

Appeal Decision

Site visit made on 16 May 2017

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: 06 June 2017

Appeal Ref: APP/T3725/W/17/3169765

Newlands, Mill Lane, Little Shrewley, Shrewley CV35 7HN

- 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 David & Angela Ingleson & van den Berg against the decision of Warwick District Council.
 - The application Ref W/16/1831, dated 7 October 2016, was refused by notice dated 11 January 2017.
 - The development proposed is described as "*convert the coach house into a dwelling in order to accommodate the owner's parent*".
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the coach house to form a dwelling at Newlands, Mill Lane, Little Shrewley, Shrewley CV35 7HN in accordance with the terms of the application, Ref W/16/1831, dated 7 October 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the formal decision differs to that in the banner heading to remove wording that is not an act of development.

Main Issues

3. The main issue is whether the proposal would be in a suitable location having regard to national and local planning policies for housing in rural areas.

Reasons

4. The coach house is a 2-storey outbuilding within the grounds and to the rear of Newlands, a detached dwelling. The part of Mill Lane in close proximity to the site is characterised by large houses set in generous, landscaped plots in a rural setting. Newlands is separated from the settlement of Little Shrewley by open fields.
 5. There is no dispute between the 2 main parties that the site is within the Green Belt. The Council's Officer Report states that there would be no harm to the openness of the Green Belt as a result of the proposal. Paragraph 90 of the National Planning Policy Framework (the Framework) makes it clear that the re-use of buildings is not inappropriate development in the Green Belt. This is subject to provisos that the building is of permanent and substantial construction and that the proposal for its re-use preserve the openness of the
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- Green Belt and do not conflict with the purposes of including land in the Green Belt.
6. From my observations on site I noted that the coach house is of permanent and substantial construction. The proposal would not include any noticeable increase in the footprint or scale of the appeal building. Therefore, the proposal would not harm the openness of the Green Belt or conflict with any of the purposes of the Green Belt listed in paragraph 80 of the Framework. Consequently, the appeal proposals would not constitute inappropriate development in the Green Belt.
 7. It follows that it is not necessary for me to consider 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. Nonetheless, other development plan policies relating to housing in the countryside and the Framework's policies as a whole (including the emphasis on sustainable development) apply, as do other material considerations.
 8. The Council have stated that they cannot demonstrate a 5 year housing land supply(HLS) and that Policy RAP1 of the Warwick District Local Plan (2007) (the LP) is out-of-date in relation to paragraphs 14 and 49 of the Framework. I have no reason to dispute this. I note that it is not part of the Council's case that the appeal proposal fails to comply with LP Policy RAP1.
 9. Paragraph 14 of the Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. Though the appeal site is located in the Green Belt where restrictive policies apply, I have found no harm to the Green Belt.
 10. The Framework at paragraph 7 identifies three dimensions to sustainable development: social, economic and environmental. Paragraph 55 advises that to promote sustainable development in rural areas, housing should be located where it would enhance or maintain the vitality of rural communities and that (with certain identified exceptions) local planning authorities should avoid new isolated homes in the countryside.
 11. The proposal would provide one dwelling which would have limited social benefits by increasing the mix of housing and making a small contribution to the housing supply in an area with an acknowledged shortfall. The Council contends that Little Shrewley has no services of its own and there is no regular bus service to provide access to services and places of work. They also contend that due to there being no pavements along Mill Lane walking to local services and facilities would be dangerous and unlikely.
 12. Mill Lane is a narrow lane with no pavement and it is mainly unlit. However, I noted at my site visit (middle of the day) that Mill Lane was very quiet, there were relatively few vehicles using it and that there were people walking along it. I acknowledge that at other times of the day it may be busier but there is no evidence before me to suggest that the road is normally heavily trafficked.

13. From my observations at the site visit I consider that the services and facilities including Hatton Village Hall, Hatton train station and the shop/post office in Shrewley would be within an acceptable walking and cycling distance of the site and these modes of travel could be an option for some residents, although I accept that this would not be suitable for all. I acknowledge that in relation to the primary school the distance involved would increase the probability that journeys to the school would be by private car. However, there would be a choice of transport modes for future residents and the site is as accessible to services as dwellings that are within Little Shrewley. In relation to the District, which is a predominantly rural area, the appeal site is in a relatively accessible location.
14. I am also mindful that the proposal is only for a single dwelling and therefore traffic generation and greenhouse gas emissions attributed to its use would be limited. Moreover, the appellants have stated that the dwelling would be used by their elderly parent who currently lives a considerable distance from the site. As such, they state that there would be a net reduction in car journeys by more than 5,000 miles per year.
15. It is also likely that even though the proposal is to create a separate dwelling that the coach house would only be used in connection with the main house given its proximity to Newlands, the shared drive and privacy issues highlighted by the appellant. Furthermore, the proposal would also involve the re-use of an existing building and it would help to maintain the vitality of the local services and facilities. Consequently, the proposal would accord with the environmental and social roles.
16. There would be some limited economic benefits associated with the conversion works and the occupation of the dwelling as prospective occupiers would provide some support for local services.
17. Paragraph 55 of the Framework refers to new isolated homes in the countryside. I note that the Framework contains no definition of the term "isolated" and so I rely on the everyday definition of the word as meaning lonely or remote. The site is in close proximity to Little Shrewley and it is not lonely or remote in visual terms as it is adjacent to existing development. As I have found that the site is in a relatively accessible location it is not isolated in terms of accessibility either and consequently the proposal would not result in a new isolated home in the countryside.
18. Taking into account all of the above, the proposal would be in a suitable location and it would comply with paragraph 55 of the Framework. I have not found any harm that would significantly and demonstrably outweigh the benefits associated with the scheme when assessed against the policies in the Framework taken as a whole. I therefore conclude that the proposal would be sustainable development and is acceptable in light of the presumption in favour of sustainable development.

