
Appeal Decision

Site visit made on 9 August 2017

by B Bowker Mplan MRTPI

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

Decision date: 06 September 2017

Appeal Ref: APP/J3720/W/17/3172587

5 Meadow Cottage, Green Lane, Studley, Warwickshire B80 7HD

- 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 Mark Evans against the decision of Stratford on Avon District Council.
 - The application Ref 16/03888/OUT, dated 9 December 2016, was refused by notice dated 26 January 2017.
 - The development proposed is 3 houses, including vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal as submitted is for outline planning permission with all matters reserved apart from access. Appearance, landscaping, layout and scale are reserved for later consideration and the appeal has been determined on this basis.
3. The layout and elevation plans submitted with the planning application have been taken into account for indicative purposes.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the character and appearance of the surrounding area;
 - Whether occupants of the proposed development would have acceptable access to shops and services; and,
 - If the development 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.

Reasons

Whether Inappropriate Development

5. The appeal site is located to the north west of Studley and adjacent to the former Griffin Public House site which has been redeveloped for residential purposes. Core Strategy (CS) Policy CS.15 categorises the nearest village of Studley as a 'Main Rural Centre' and the proposal would be located outside the built up area boundary for the settlement. Consequently, for planning purposes the site occupies an open countryside location.
6. Whilst the Green Belt designation washes over industrial sites and smaller settlements, the site is nevertheless located within the West Midlands Green Belt. The parties both state that the appeal site forms part of a private garden area. As such the site falls within the definition of previously developed land set out in annexe 2 of the Framework.
7. Paragraph 87 of the Framework outlines that inappropriate development is, by definition, harmful to the Green Belt. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt unless it falls within a list of exceptions. One exception relates to the partial or complete redevelopment of previously developed sites. This exception is also contained within CS Policy CS.10.
8. Bullet point 6 paragraph 89 of the Framework is clear that the exception relating to the redevelopment of previously developed sites applies if the proposal would not have greater impact on Green Belt openness and the purposes of including land within it than the existing development. A fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to keep land permanently open.
9. Despite containing the remains of former brick buildings, based on the indicative plans, the proposal would introduce three two storey dwellings in a location that is devoid of development. The bulk and scale of the proposed development would result in a harmful reduction of Green Belt openness. This loss of openness would be visible from public vantage points to the immediate east of the site. Consequently the proposal would result in the site having a greater impact on Green Belt openness than it currently does. The proposal would also conflict with the Green Belt purpose to safeguard the countryside from encroachment.
10. Therefore, the proposal would result in an encroachment in the countryside and a harmful erosion of Green Belt openness. Consequently the proposal would constitute inappropriate development.

Character and Appearance

11. During my site visit I saw that despite its roadside brick wall and boundary fence, the site has an overall verdant and undeveloped appearance. This verdant and undeveloped appearance visually links to roadside vegetation along the B4093 and with fields to the south. Consequently and despite its overgrown and unkempt appearance, the appeal site makes an important contribution to the spacious and undeveloped verdant countryside character evident in the area. In this respect the appeal site has a stronger visual association with the countryside than with adjoining residential development and industrial units to the east.
12. Taking into account the indicative drawings, the proposed dwellings and visibility splays would result in a harmful impact on the verdant and

undeveloped appearance of the site and the adjoining area to the south. Based on the likely footprint and scale of three dwellings, I am not convinced that this harm could be fully mitigated by the submission of satisfactory design details at the reserved matters stage. Nor would trees at or adjacent to the site fully mitigate the harmful visual impact of the proposal.

13. The resultant visual harm would be noticeable from the adjoining slip road and from the B4093 to the east of the site. Furthermore, my findings on this matter correlate with those of the Inspector determining a previous appeal¹ at the site relating to the development of one dwelling.
14. Therefore the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to CS Policies CS.5, CS.9, and CS.12 which are of most relevance to this issue. Insofar as they relate to this matter, combined these policies seek to ensure that development enhances and reflects the character and distinctiveness of the locality.

Access

15. CS Policies CS.15 and CS.16 set out the location of housing within the plan area focussing development within a hierarchy of defined settlements, which of relevance, is based on the need to utilise public transport and reduce dependency on the car. As the site occupies an open countryside location for planning purposes, Policy AS.10 applies which is also predicated on location based principles of sustainable development.
16. Policy AS.10 includes a list of acceptable forms of residential development in the countryside. However the proposal does not comprise any of the listed forms of residential development. Paragraph 55 of the Framework also applies and states that housing in rural locations should be located to enhance or maintain the vitality of rural communities and not occupy an isolated location. The Council are concerned that the site occupies a remote location away from day to day facilities necessary for future occupants.
17. The closest services and facilities to the site are at Studley and Redditch. Studley would be a long distance for future occupants to walk from the site and would involve walking along an intermittently lit paved section of the B4093 next to fast moving traffic. Access to services and facilities at Redditch would also entail a particularly long walk. Consequently, I consider that future occupants are unlikely to regularly access services and facilities available at Studley and Redditch by foot.
18. However, during my visit I saw that bus stops are in a close and walkable distance from the site, offering services in both a north and south direction towards Studley and Redditch. The Council do not dispute the appellant's assertion that nearby bus services are regular and I consider that it is likely such services could be utilised often by future occupants. Consequently, the proposal would utilise public transport, reduce dependency on the car and would not occupy an isolated location in terms of access to services and facilities. In this respect, the proposal would meet the objectives of CS Policies CS.15, CS.16 and AS.10 and not lead to the harm expressed by the Council.

¹ APP/J3720/A/13/2199700

19. Therefore occupants of the proposed development would have acceptable access to shops and services. Consequently the proposal would accord with CS Policies CS.15, CS.16 and AS.10, the requirements of which are outlined above.

Other Considerations

20. A number of benefits are associated with the proposal. Subject to details at the reserved matters stage, the proposal could deliver three one bedroom energy efficient dwellings on a windfall site. However, based on the scale of the proposal, its contribution to housing supply and choice attracts modest weight in favour of the appeal. Modest favourable weight is also afforded to the development of an underused site subject to fly tipping. Furthermore, based on my reasoning above, future occupants would have non-private vehicular access to services and facilities, a benefit that attracts modest favourable weight.
21. The Council have not identified any harm in relation to matters of wildlife, flooding or highway safety. However an absence of harm in these respects can only be considered as neutral factors in the planning balance.
22. I have also considered the recently constructed properties to the east of the site. However, based on the evidence before me, the development at the neighbouring site is materially different to the proposal before me and involved the redevelopment of a site that contained a former public house. Such circumstances do not apply to the proposal before me. Moreover I must determine the appeal based on its own individual merits.

Conclusion

23. I have identified that the proposal would be inappropriate development which by definition is harmful to the Green Belt. The Framework is clear that substantial weight should be given to Green Belt harm and that very special circumstances will not exist unless this harm and any other harm are clearly outweighed by other considerations. I have also identified that the proposal would harm the character and appearance of the surrounding area. This factor attracts some weight against the proposal.
24. Combined, the noted modest benefits would not clearly outweigh the totality of Green Belt harm identified which is the test that they have to meet. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal would conflict with the Framework and CS Policy CS10 which is the local policy of most relevance to the Green Belt.
25. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be dismissed.

B Bowker
INSPECTOR