
Appeal Decision

Site visit made on 10 October 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 11 November 2017

Appeal Ref: APP/U4610/W/17/3179200

Land to the rear of 1 Empire Road, Coventry CV4 9LQ

- 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 Garagelets against the decision of Coventry City Council.
 - The application Ref FUL/2017/0077, dated 2 August 2016, was refused by a notice dated 7 March 2017.
 - The development proposed is the provision of 32 No. replacement domestic garages.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether or not the development would be inappropriate development in the Green Belt;
 - The effect of the development on the openness and purpose of including land within the Green Belt;
 - The effect of the proposed development on Tile Hill Wood; and
 - If the proposal 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 it.

Reasons

Inappropriate development

3. The appeal proposal seeks to construct 32 garages on a piece of land which lies to rear of residential properties on Empire Road and adjoins Tile Hill Wood. The site is level and predominantly hard surfaced. There is evidence of the bases to garages which I understand previously occupied part of the site, however the part of the site where the garages are proposed in this case is covered in brambles. With the exception of the existing access, the site lies wholly within the Green Belt.

4. Policy GE6 of the Coventry Development Plan, 2001 (CDP) advises that inappropriate development in the Green Belt, as shown on the proposals map, will not be allowed unless justified by very special circumstances. In this regard it is consistent with paragraph 87 of the National Planning Policy Framework (the Framework).
5. Paragraph 89 of the Framework advises that the construction of new buildings in the Green Belt should be regarded as inappropriate subject to a number of listed exceptions. Included in those exceptions is the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Although the site is open, there is no dispute that the site has been previously developed. However, my conclusion on the next issue, its effect on Green Belt openness and purposes, will determine whether or not the proposed development is inappropriate.

Green Belt Openness and Purposes

6. Safeguarding the countryside from encroachment and keeping land permanently open is a fundamental aim of Green Belt policy, and the essential characteristics of Green Belt are their openness and permanence.
7. The appeal site is currently open and free from any form of built development. Consequently, the construction of 32 garages in two blocks, despite their simple form and low rise design, would result in built development where there was previously none. Accordingly there is no doubt that there would be a loss of openness on the site. Furthermore, the rear gardens of the properties of Empire Road, which abut the eastern boundary of the appeal site, clearly define both physically and visually the edge of the urban area in this location. The proposed garages would have an urbanising effect on this open site and represent an encroachment of development into the countryside.
8. I conclude that the appeal proposal would not preserve Green Belt openness and would conflict with the purpose of safeguarding the countryside from encroachment. The appeal proposal would therefore be inappropriate development and would have a significantly harmful effect on the openness of and purpose of including land within the Green Belt, a matter to which I shall give substantial weight.

Tile Hill Wood

9. Tile Hill Wood is designated as an Ancient Semi Natural Woodland (ASNW) and also a Site of Special Scientific Interest (SSSI). Policy GE11 of the CDP states that proposals which would have an adverse impact on such SSSI's will not be permitted. This policy is consistent with the Framework¹ which advises that proposed development on land within or outside a SSSI likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Exceptions should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on features of the site that make it of special scientific interest and any broader impacts on the national network of

¹ Paragraph 118, National Planning Policy Framework.

SSSI's. Furthermore, it advises that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland.

10. The proposed garages would abut the edge of Tile Hill Wood. The application was accompanied by an Arboricultural Impact Assessment ²(AIA). The proposed Tree Protection Plan, Drawing TPP 01 (draft) which accompanied the AIA clearly shows that the garages would be located directly beneath the canopy of a number of both high quality (Category A) and moderate quality (Category B) trees, and consequently within their root protection zones.
11. The garages would be sited on land which is currently characterised by an abundance of brambles which have become part of the woodland's understorey. I have taken into consideration the recommendations set out in the AIA to use low impact construction methods to limit the garage bases effect on any underlying root systems, and I have also considered the pruning and crown lifting proposals. However, the proposed garages would directly abut the ASNW and would be in close to the trunks of both category A and B trees. Even if I were to accept that the proposed construction method would limit any potential harm to the root systems of those trees, the proximity of the proposed garages to the woodland edge would to my mind undoubtedly impact on both the visual and marginal biodiversity value of this woodland fringe, which currently provides an important buffer to the ASNW and SSSI.
12. Furthermore, I am mindful that Natural England has raised objections to the proposal as they consider that it would damage or destroy the interest features for which Tile Hill Wood SSSI has been notified, which include its diverse ground flora, which comprises, amongst other plant species, bramble and bracken. In the absence of any substantive evidence to persuade me that there would be any benefits of the development that would outweigh the harm identified, the proposal would be in conflict with paragraph 118 of the Framework.
13. I conclude that the appeal proposal would have an adverse effect on the ASNW and SSSI and would conflict with Policy GE11 of the CDP and the Framework, the aims of which are set out above.

Other considerations

14. I understand that there have been garages on this site in the past; however the site is now open and free from any built development. Furthermore, part of the site adjacent to the woodland fringe has begun to regenerate. Although fly tipping does take place on the site, there is no evidence to suggest that this anti-social behaviour would cease even if this development were to be allowed.

Planning Balance

15. I have found that the proposal would constitute inappropriate development and is therefore harmful to the Green Belt. That is a consideration to which substantial weight is attached. I have also found that there would be harm to

² Arboricultural Impact Assessment prepared by Morfe Valley Arboriculture, Ref MVA/1/2016/12, dated 14/12/2016.

the ASNW and SSSI. For the appeal to succeed, the combined weight of other considerations must clearly outweigh the totality of the harm arising.

16. I give limited weight to the fly tipping and existence of garages on the site in the past. The substantial weight to be given to Green Belt harm is not therefore outweighed by other considerations sufficient to demonstrate very special circumstances. The appeal therefore conflicts with the Framework and also conflicts with Policy GE6 of the CDP, the aims of which are set out above.

Other Matters

17. The Council's third reason for refusal cited conflict with Policy GE8 of the CDP. Policy GE8 concerns the control over development in Urban Green Space. Urban Green Space is defined in Policy GE8 as any area of open land or water, not designated as Green Belt, with value for amenity, outdoor sport or recreation. In view of the appeal site's location within the Green Belt, which is clearly identified on the CDP Proposal Map, the site cannot also be Urban Green Space. I therefore find no conflict with this policy.

Conclusion

18. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR