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## Appeal Decision

Site visit made on 6 December 2016

**by Mike Hayden BSc DipTP MRTPI**

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

**Decision date: 16 January 2017**

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**Appeal Ref: APP/T3725/W/16/3158487**

**Old Posthouse, Rowington Green, Rowington, Warwickshire CV35 7DB**

- 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 Mr and Mrs Robert Blyth against the decision of Warwick District Council.
  - The application Ref W/16/0838, dated 5 May 2016, was refused by notice dated 29 June 2016.
  - The development proposed is erection of one detached dwelling house.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the erection of one detached dwelling house at Old Posthouse, Rowington Green, Rowington, Warwickshire CV35 7DB in accordance with the terms of the application, Ref W/16/0838, dated 5 May 2016, subject to the conditions set out in the schedule at the end of this decision.

### Procedural Matters

2. The application was submitted in outline with matters relating to appearance, landscaping, layout and scale reserved for subsequent approval. Access is the only detailed matter fixed for determination as part of this appeal. The plans submitted with the appeal show the siting, layout, floor plans and a street scene view of the proposed dwelling. However, given that these details have been reserved for subsequent determination, I have treated the submitted plans as illustrative in respect of these matters.

### Main Issues

3. The main issues in this appeal are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
  - The effect of the proposal on the character and appearance of the surrounding rural area.

### Reasons

#### *Green Belt*

4. The appeal site is located in the Green Belt as defined on the Proposals Map for the Warwick District Local Plan (2007) (the Local Plan) and in the Policies Map

for the emerging Warwick District Local Plan (2014) (the emerging Local Plan). Paragraph 89 of the National Planning Policy Framework (the Framework) regards the construction of new buildings as inappropriate in the Green Belt, with a number of exceptions. Limited infilling in villages is listed as one of the exceptions in the fifth bullet point of paragraph 89.

5. The Framework does not define the term 'limited infilling' and the adopted Local Plan does not offer any further clarification of the phrase. Whilst I note the terms of Policy H11 of the emerging Local Plan in seeking to define where limited village infill housing in the Green Belt will be permitted, this goes beyond the wording in the Framework. The Council acknowledge that the emerging Local Plan carries limited weight given that it has not yet been adopted. This is reinforced in the case of Policy H11 which was the subject of specific questions and discussion at the recent Local Plan examination, including whether it is consistent with national policy. The Inspector's report on the emerging Local Plan is currently awaited and on this basis I attach very limited weight to Policy H11 in this appeal.
6. The appeal site is situated within the village of Rowington Green. It comprises part of the garden of the Old Posthouse fronting Old Warwick Road. The garden forms a gap between Forge Cottage and Crossways, in a row of detached dwellings which constitute a small ribbon of development along Old Warwick Road on the western edge of the village. Although Rowington Green road intersects this row of properties, it simply reads as part of the gap between Forge Cottage and Crossways. The proposal to insert a detached dwelling into this gap, within the village envelope, could reasonably be considered to be 'limited infilling', as allowed by paragraph 89 of the Framework.
7. Accordingly, I conclude that the appeal proposal would not be inappropriate development in the Green Belt and consequently that it would comply with paragraph 89 of the Framework.

#### *Character and Appearance*

8. Rowington Green village comprises a collection of detached and semi-detached properties on large, maturely landscaped plots, spread out along Old Warwick Road, Rowington Green, The Avenue and Queen's Drive. The village lies in open countryside, within the Arden landscape character area, which according to the Warwickshire Landscape Guidelines is characterised by a dispersed settlement pattern. The guidelines state that new development should not be permitted along lanes that are presently undeveloped.
9. The appeal site, although currently undeveloped, is located within the village envelope on the eastern side of Old Warwick Road, in an otherwise largely developed frontage of detached dwellings on substantial, well-spaced plots. The proposal to erect a single, detached dwelling on the site would be consistent with the established pattern of development along this part of Old Warwick Road and in Rowington Green village as a whole. Although it faces open countryside to the west, the proposed development would not extend the village further into the countryside, nor result in development along a lane that is currently undeveloped.
10. The Council regards the appeal site as an important green space on the corner of Old Warwick Road and Rowington Green road. However, the site is part of

the private garden to the Old Posthouse, bounded by hedgerows and containing a number of mature trees. Although its landscape qualities contribute to the wooded character of the settlement, the space offered by the site itself plays a limited role within the village. The submitted plans, whilst illustrative, show the proposed dwelling could be accommodated within the centre of the site, set back from the road frontages to maintain the principal trees and hedgerows around the edge of the site and the sense of spaciousness which is characteristic of other development in the village. Subject to suitable siting, design and tree protection measures, all of which could be conditioned, the proposed development would preserve the essential character and appearance of the site and its contribution to the surrounding area.

