
Appeal Decision

Site visit made on 22 February 2017

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 14 March 2017

Appeal Ref: APP/R3705/W/16/3159146

Hare Field, Dog Lane, Nether Whitacre, Warwickshire B46 2DT

- 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 Jonathan Rimmer against the decision of North Warwickshire Borough Council.
 - The application ref: PAP/2016/0098, dated 15 February 2016, was refused by notice dated 11 July 2016.
 - The development proposed is a change of use from stable block to residential plus alterations to building.
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Decision

1. The appeal is dismissed.

Reasons

2. The appeal site, together with associated paddocks/fields, is located to the north-east of the small settlement of Nether Whitacre and is in the West Midlands Green Belt. Thus the **first main issue** in this appeal is whether or not the proposed development would be inappropriate development in the Green Belt, for the purposes of development plan policy and the *National Planning Policy Framework*. The proposal's effects on the Green Belt's openness and in relation to the purposes of including land in Green Belts are relevant in considering this issue in this particular case.
3. The **second main issue** is whether or not a residential unit on the appeal site would accord with development plan and *Framework* policy relating to the location of housing in rural areas. If the appeal proposals are inappropriate development in the Green Belt then there is a **third main issue**. That is whether the harm arising from inappropriate development and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances needed to justify the development.

Whether or not inappropriate development

4. The development plan is normally the starting point for assessing a development proposal. In relation to Green Belt however, and as noted in the appellant's statement, CS¹ Policy NW3 (Green Belt) does not specifically address the assessment of proposals for development in the Green Belt. However paragraph 7.1 of the supporting text records that national Green Belt

¹ In full, the North Warwickshire Local Plan Core Strategy (2014)

policy (in the *Framework*) operates over those parts of the Borough in the Green Belt. I shall therefore assess the appeal proposals against Section 9 of the *Framework* (Protecting Green Belt land) as did the Council.

5. As acknowledged by the Council at the application stage, development in the Green Belt will be inappropriate unless it accords with the exceptions listed in *Framework* paragraphs 89 and 90. Several of those exceptions could be relevant in this case. The first is the extension and alteration of a building provided it does not result in disproportionate additions over and above the size of the original building. Given the size of the proposed extension relative to the sizes of the original building, the attached store to be removed and an adjacent detached store², I concur with the Council's assessment that the proposed extension would not be disproportionate.
6. At the application stage the Council also considered the proposal in relation to the exception which allows for redevelopment of previously developed land. Insofar as the existing development was permitted for equestrian and not agricultural uses, it would seem reasonable to treat the appeal site as previously developed land. However, largely due to the relatively small scale of the proposed addition, it is less obvious whether the proposals amount to 'redevelopment'. In any event I find the more appropriate exception category to be the re-use of buildings. Such re-use will not be inappropriate provided: the buildings are of permanent and substantial construction; they preserve the openness of the Green Belt; they do not conflict with the purposes of including land in Green Belt.
7. It is common ground that the existing stable block is of permanent and substantial construction. Moreover in terms of size and volume (and subject to removal of the existing storage buildings) the effect of the proposed built form on the Green Belt's openness would not differ significantly from that of the existing buildings. In terms of use however the proposed residential use could potentially result in the introduction of domestic structures and/or features which would diminish openness, notwithstanding the scope to restrict permitted development rights by condition.
8. Similarly, and more significantly, use of the extended building as a dwelling together with associated domestic activity would change the site's character. At present the small functional building in a generally open field setting accords with the prevailing rural character of the fields and hedging around it and the wider countryside. Residential use would have an adverse urbanising effect whether by creation of a garden or sitting out area, by vehicles parked for long periods or simply by the general activities and lighting associated with residential occupation. I find that to be the case despite the small scale of the proposed dwelling and the screening effects of boundary hedging, and not all such adverse effects could reasonably be precluded by condition. I note the appellant's views that vehicle movements and parking would be less, compared with the existing use, but that is not something which could be guaranteed and future occupants may have different requirements.
9. I find that the adverse impacts of introducing a residential use, in a location physically and visually well separated from any existing dwellings, would amount to a harmful encroachment of residential development into the countryside, to the detriment of its character. Thus the proposal would conflict

² Which, according to the appellant's statement, could also be removed if necessary

with one of the five purposes of including land in Green Belts. It follows that the proposed development would not accord with all three elements of *Framework* paragraph 90 relating to the re-use of buildings (described in my paragraph 6). I conclude therefore that it would be inappropriate development in the Green Belt. Such development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Location of housing in rural areas

