above I am satisfied that the reuse of a redundant building and the enhancement of its immediate setting means that there would be special circumstances to ensure that the proposal would not conflict with paragraph 55 of the Framework.

Character and appearance

16. The Conservation Area designation covers the majority of the buildings and open space within Eathorpe. There is a variety of house design with the main cluster of housing sited along Main Street and the corner of Pens Lane, with many older buildings retaining their original features and details. Tree and shrub planting together with the large amount of open space are important features of the Conservation Area. The street on which the appeal site is located has sporadic development on its east side interspersed with high hedges. The west side has high hedges resulting in an attractive country lane. The Coach House is in a prominent road side location in the lane and its original features and design contribute to its character. However the current deteriorating state of the Coach House detracts from the appearance of the lane.

17. Original openings would be used to provide new doors and windows carried out in timber to match the existing. Furthermore the extension would be designed to match proportions and materials of the host building and would be subordinate to it. New fencing would be a further improvement and ensure that the domestication of the garden area to the side of the dwelling would not have a harmful effect on the rural character of the lane. The proposal would therefore create a dwelling within the building in a way which would retain the buildings character and enhance its appearance. Moreover, the provision of a dwelling would maintain the sporadic nature of development along the lane.
18. For the reasons above I therefore consider that the proposal would conserve the character and enhance the appearance of the Eathorpe Conservation Area. It would therefore be in accordance with paragraph 131 of the Framework, Policy DAP8 of the Local Plan and Policy HE2 of the draft Local Plan which require that the significance of heritage assets should be sustained and enhanced and development preserves or enhances the special architectural and historic interests and appearance of Conservation Areas.

Very special circumstances

19. As the proposal would not be inappropriate development in the Green Belt, it is not necessary for me to consider this matter further.

Other matters

20. Concerns have been raised regarding the loss of parking for the adjacent public house that may impact on its viability. However, the submitted drawing shows the parking spaces on an existing area adjacent to the entrance of the car park rather than taking up any car parking spaces from the public house.
21. I have had regard to two appeal decisions brought to my attention by the appellant (APP/E3715/A/12/2185863 and APP/T3725/W/15/3005452). However, I do not have full details of the circumstances that led to these proposals being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal. In any case I have determined the appeal on its own merits.

Balancing

22. The proposal to provide one dwelling would contribute to the Council's lack of five year housing supply. However the weight I can give to this benefit is limited by the inaccessible location of the building. Nevertheless the proposal would make use of a redundant building, enhancing both the structure and its setting within the Conservation Area. In this respect the proposal would be in accordance with the aims of the Framework for such buildings. Furthermore the Framework places great weight on the conservation of heritage assets.
23. Therefore, although I have found that the proposal would cause limited harm to the openness of the Green Belt this would be significantly and demonstrably outweighed by the benefits of the proposal when assessed against the policies in the Framework taken as a whole. Consequently the proposal would be sustainable development for which the Framework carries a presumption in favour.

Conditions

24. Having regard to the tests in the Framework and the advice in the Planning Practice Guidance (the PPG) I consider that the following conditions should be imposed. Both parties have had opportunity to comment. At that stage the Council suggested further conditions which I have also considered against the relevant tests and guidance and the comments from the appellant. In the interests of clarity it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
25. As evidence of bats were found within the building I consider it necessary to impose a condition regarding further bat surveys in the interests of protection of protected species.
26. A condition requiring the provision of the car parking spaces is required in the interest of highway safety. Even though the Coach House is not listed or referred to within the Council's Conservation Area leaflet there is still a duty to preserve or enhance the character or appearance of the Conservation Area. It is important therefore that the materials used together with the boundary treatment are appropriate for the area. Furthermore, as much of the front elevation of the property would be subject to new fenestration it is essential that this is carried out in a manner that is not harmful to the character or appearance of the area. Therefore large scale details of fenestration are required to be submitted. I note the Council's request for further details of eaves, verges and rainwater goods. However the submitted drawing 250A states that these details would all match the existing and therefore a condition is not necessary.
27. The Council's archaeologist has requested a photographic survey of the building. He states that the proposed development is likely to alter, damage or obscure elements of the historic building fabric, which are important in understanding the nature, extent and function of the building. However the building will minimally altered and the historic fabric would largely be intact. Therefore I do not consider this condition to be necessary.
28. I have also imposed a condition regarding renewable energy in the interests of energy efficiency. I have not attached the Council's suggested condition regarding noise levels relating to an air source heat pump if proposed as it seems to me that this could reasonably covered in details submitted to discharge condition 7.
29. Finally I have carefully considered the issue of the removal of permitted development rights in the light of guidance within the PPG. However as the property is in the Green Belt where the fundamental aim is to prevent urban sprawl by keeping land permanently open then I consider it necessary to remove permitted development rights in relation to extensions and outbuildings to the property.

Conclusion

30. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 8853/1, 200, 250A.
- 3) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwelling, until large scale details of doors and windows (including a section showing the window reveal, heads and cill details) at a scale of 1:5 (including details of materials) have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.
- 4) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwelling until samples of the materials to be used in the conversion of the existing building and the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwelling until a further bat survey of the site, to include appropriate activity surveys in accordance with BCT Bat Surveys - Good Practice Guidelines, has been carried out and a detailed mitigation plan including a schedule of works and timings has been submitted to and approved in writing by the local planning authority. Such approved mitigation plan shall thereafter be implemented in full.
- 6) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted dwelling until details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the dwelling hereby approved shall be retained as such thereafter.
- 7) Other than on site clearance and preparation works no works shall commence on the construction of the hereby permitted dwelling until a scheme showing how either a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or b) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.
- 8) Prior to the occupation of the house hereby permitted the spaces shown on drawing 8853/1 shall be laid out for vehicles to park and those areas shall not thereafter be used for any purpose other than parking and they shall be retained and kept available for their intended purposes at all times thereafter.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings, structures, alterations, installations or operations, as defined within classes A – E inclusive of Part 1 of Schedule 2 of the order, shall be carried out to the dwelling hereby permitted.