
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/17/3171216
Rugby Road, Harborough Magna CV23 0HA

- 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 Paul McDonnell against the decision of Rugby Borough Council.
 - The application Ref R16/2555, dated 30 November 2016, was refused by notice dated 20 January 2017.
 - The development proposed is outline planning permission for two semi-detached houses and one bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three 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; and
 - 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 it.

Reasons

Inappropriate Development in the Green Belt

3. The Framework¹ states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt². There are exceptions set out by paragraphs 89 and 90, one of which allows for limited infilling in villages. The Council state that the appeal site is not in a village, citing that it falls outside of Harborough Magna as defined on the Proposals Map³. I have been provided with a copy of this map and the Council have advised as to the status of the Local Plan.

¹ The National Planning Policy Framework 2012

² Paragraph 89 of the Framework

³ Rugby Borough Council Local Plan: Publication Draft, Inset Map 18

4. The site is not within, but immediately adjacent to the boundary line as drawn on the aforementioned map. What this means is that it is not part of the village for the purposes of policies relevant to development within it, and without. In effect, the line makes it clear that the site is within the Green Belt and not excluded from it. To my mind, this does not tell the complete story.
5. The site appears to be a gated access to land beyond it. It abuts the residential curtilage of the southernmost dwelling of Hawthorn Terrace to the north and the northern boundary of a dwelling known as Delaware to its south. There is further frontage built development extending south, to the eastern side of Rugby Road. Whilst outside of a line on a plan, this plan is part of a document which is as yet unadopted. The Framework is not explicit about the location of sites relative to defined village boundaries.
6. It seems clear to me that the site is part of Harborough Magna as an entity, relating clearly to its identity as a village. It falls within and is a legible part of the ribbon form of development that extends distinctly south, to one side of Rugby Road. The site is a clearly defined gap, thus the development of it would constitute infill. In the context of the built development of the surrounding area and the density of aforementioned ribbon extending south, I would consider three dwellings to amount to limited development. Placing this in the context of my findings above, the proposed development would constitute limited infilling. As such, it would not be inappropriate development in the Green Belt.

The Openness of the Green Belt

7. Openness is an essential characteristic of the Green Belt. Not solely limited to visual matters, it also has a spatial aspect which can be taken to mean the absence of built form.
8. The appeal site is narrow and extends eastwards to match the depth of garden plots to the north. It is marginally longer than those to the south. Residential development in character terms, to the north and south of the site (within and without the Green Belt) is mainly to the frontage, compact and contained with spacious gardens.
9. The proposed development seeks outline planning permission with all matters reserved for future consideration. The layout of the site and thus the siting of the dwellings proposed is not fixed. Nonetheless, the proposed development would be for three dwellings, arranged as two semidetached houses and a bungalow. An indicative plan has been provided.
10. Given the narrowness and elongated nature of the appeal site, the number of dwellings and one being a bungalow, it is difficult to see how it could be developed without some form of back land element. For the same reasons, they would have to be spaced out. I accept that the effect of the proposed development on the character of the area is not a matter before me but what appears to be the unavoidable spread of built development across the entirety of the site would, in my view, affect the spatial aspect of the openness of the Green Belt, subsuming a contextually large area of it with built development and significantly reducing it in net terms.

11. This loss of openness would result in some harm, but harm that should be apportioned substantial weight⁴

Other Considerations

12. The Framework indicates that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm (my emphasis), is clearly outweighed by other considerations.
13. The appellant refers to some survey evidence that informed the Harborough Magna Village Design Statement in 2015. The summary of questionnaire responses highlighted a preference for smaller scale development as well as affordable housing. Whilst there is no sufficiently robust mechanism before me to secure the latter, the proposed development would be small scale.
14. There would be some economic benefit to the proposed development insofar as it would contribute towards sustaining employment in the construction industry and obviously new housing added to mix locally would be of benefit socially. I make this comment specifically in the context of the inability of the Council to demonstrate the supply of housing sites as required by the Framework. The site would be a functioning part of the village and its services would be accessible via sustainable means.
15. The survey information referred to by the appellant has not been provided. I have also not been advised as to how the Harborough Magna Village Design Statement fits into the Council's development plan and thus the weight that can be ascribed to it. The economic and social benefits arising out of the proposed development would be limited given its scale. For the same reasons it would make a limited difference to the Council's housing supply. In the context of my findings on the harm that would be caused to the openness of the Green Belt, Planning Practice Guidance advises that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute very special circumstances.
16. The ability for future residents to be able to access services essential for day to day living would have to be the case for the principle of the development to be acceptable. This would amount to a lack of harm in planning terms, which cannot be used to weigh against harm.

Other Matters

17. The appellant states that the site should be considered as brownfield. Previously developed land for the purposes of the Framework. The site has the appearance of an agricultural type access and whilst it is laid to hard standing and some materials have been stored, there is no evidence of any previous development in the sense of its definition under the Act⁵. The nature of surrounding sites is not relevant. I am therefore satisfied that the appeal site is not previously developed land.

⁴ Paragraph 88 of the Framework

⁵ Town and Country Planning Act 1990

Conclusion

18. The proposed development would not be inappropriate development in the Green Belt; however it would adversely affect its openness in the manner that I have described. The harm to the openness of the Green Belt has been set against other considerations and it has been found that, for the above reasons, they are not sufficient to outweigh the harm. Thus a case for very special circumstances has not been made.
19. As a result of the harm found, the proposed development would fail to accord with Policy CS1 of the Core Strategy⁶ which seeks to, amongst other things; restrict new development in the Green Belt in accordance with national policy. Section 9 of the Framework seeks to protect the Green Belt through restricting development that would be harmful to its essential characteristics.
20. Having regard to all other matters raised, it is for this reason that the appeal fails.

John Morrison

INSPECTOR

⁶ Rugby Borough Council Local Development Framework: Core Strategy 2011