10. The Council's refusal reason cites paragraph 55 of the *Framework*, which post-dates saved LP³ Policy ECON9 relating to the re-use of rural buildings. As not every element of the LP policy is consistent with the *Framework* I concur that greater weight should be given to the *Framework* and especially paragraph 55 in relation to this matter. That paragraph begins "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities". However I have found nothing of substance to demonstrate that the proposed dwelling, in a location physically and visually separate from Nether Whitacre, would enhance or maintain the vitality of that small settlement or any larger grouping of villages.
11. Paragraph 55 also establishes that new isolated homes in the countryside should be avoided unless there are special circumstances. In a 2013 appeal decision⁴ submitted by the appellant the Inspector relied on the 'everyday definition' of 'isolated' as meaning lonely or remote. In my experience however 'isolated' in a planning policy context is commonly applied to dwellings proposed, as here, beyond the built-up areas of settlements and contrary to hierarchical spatial strategies in development plans.
12. Those strategies generally seek to concentrate most new housing in towns and villages with good access to services and facilities, and to restrict it in largely undeveloped countryside. Such an approach accords with sustainable development principles and reflects several core planning principles in the *Framework*, including that of recognising the intrinsic character and beauty of the countryside. As CS Policy NW2 follows a similar hierarchical approach, I give greater weight to 'isolated' in this context than to the definition in the 2013 Inspector's decision (relating to a site in a different area at a time when its development plan was found to be "largely absent and wholly silent"). Thus, in the particular circumstances of this case, I find the proposed dwelling would be a new isolated home in the countryside.
13. With regard to the various examples of special circumstances mentioned in paragraph 55, the appellant cites the one relating to a development that would re-use redundant or disused buildings and also lead to an enhancement to the immediate setting. He maintains the stables are no longer necessary for the hardy breeds of horse currently kept at the site, and are therefore redundant, and that the proposals would amount to enhancement.
14. At my visit however not only did it appear that the stables are still in use but also that the buildings and immediate surroundings are well maintained and in reasonably good order. Moreover, whilst the rural character of the appeal site in its existing use is wholly in accord with that of its countryside surroundings, I have already found that the proposed use would have a harmful effect in terms

³ In full, the North Warwickshire Local Plan (2006)

⁴ Appeal ref: APP/P3040/A/13/2191142, decision dated 17 May 2013

of the encroachment of residential development into the countryside, to the detriment of its character. Thus I find the proposal would not lead to any enhancement of the immediate setting and, in the absence of any other special circumstances, it would not accord with *Framework* paragraph 55. Nor would it accord with saved LP Policy ECON9 (insofar as the policy is consistent with the *Framework*) or with CS Policy NW13 relating to the protection of the natural environment's quality, character, diversity and local distinctiveness.

Other considerations, very special circumstances and overall conclusion

15. I note references to two other appeal decisions⁵. However the matter at issue in the 2003 appeal is of little relevance in this case and it is apparent from the 2016 Inspector's decision that the nature of that proposal for eleven new dwellings on a nearby site in the Green Belt raised some materially different questions from those to be addressed in this case. Thus neither decision appeal alters my findings in the particular circumstances of this case.
16. I have already found the proposed dwelling's location outside any settlement to be a negative feature of the proposal, and the building's small size limits scope for design improvements. Thus, notwithstanding details of accessibility to facilities and public transport (in the appellant's statement) I give very little weight to his case that the proposal would have benefits in replacing poor design with better design; in improving conditions in which people live, work, travel and take leisure; in widening the choice of high quality homes.
17. Any economic benefit from the extension and alteration works would be limited due to their small scale. The social and economic benefits of creating one additional small dwelling would, at best, be modest. I therefore give those benefits only modest weight. I note also some local support for the proposal but that adds relatively little to the considerations weighing in its favour.
18. On the other side of the balance the *Framework* establishes that substantial weight is to be given to any harm to the Green Belt. Harm would result in this case because the proposal would be inappropriate development in the Green Belt and because it would conflict with the Green Belt purpose of safeguarding the countryside from encroachment. The proposal would conflict with development plan and *Framework* policy in these respects and also in relation to the location of housing in rural areas.
19. Having had regard to all other matters raised I conclude that the modest weight attributable to the proposal's benefits is insufficient to clearly outweigh the substantial weight to be given to the harm arising from inappropriateness and the other harm I have identified. Thus the very special circumstances needed to justify the proposed development do not exist and, in conflicting with the development plan and with the *Framework*, the appeal proposal would not constitute sustainable development. It follows that the appeal must fail.

Jane Miles

INSPECTOR

⁵ Appeal refs: APP/R3705/A/03/1116218, decision dated 1 September 2003; APP/R3705/W/16/3144450, decision dated 10 May 2016