Conditions

19. I have considered the conditions put forward by the Council and the appellants against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the conditions has been amended.

20. In order to provide certainty as to what has been permitted I have imposed a condition specifying the relevant drawings. In the interests of character and appearance and amenity, it is necessary to impose a condition requiring matching materials and that any air source heat pump complies with specified noise levels.
21. In order to protect ecology conditions in relation to compliance with the bat survey report and the design and access statement are required. I have imposed a condition in relation to the generation of energy from renewable sources to help cut carbon dioxide emissions.
22. I note that the appellant disputes the need for the Council's proposed condition No 4. The Council's justification for this condition is to ensure that the development accords with the requirements of LP Policy SC13. This policy, amongst other things, requires either unspecified financial contributions towards open space and recreational provision, or, requires provision to be made either on site or off site for recreational facilities. In this case the Council have suggested a condition that requires the submission of a scheme for the provision or improvement of open space within the catchment area. However, no further evidence or justification for the suggested condition has been provided.
23. Having considered the disputed condition against the 'tests' provided in the Framework and PPG, it appears to me that the suggested condition is not precise or reasonable. The condition, as worded, provides little clarity as to the nature, scale or location of works required to satisfy its requirements. As a consequence, the extent of works are 'open ended' and could place an unjustifiable burden on the appellant in satisfying the Council's requirements. Consequently, it fails the test of reasonableness.
24. I consider that due to the shared access and privacy issues highlighted by the appellant that a condition to control the occupation of the coach house is necessary and reasonable. I note that the Council objects to the use of such a condition and that they refer to the PPG¹ in relation to it. However, the condition is required to protect the amenity of the occupants of the coach house and Newlands.

Conclusion

25. For the above reasons, and taking account of all other matters raised, I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

Attached – Schedule of Conditions

¹ 015 Reference ID: 21a-015-20140306

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2476-010, 2476 – 030 Rev D, 2476 – 031 Rev A and 2476 – 032 Rev C.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) No part of the development hereby permitted or any alteration of the Coach House shall take place until a scheme of building recording has been secured and implemented in accordance with a written scheme which has been submitted to and approved in writing by the local planning authority. The record so obtained shall be submitted to, and approved by, the local planning authority prior to development works commencing.
- 5) The development hereby permitted shall not be commenced unless and until a scheme showing how either
 - a) at least 10% of the predicted energy requirement of the development will be produced on or near to the site from renewable energy resources, or
 - b) a scheme showing how at least 10% of the energy demand of the development and its CO² emissions would be reduced through the initial construction methods and materials has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until all the works within the approved scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications.

- 6) If an air source heat pump is chosen as the method to comply with the requirement for renewable energy (condition No 5), noise arising from the air source heat pump(s) permitted, when measured one metre from the facade of any noise sensitive premises, shall not exceed the background noise level by more than 3dB (A) measured as LAeq (5 minutes). If the noise in question involves sounds containing a distinguishable, discrete, continuous tone (whine, screech, hiss, hum etc.) or if there are discrete impulses (bangs, clicks, clatters, thumps etc.) or if the noise is irregular enough to attract attention, 5dB(A) shall be added to the measured level.
- 7) The development hereby permitted shall be timetabled and carried out to wholly accord with the detailed mitigation measures for the safeguarding of bats within the site as set out in the document 'Updated Bat Survey Report for Coach House, Newlands, Mill Lane, Little Shrewley, Hatton, Warwick, CV35 7HS prepared by Cotswold Wildlife Surveys, dated 25 November 2016. Monitoring bat surveys in relation to the detailed mitigation measures shall be carried out one year, 2 years and 5 years after the completion of the development hereby permitted and the results shall be submitted to the local planning authority.

- 8) The development shall be carried out to wholly accord with the mitigation measures for the safeguarding of great crested newts within the site as set out in the document 'Newlands, Mill Lane, Little Shrewley Design and Access Statement' prepared by MRT Architects.
- 9) The occupation of the dwelling hereby permitted shall be limited to a person or persons that are the parents of the occupants of the dwelling known as Newlands, Mill Lane, Little Shrewley including the widow or widower or surviving civil partner of such persons. On the discontinuance of occupation by such persons the Coach House shall only be occupied as residential accommodation ancillary to Newlands, Mill Lane, Little Shrewley.