
Appeal Decision

Site visit made on 28 June 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 10th July 2017

Appeal Ref: APP/E3715/W/17/3173316

Former Allotment, Plott Lane, Stretton on Dunsmore, Rugby, Warks CV23 9HR

- 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 John Taylor against the decision of Rugby Borough Council.
 - The application Ref R15/2298, dated 20 October 2015, was refused by notice dated 16 September 2016.
 - The development proposed is the construction of a 2 bedroom bungalow on former allotment.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are four main issues. These are:
 - Whether or not the proposed development would be inappropriate development in the Green Belt;
 - The effect of the proposed development on the openness of the Green Belt;
 - If the proposed development would be inappropriate development, 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 proposed development; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Inappropriate Development in the Green Belt

3. The proposed development would comprise the erection of a dwelling on what is currently a vacant site. The Framework¹ states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt². There are exceptions to this as set out by paragraphs 89 and 90 into any of which the proposed development would not fall.

¹ The National Planning Policy Framework 2012

² Paragraph 89 of the Framework

4. As such I can make no conclusion other than that the proposed development would constitute inappropriate development in the Green Belt. This would be harmful by definition³.

The Openness of the Green Belt and Other Considerations

5. The Framework indicates that openness is an essential characteristic of the Green Belt. Not solely limited to visual considerations, openness also has a spatial aspect and can be taken to mean the absence of built form.
6. As I have alluded to above, the appeal site is currently devoid of any built form. It is overgrown, enclosed by low level post and rail timber fencing and slightly elevated from the road. The overhanging mature tree cover either side of the lane does garner a sense of visual enclosure and as such, purely from this perspective, the proposed development would have a limited effect on the visual aspect of the Green Belt's openness.
7. Nonetheless, as the introduction of built form where there is currently none, there would be an unavoidable effect on the spatial aspect of the openness of the Green Belt, resulting in a net reduction therein. There would be harm arising from this net loss of openness, harm to which I afford substantial weight⁴. Further, it would add to the harm that would be caused by the inappropriateness of the proposed development. The appellant has not advanced any other considerations to set against these harms in the balance. A case for very special circumstances has not therefore been made.

Character and Appearance

8. The site is currently vacant, overgrown with low level shrubs and weeds and boarded by a mix of mature and semi mature trees and hedges. It is elevated from and set almost on the back edge of the road which is a narrow, single width rural lane with soft verges. Timber post and rail fencing demarcates the site with evidence of a former gated entrance. Tall overhanging trees create a strong sense of enclosure to what is a leafy and verdant lane. Low density built development occurs very occasionally either side.
9. The introduction of a building to an undeveloped site such as this would have a visual effect of some substance and garner an 'out of place' presence. The prominence of the resulting dwelling would be exacerbated by virtue of its elevated street frontage positioning and noticeably broad frontage. The addition of a further building in the manner proposed also would constitute the introduction of a more formal urbanising character, contrary to that which prevails. Thus the proposed development would be harmful to the character and appearance of the area.

Other Matters

10. The appellant sets out that the appeal site has become overgrown with various green houses and sheds on it in a poor state of repair. Further, the site has become an eyesore and a general dumping ground with piles of refuse littering the ground. In addition, the proposed dwelling would not be isolated in the sense that there are others along the lane.

³ Paragraph 87 of the Framework

⁴ Paragraph 88 of the Framework

11. As part of my site visit I did not observe any buildings on the site, nor were there any piles of refuse. I did observe a site that had evidence of a lack of clear management but nonetheless one in a state that reflected the rural and leafy character of the lane, hence my findings above. I accept that there are other dwellings on the lane as I have alluded to above but their existence does not persuade me to allow the appeal in light of the harm that I have found.

Conclusions

12. The proposed development would be inappropriate development in the Green Belt. This would be harmful by definition. Further harm to the Green Belt would be caused by the net loss of openness as I have described it. As per the Framework, I ascribe these harms substantial weight. Considering this in the context of my findings on other considerations above, very special circumstances have not been demonstrated that would justify the proposed development. In addition, the proposed development would be harmful to the character and appearance of the area.
13. Given this, the scheme would fail to accord with Policies CS1 and CS16 of the Core Strategy and sections 7 and 9 of the Framework. Between them, these policy approaches seek, amongst other things, to protect the Green Belt from harm through inappropriate development and that which detrimentally affects its essential characteristics, as well as ensuring that new development is of a high quality and contextually appropriate design and appearance.
14. Consequently, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR