
Appeal Decision

Site visit made on 13 September 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 11th October 2016

Appeal Ref: APP/U4610/W/16/3153911

Brownhill Green United Reformed Church, Hawkes Mill Lane, Coventry, West Midlands CV5 9FQ

- 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 Mr Paul Holcroft against the decision of Coventry City Council.
 - The application Ref FUL/2015/3843, dated 10 November 2015, was refused by notice dated 15 January 2016.
 - The development proposed is described as *"three bedroom detached dwelling on the existing car park area at the United Reformed Church, Hawkes Mill Lane. The dwelling is in addition to the already approved accommodation adjacent"*.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice cites Policy GE14 of the Coventry Development Plan 2001(the CDP). However, as the Officer's Report cites CDP Policy BE14 and I have been provided with a copy of the latter I have dealt with the appeal on the basis that the reference to CDP Policy GE14 is a clerical error.
3. The decision notice refers to plan number P/A/02 Revision A and the Council have confirmed that this is the relevant plan considered as part of the planning application and not P/A/02 Revision B as supplied by the appellant. I acknowledge that the appellant states that he did supply the latter to the Council before the planning application was determined.
4. However, based on the evidence before me the Council did not undertake any consultations on that amended plan and did not take it into account in its decision. The amended plan involves revisions that are not of a minor nature and as such I cannot guarantee that no party would be prejudiced by my consideration of its content. Therefore, I have dealt with the appeal on the same basis as the Council and I have not taken into account plan number P/A/02 Revision B.

Main Issues

5. The main issues are:-
 - Whether the proposal would constitute inappropriate development in the Green Belt, having regard to the effects on openness and the purposes of including land within the Green Belt and the development plan and national planning policy;
 - The effect on the character and appearance of the area;
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- Whether safe and appropriate access to the highway can be achieved;
- If the proposal is inappropriate development 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.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

6. Apart from certain clearly defined exceptions set out in paragraph 89 of the National Planning Policy Framework (the Framework) the construction of new buildings in the Green Belt is to be regarded as inappropriate development. Such development is harmful by definition and should not be approved except in very special circumstances. Paragraph 211 of the Framework states that for the purposes of decision taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Although based on previous national policy, CDP Policy GE6 essentially takes a similar approach to the Framework but it does not consider previously developed land within the exceptions. Under paragraph 215 of the Framework moderate weight is given to CDP Policy GE6 in respect of its degree of consistency with the Framework.
7. One exception defined within paragraph 89 of the Framework includes limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development. The Framework states, in paragraph 79, that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The concept of openness is related to but not entirely the same as visual prominence and it can be taken as the absence or otherwise of buildings or development.
8. The appeal site comprises a former car park adjacent to the Brownhill Green United Reform Church. As there is no dispute between the two main parties that the appeal site forms part of the curtilage of the former Church the site can be treated as previously developed land. However, even though the appeal site was occupied by a tarmac car park, it is devoid of any structures other than the boundary hoop top railings along the Hawkes Mill Lane frontage. The construction of the dwelling would result in a built structure where there is presently none. Consequently, the footprint of the dwelling, its bulk and accompanying domestic accoutrements, would inevitably lead to a loss of openness.
9. The open appeal site is bounded by fields to the east and mature landscaping and trees to the south and as such it marks a visual break between the open countryside to the east and the built development on Hawkes Mill Lane to the west. The appeal proposal would introduce a substantial building onto the site. Consequently, the development would extend the line of built development on Hawkes Mill Lane into the open countryside. As such the development would lead to an encroachment into the countryside, impact on the related Green Belt purpose and would have a greater impact on the openness of the Green Belt than the former car park. Moreover, given the appeal site's location, the proposal could not be considered as limited infilling in a village.

10. I have no evidence before me to show that the scheme would fulfil any of the other categories as set out at paragraph 89 of the Framework. Against this background the proposal for one dwelling would be inappropriate development and not in accordance with CDP Policy GE6 and the Framework which seek to avoid inappropriate development in the Green Belt.

Character and appearance

11. The appeal site is within the Warwickshire Ancient Arden Landscape Area. Detailed design guidance is provided within the Supplementary Planning Guidance - Design Guidelines for Development in Coventry's Ancient Arden (SPG). Although not part of the development plan I attach some weight to the guidance which appears to be relevant based on what I saw of the area. It states that thick roadside hedgerows with mature native trees form part of the distinctive local character of the area.
12. The proposed dwelling would be prominently positioned adjacent to the site access and Hawkes Mill Lane. The parking area at the front of the development would require the removal of the majority of the hoop top railings and the landscaping on the Hawkes Mill Lane boundary. Even though the landscaping may not be historic its removal together with the railings would create a harsh and stark edge to the development. There would be minimal space remaining on the site frontage to integrate the site into the landscape. As such I consider that the proposal would appreciably harm the character and appearance of the area.
13. The building would be of traditional materials and design which would relate well to adjacent buildings but this would not overcome the harm I have identified above.
14. In conclusion the development would harm the character of the area and it follows that it would not comply with CDP Policy BE2 which amongst other things seeks high quality urban design that enhances townscape and landscape character by reflecting locally distinct patterns of development. This policy is broadly consistent with the Framework and as such I give it substantial weight. The decision notice does not refer to CDP Policy BE2 but the policy is relevant in this case and it is before me.

Highway safety

15. The approved access drive to serve the adjacent development adjoins the appeal site and is within close proximity to the parking area at the front of the dwelling. The Highway Authority stated that it was concerned that the parking area at the front of the dwelling and its associated visibility splays would affect visibility from the approved access. Cars parked within the parking area may affect the visibility splay for the approved access due to their close proximity. However, I do not have the details of the required visibility splay for the approved access before me. As such I have insufficient evidence to assess whether the development would affect the visibility splay for the approved access.
16. I note that the Council's Officer Report also states that the planning application failed to incorporate facilities for refuse vehicles. However, bin storage facilities could be dealt with by way of a condition if I was minded to allow the appeal.

17. Taking into account all of the above I do not consider that, based on the evidence before me, it has been demonstrated that safe and appropriate access to the highway can be provided. It follows that the proposal does not comply with CDP Policy AM22 which, amongst other things, requires new developments to have safe and appropriate access to the highway system. This policy is broadly consistent with the Framework and as such I give it substantial weight.

Other considerations

18. The appellant has stated that the Council Leader has stated that 10% of Coventry's existing Green Belt will need to be built on to meet housing needs and that there are proposals to provide housing sites within the vicinity of the site and remove the appeal site from the Green Belt. However, the appropriateness or otherwise of the Green Belt boundary is not a matter for me to consider.
19. The Framework at paragraph 83 is abundantly clear that Green Belt boundaries are to be altered only in exceptional circumstances, through the preparation or review of the Local Plan. The Council have stated that the emerging Local Plan is currently the subject of Examination in Public. As such it is still liable to alteration. Moreover, I have not been provided with a copy of that document or the draft Strategic Housing Land Availability Assessment (SHLAA) document referred to by the appellant and as such I give both documents very little weight.
20. The development would result in economic benefits through the activity associated with the construction and occupation of the dwelling but these benefits would be limited. The dwelling would also have a social benefit by making a small contribution to the housing supply.
21. Brownhill Green United Reformed Church is a locally listed building and as such it is a non-designated heritage asset. The dwelling would be adjacent to the heritage asset but I have no evidence before me in relation to any harm to the setting or significance of that heritage asset or conflict with CDP Policy BE14.

Conclusion

22. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
23. For the reasons given above, I find that the totality of the other considerations do not clearly outweigh the Green Belt harm and the other harm to the character and appearance of the area and highway safety. As a result there is conflict with the development plan and the Framework as a whole. Consequently, the very special circumstances necessary to justify the development do not exist.
24. Having had regard to all other matters raised, it is concluded that the appeal should be dismissed.

D. Boffin

INSPECTOR