
Appeal Decision

Site visit made on 25 July 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 8th August 2017

Appeal Ref: APP/T3725/W/17/3174151

Ranibagh, 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 outline planning permission.
 - The appeal is made by Mr Ian Saunders against the decision of Warwick District Council.
 - The application Ref W/16/1756, dated 27 September 2016, was refused by notice dated 1 December 2016.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling at Ranibagh, Mill Lane, Little Shrewley, Shrewley, CV35 7HN in accordance with the terms of the application, Ref W/16/1756, dated 27 September 2016, subject to the conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Ian Saunders against Warwick District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The application was made in outline with only the means of access to be determined at this stage. Plans showing layout, siting and design have been submitted but these are clearly marked as being for indicative purposes. I have determined the appeal on this basis.

Main Issues

4. The appeal site is within the Green Belt so the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of the development plan and the National Planning Policy Framework (the Framework); and
 - whether the development would be sustainable in respect of its location.

Reasons

Whether or not the development would be inappropriate within the Green Belt

5. The Framework establishes that new buildings within the Green Belt are inappropriate unless they fall within certain exceptions. Paragraph 89 of the Framework gives one of these exceptions as "Limited infilling in villages" (bullet point 5).

6. The Warwick Publication Draft Local Plan (WDLP) is at a very advanced stage and the Council expect that it will be adopted on 20th September 2017. WDLP Policy H11, which the examining Inspector has found sound, indicates that infill housing development in Limited Infill Villages (LIV) will be permitted where:- the development is for no more than 2 dwellings; it comprises the infilling of a small gap fronting the highway between an otherwise largely uninterrupted built up frontage which is visible as part of the street-scene; and the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area.
7. There is no dispute between the parties that the site is within a Limited Infill Village as defined by the WDLP. The development is for one dwelling and the size of the plot would be no larger than many other single house plots in the village. Therefore, I consider it to be a small gap.
8. The proposed dwelling would sit between Ranibagh, a semi-detached dwelling on a corner plot with a frontage onto both Mill lane and Green Lane, and a pair of semi-detached dwellings, 3 and 4 Green Lane. The policy requires the frontage to be visible as part of the street-scene and although the existing houses are set back from the road and not readily visible from the end of the street, they are visible when walking past. Therefore, I consider that they are visible as part of the street-scene.
9. There is nothing in the policy which makes any suggestion that a frontage must be of a minimum length and therefore, there is an element of subjectivity involved. The village is comprised of small groups of houses so that short frontages are characteristic of the surrounding development pattern. Given that the gap between Ranibagh and 3 Green Lane is fairly small, I consider that the frontage of the existing 3 dwellings is largely uninterrupted and built up.
10. Furthermore, I do not consider that the existing garden, which contains an old garage and other paraphernalia, forms an important part of the integrity of the village. A dwelling on the plot would be visually compatible with the development to either side and as the application has been made in outline, the Council will have the ability to ensure that the design harmonises with the street-scene and locality.
11. Taking into account all of the above, I consider that the proposal would fall into the Council's criteria for infill as set out in WDLP Policy H11. It therefore follows that the proposal conforms to bullet point 5 of Paragraph 89 of the Framework. As I have found the development to be acceptable under bullet point 5, there is no duty upon me to consider the effect upon openness. I therefore conclude that the proposed development would not constitute inappropriate development within the Green Belt.

Sustainability

12. Policy H1 of the WDLP indicates that housing development will be permitted within the LIVs. The explanation to the policy makes clear that Growth Villages (GVs) are identified as being the most suitable for housing growth. It goes on to say that LIVs are identified as having a lower level of services and facilities but that limited infill development in these villages will help to deliver a wider choice of housing and help to support services in nearby GV. The examining Inspector has found this policy to be sound.

13. This is in line with the advice in Paragraph 55 of the National Planning Policy Framework which says that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of small settlements, development in one village may support services in a village nearby."
14. Therefore, in spite of the limited services in Little Shrewley, given its identified role as supporting the GVs, I conclude that the proposed dwelling would represent sustainable development in respect of its location and I find no conflict with WDLP Policy H1.
15. Policy RAP1 of the adopted Warwick District Local Plan 1996-2011 says that residential development will only be permitted in certain circumstances; none of which apply to the appeal proposal. I find conflict with this Policy but it is inevitable that the emerging WDLP will soon be adopted. I therefore consider that the Policies H1 and H11 carry substantial weight, and are material considerations sufficient to outweigh adopted Policy RAP1.

Other Matters

16. I note concerns in respect of precedent. Given that I have concluded that the proposal would be acceptable on its own particular merits, I can see no reason why it would lead to harmful developments on other sites in the area.
17. I also note the concerns of interested parties in respect of noise, disturbance and privacy. However, given the positions of the plot boundaries in relation to adjacent dwellings, I am satisfied that a design can be achieved which would preserve the privacy of neighbours. A residential use is appropriate amongst other similar uses and therefore, I do not consider that it would generate unacceptable noise.
18. Comments have been made that there is no need for the proposed dwelling but the Framework seeks to significantly boost the supply of housing.
19. The Local Highway Authority is satisfied that visibility splays can be achieved which would be appropriate to the quiet nature of Green Lane. It has no objections to the development on highway safety grounds and I have no reason to disagree with its position.
20. I have taken into account all other matters raised but none outweigh the conclusions I have reached.

Conditions

21. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation conditions it is necessary, in the interests of precision, to define the plans with which the scheme should accord. Conditions are also necessary in the interests of energy efficiency and proper drainage. Conditions 1, 6 and 7 are pre-commencement conditions as this is the only effective way of dealing with their requirements.
22. The Council has suggested a condition requiring mitigation measures to protect Great Crested Newts. However, although the Council's ecologist says that there is a population near the site, I have no information about where this

population actually is or how near it is to the site. Neither have I got any detailed evidence (for example, proximity to ponds) that the site is likely to provide a habitat for Great Crested Newts. Therefore, based on the evidence before me, such a condition would fail the test of necessity. The Council has suggested a condition restricting the height and footprint of the dwelling but such a condition is not necessary as the Council can consider these matters at reserved matters stage. It is not necessary to place a condition relating to noise from air source heat pumps, as this can be considered under the details submitted under the energy efficiency condition.

Conclusion

23. For the above reasons, I allow the appeal subject to the conditions below.

Siobhan Watson

INSPECTOR

Schedule

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 395.02.3 and the Location Plan.
- 5) The development hereby permitted shall not be occupied until the access has been laid out and surfaced in accordance with the details shown on Drawing No. 395.02.3. The access shall remain as such thereafter.
- 6) Development shall not commence until surface and foul water drainage works have been carried out in accordance with details which shall have been submitted to and approved in writing by the local planning authority.
- 7) The development hereby permitted shall not be commenced 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 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.