11. On this basis, I conclude that the proposed development would not cause harm to the character and appearance of Rowington Green village or the surrounding rural area. As such it would comply with Policies DP1 and DP3 of the Local Plan, which expect development to harmonise with existing settlement forms and protect important natural features and landscape. Consequently, it would also be consistent with paragraph 17 of the Framework which expects, amongst other things, that planning should take account of the different roles and character of different areas.

#### *Other Matters*

12. Vehicular access to the site would be gained from Rowington Green. Although onto a single carriageway road, the submitted plans demonstrate adequate visibility could be achieved in both directions along the street. I note that the highway authority has raised no objection to the proposed means of access, subject to a condition requiring the provision and maintenance of visibility splays. This would accord with Policy DP6 of the Local Plan in ensuring no harm to highway safety.
13. A preliminary ecological appraisal was undertaken and submitted with the application. Whilst this did not record any protected habitats or species on site, the remaining landscape is considered to have potential to support bats, badgers, hedgehogs, nesting birds, amphibians, reptiles and invertebrates. A series of ecological mitigation measures are proposed in the appraisal, both to provide safeguards during development work and habitat enhancement as part of any completed scheme, which could be secured by condition. This would also meet the expectations of Policy DP3 of the Local Plan and paragraph 118 of the Framework in seeking to conserve and enhance biodiversity.

#### **Conditions**

14. I have considered which planning conditions are required having regard to the tests contained in the Planning Practice Guidance and the conditions suggested by the Council. I have attached conditions specifying the approved plans, limiting the life of the permission and specifying the details of the reserved matters to be submitted for approval in accordance with the requirements of the Act. An ecological mitigation scheme is required to safeguard any protected species discovered on site during construction and to conserve and enhance biodiversity thereafter. A condition requiring the provision and maintenance of visibility splays either side of the proposed access is necessary in the interests of highway safety. Finally a condition requiring tree and hedgerow protection measures is necessary to preserve the character and appearance of the site.

15. I note the suggested condition seeking alternative provision or improvement of open space. However, this would be neither reasonable nor necessary given that the proposed development would not result in the loss of open space, but rather the development of a private garden. I am also not convinced that the suggested conditions requiring onsite and offsite renewable energy measures would be reasonable or enforceable in the light of the Written Ministerial Statement of 25 March 2015 which prohibited the use of conditions requiring measures above Code for Sustainable Homes Level 4 or off-site carbon abatement measures for small housing sites of 10 units or fewer.

### **Conclusion**

16. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions specified.

*M Hayden*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby approved shall be carried out in accordance with the following approved plans: PAL.01, PAL.02, PAL.03 and PAL.04 (dated April 2016).
- 2) Notwithstanding condition 1 details of the appearance of the building, landscaping of the site, layout of the site, and scale of the building (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees and hedgerows (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The tree protection plan and arboricultural method statement shall be carried out as approved. In this condition "retained tree and hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the plans and particulars to be submitted in accordance with condition 2 above.
- 6) No development shall take place until a scheme of ecological mitigation in accordance with the measures set out in the Preliminary Ecological Appraisal, dated 8 March 2016, has been submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for implementing the measures. The development shall be carried out in accordance with the approved scheme.
- 7) The dwelling hereby approved shall not be occupied until:
  - a) visibility splays of 2.4 x 35 metres to the west and 2.4 x 39 metres to the east have been provided on either side of the new access serving the site; and
  - b) everything exceeding 0.6 metres in height within those splays, as measured from the level of the adjoining highway (Rowington Green) has been removed.Thereafter nothing exceeding 0.6 metres in height shall, at any time, be positioned or planted within these splays.