
Appeal Decision

Site visit made on 27 March 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 12 April 2017

Appeal Ref: APP/E3715/W/17/3168003

The Chicken Ranch, Burton Lane, Burton Hastings CV11 6RJ.

- 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 Dennis Richards against the decision of Rugby Borough Council.
 - The application Ref R16/1400, dated 5 October 2016, was refused by notice dated 13 December 2016.
 - The development proposed is to dismantle the existing structures on the site and to replace with a bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The appeal site is within the Green Belt and so the main issues are:
 - Whether or not the proposal is inappropriate development in the Green Belt for the purposes of the *National Planning Policy Framework* (the Framework).
 - The effect of the development on the openness of the Green Belt.
 - If the proposal 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.

Preliminary Matters

3. The appeal site comprises a plot of land adjacent to Burton Lane and just outside the village of Burton Hastings. The surrounding area is unmistakably rural and there is no dispute that the site is within the Green Belt. The appeal scheme seeks to demolish a former timber hen house and storage unit and to erect a single bungalow. Prior Approval was granted by the Council in 2014 for the conversion of these buildings to one-bed residential units¹. Hitherto neither approval has been implemented.
4. Policy CS1 of the "*Local Development Framework Core Strategy 2011*" states that new development will be resisted in the Green Belt and will only be

¹ LPA Refs: R14/2136, R14/2177, R14/1045 & R14/1047

approved where it complies with national policy. I have therefore assessed the scheme against advice in the Framework.

Reasons

Whether inappropriate or not

5. Whilst I note the appellant's reasons for not implementing the prior approval consent, the result is that the current status of the structures is as agricultural buildings. Thus, the existing and proposed buildings cannot be said to be in the same use for the purposes of paragraph 89 of the Framework.
6. Consequently, the proposal fails to meet any of the stated exceptions in paragraph 89 and is inappropriate development, which, by definition is harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness

7. Openness is an essential characteristic of the Green Belt. A well-established hedge screens the appeal site such that the proposed dwelling would not be readily apparent in views from Burton Lane.
8. Although there is no comparison of floorspace and volume before me, it is common ground that the appeal scheme would not result in an overall increase in footprint at the site. Nonetheless, the Council argue that the ridge height of the dwelling would be at least 1 metre higher than the highest part of the existing structures. Accordingly there would be some increase to the mass and shape of built development on the appeal site. Given the screening across the site frontage, the loss of openness would be relatively modest at least in visual terms.
9. The plans also show a sizeable curtilage to the dwelling. Whilst I do not have the benefit of the approved plans pertaining to the prior approval applications, it strikes me that the residential occupation of the land around the dwelling would result in the proliferation of domestic paraphernalia which would have an urbanising effect and further reduce the openness of the Green Belt.
10. I therefore find that the effect on openness would not be so significant that it would cause significant harm to the Green Belt or conflict with the purposes of including land within it. Nonetheless, there would be some loss of openness and the importance attached to this by the Framework requires me to allocate it significant weight in my decision.

Other considerations

11. The appellant's primary argument is that substantial weight should be given to the potential fallback position, the overall effect of which would be the same as the appeal scheme. According to the appellant, this provides justification to grant planning permission for the proposed dwelling as no greater harm would result. However, for weight to be given to a fallback position, it must have a realistic prospect of implementation. In this case, the appellant concedes that the existing buildings are not sufficiently robust to provide the level of accommodation required. Having viewed the condition and size of the buildings I concur. Accordingly, I am not persuaded that there is a realistic

prospect of the identified fallback position being implemented. In these circumstances, this consideration can only carry limited weight.

12. I have had regard to the appellant's argument that the bungalow could be adapted to meet his medical needs. Whilst I am sympathetic to this, I have not been provided with any supporting medical evidence or an explanation as to why the appeal site is the only possible site that an adapted property could be constructed upon. As such, I cannot have any comfort that a dwelling in this isolated location with poor connectivity to local services represents the best or most appropriate solution to meeting his disability needs. In any event, personal circumstances such as this seldom outweigh more general planning considerations, particularly where development would be permanent.
13. I acknowledge that the scheme would deliver a housing unit on a previously developed 'brownfield' site. Irrespective of any housing shortfall in the borough, this is a modest benefit that weighs in favour of the scheme. Reference is also made to the development comprising sustainable development but paragraph 14 of the Framework states that the presumption in favour of sustainable development is subject to exceptions including where specific policies in the Framework indicate development should be restricted such as in the Green Belt.
14. I am attaching little weight to the submissions regarding the planning approval on another site in the borough as there are few details before me and as such, I cannot be sure this is a direct comparison. I have therefore assessed the appeal scheme on its individual merits in light of the particular circumstances that apply in this case.
15. I share the Council's positive assessment regarding highway safety and the appearance of the dwelling. However, a lack of harm in these respects does not weigh in favour of the proposal rather they are neutral in the Green Belt balance.

Overall Conclusions

16. The Framework advises that substantial weight should be given to any harm to the Green Belt. In this case, the harm I have identified by reason of inappropriateness and openness are matters of substantial weight. Although I have identified the provision of a new dwelling as a benefit, this is clearly insufficient to outweigh the harm caused. Consequently, the very special circumstances necessary to justify development in the Green Belt do not arise.
17. For the reasons set out above, and having taken careful account of all representations made, I conclude that the appeal should be dismissed.

D. M. Young

Inspector