
Appeal Decision

Site visit made on 21 November 2016

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 7 December 2016

Appeal Ref: APP/R3705/W/16/3157782

Part of field OS 8623, Spring Hill, New Arley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Anne Hall against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2016/0364, dated 16 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is the erection of a bungalow.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application subject of the appeal was made in outline form with all matters reserved. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

4. The site is within the Green Belt. Paragraph 89 of the Framework is clear that the construction of new buildings in the Green Belt is inappropriate. However, it adds that an exception to this is limited infilling in villages. The explanatory text to Policy NW3 of the North Warwickshire Core Strategy (NWCS) sets out the general presumption against inappropriate development in the Green Belt and confirms that infill boundaries will be identified to indicate where limited infilling would be permitted.
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5. The Council have prepared a draft Site Allocations Plan which, in Policy GB1, identifies the villages washed over by the Green Belt where limited infilling would be considered not inappropriate. All other settlements in the Green Belt are not considered suitable for infilling, mostly because of their small size or dispersed nature.
6. These policies are broadly in accordance with the Framework. As such I give Policy NW3 significant weight, however in light of the fact that the Site Allocations Plan has yet to be adopted or examined I can only give Policy GB1 limited weight.
7. New Arley is identified in Policy NW2 of the NWCS as a Local Service Centre, excluded from the Green Belt. The appeal site is outside and around 95 metres from the boundary of New Arley. Accordingly, on the basis of the development plan, the site is outside the village and therefore the proposal cannot constitute an infill development within a village. However I must also have regard to whether the site could be considered to be part of the village notwithstanding the boundaries identified in the development plan.
8. The site is sandwiched between two other residential plots and is located within a row of properties on the south side of Spring Hill. As such it would appear as an infill site. Directly opposite the site is a church which is also in a row of properties. The houses nearby are mostly set in spacious and verdant plots. Behind the site there is undeveloped land and there are views into this open countryside from within the site and vice versa. There is a pavement outside the property, street lights and a bus stop within walking distance. As such the site and its immediate surroundings have a semi-rural character.
9. However the site and its neighbouring dwellings are separated from the defined settlement of New Arley by sections of open and undeveloped fields on both sides of the road. Furthermore on the north side of the road there is an electricity substation which is screened by trees, bushes and a thick hedge on the boundary with the adjacent dwelling which acts as a visual barrier. Additionally, the dwellings on the north side of Spring Hill, within the identified boundary of New Arley, are generally closer to the road, in narrower plots and have a less verdant character than those near the appeal site. These factors all contribute to the perception that the cluster of dwellings in proximity of the appeal site is detached from New Arley in terms of its visual appearance and character.
10. I acknowledge the houses at Teagles Gardens have a different character to the houses near the appeal site, as they built at a comparatively high density. Nonetheless I do not consider this means they must be considered to be within New Arley. Indeed the sharp contrast between them and the adjacent field means they appear to form a hard edge to the collection of buildings within which the appeal site sits, which further distinguishes it from the identified village of New Arley. Notwithstanding the comment in the committee report for the planning application¹ for the development of Teagles Gardens, which states that "*the site is already part of the built up area of Arley*" (sic), I remain of the view that there is distinct separation between New Arley and the other houses in proximity of the appeal site including those in Teagles Gardens. Furthermore the planning permissions granted² for the redevelopment of the

¹ PAP/2012/008

² PAP/2012/0314 & PAP/2015/0505

former Spring Hill Medical Centre, west of the site, also do not affect my view that the group of buildings surrounding the appeal site are detached from the village New Arley.

11. I have considered the appeal at Chadwick End³. Although the Inspector considered a break in the line of development was not sufficient to divorce that line of dwellings from the rest of the settlement, the Inspector also stated it is matter of judgement as to whether a site lies within a settlement or not. In this case, for the reasons given above, I consider the break between New Arley and the dwellings around the appeal site results in the site being divorced from New Arley. It is also relevant that in that appeal there was no identified village boundary, whereas there is in the appeal before me.
12. Accordingly whilst I consider the site is an infill plot, I do not consider the site is within the village of New Arley. Nor is the group of buildings within which it sits large enough to be considered a village in its own right. As such the proposal would not constitute infill in an existing village and it therefore is inappropriate development.
13. Paragraph 87 of the Framework says inappropriate development is, by definition, harmful to the Green Belt and shall not be approved except in very special circumstances. It is therefore necessary for me to consider whether any other harm would be caused by the proposal and then balance the other considerations against the totality of that harm.

Openness

14. Openness is an essential characteristic of the Green Belt as set out in paragraph 79 of the Framework. The proposed dwelling would introduce built form into an area which is currently undeveloped and as such would inevitably affect the spatial openness of the site. Furthermore, though there are some bushes on the frontage, views are possible through the site to the open countryside beyond. As such the proposal would interrupt these views and the visual impact on openness would be significant. These impacts on openness weigh against the development, and are in addition to the inappropriateness of the proposal in principle.

Other considerations

15. The appellant points to the consents granted for the development of the former Spring Hill Medical Centre as development with a greater impact on the Green Belt than the proposal before me. However that site is a previously developed site, which is not the case in the appeal before me, and therefore it is fundamentally different. As such it carries little weight in my considerations.
16. The site does appear to be a sole example of a vacant plot in a row of other dwellings, and as such the development might not provide a precedent locally. Nonetheless I do not consider this justifies a proposal which is contrary to Green Belt policy. As such I give this matter limited weight.
17. I note the development boundaries for Fillongley and Ansley are fragmented. However this only demonstrates that the Council consider those settlements are fragmented whereas they consider New Arley is not. For the reasons given

³ APP/Q4625/W/16/3143166

above, I agree with this and therefore I give very minimal weight to this consideration.

18. As the scheme is in outline, I can give little consideration to the effect of a dwelling on the character and appearance of the area. I note that the dwellings either side of the site are bungalows and in that respect a bungalow would generally be in keeping with this characteristic. Also the screening along the front boundary would most likely reduce the prominence of any development in the street scene. However, at this outline stage and without drawings of the development, I can give only neutral weight to these matters. Similarly with regard to any impact on neighbouring properties, without any further details I cannot give any positive weight to this consideration.
19. Whilst the Framework has been adopted, and PPG2 rescinded, since the previous appeal decision on this site, the protection of the Green Belt remains strong and I do not consider this represents a change in policy which now justifies the proposal. Similarly the development of Teagles Gardens does not materially affect the relationship between the identified village of New Arley and the dwellings in proximity of the appeal site. I therefore give very limited weight to this consideration.
20. Also whilst the Framework supports the provision of housing, it also seeks to maintain the openness of the Green Belt. Hence I give only neutral weight to the provision of an extra dwelling.

Planning Balance and Overall Conclusion

21. The Framework advises that the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. I consider that the development would cause harm to the Green Belt by way of inappropriateness and to its openness. Balanced against that are the other considerations identified above. For the reasons given, I conclude that they do not clearly outweigh the harm to the Green Belt and therefore there are no very special circumstances to justify the proposal.
22. As such, the development would conflict with Policies NW2 and NW3 of the NWCS, Policy GB1 of the draft Site Allocations Plan and the Framework which aim to protect the Green Belt from inappropriate development. The proposal would also be contrary to Policy ANP1 of the Arley Neighbourhood Plan which aims to maintain the rural character of the parish by defending the Green Belt.
23. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR