
Appeal Decision

Site visit made on 16 October 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 27 November 2017

Appeal Ref: APP/R3705/W/17/3179126

Newton Farm, Main Road, Newton Regis B79 0NE

- 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 T Smith (Sibson Mill Properties) against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2017/0067, dated 11 February 2017, was refused by notice dated 11 April 2017.
 - The development proposed is described as outline application for up to 6 no. dwellings with all matters reserved land south of Newton Farm, Main Street, Newton Regis, Warwickshire B79 0NE.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for outline planning permission for up to 6 dwellings with all matters reserved. I have determined the appeal accordingly.
3. The Council's reason for refusal refers to Policy LP15 of the Draft North Warwickshire Local Plan (DLP). As the DLP has not been adopted, in reaching my decision I have afforded limited weight to this policy.
4. Outline planning permission has previously been sought and refused for dwellings on the appeal site with subsequent appeals having been dismissed (Refs APP/R3705/A/13/2208891 & APP/R3705/A/14/2228761). I have been provided with copies of these appeal decisions and have had regard to them insofar as they are relevant to the proposal.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site comprises part of an agricultural field located on the edge of the village of Newton Regis, adjacent to the boundary of the Newton Regis Conservation Area (CA) which runs along Main Road to the north of the site. It is bounded by agricultural fields to the south and west, by a small single storey garage block and modern semi-detached houses to the east and by the traditional farmhouse and associated buildings at Newton Farm on the opposite

side of Main Road to the north. The front boundary of the site adjacent to the road is marked by a low level brick wall with a similar brick wall on the opposite side of the road to the front of the farmhouse at Newton Farm. A field gate providing vehicular access to the site is located adjacent to the wall fronting onto Main Road. The site is located at one of the key entrance points to the village and the CA and significantly contributes to its rural setting.

7. The planning application form states that the proposal is for up to 6 dwellings though the appellant's statement suggests that this number could be reduced. The statement also refers to the existing vehicular access being utilised in order to retain the existing wall and boundary treatments, though as stated, the proposal is in outline form with all matters being reserved and no indicative details have been provided regarding access.
8. The boundary wall, the one opposite and the farmhouse at Newton Farm are non-designated heritage assets within the CA, all of which contribute positively to the character and appearance of the CA at a key entrance point to the village. There is no substantive evidence to demonstrate that the existing vehicular access to the site could be utilised for the proposed dwellings without significant alteration or without detriment to the character and appearance of the boundary wall and the wider area. In the absence of this and having regard to the findings of the Heritage Consultation Report prepared on behalf of the Council and to the findings of the Inspectors dealing with the two previous appeals, I consider it likely that the formation of a safe and suitable access to the site suitable for residential dwellings would be harmful to the setting of the CA and to the character and appearance of the area.
9. In addition the proposal would involve the erection of up to six dwellings on the appeal site in an open and prominent undeveloped agricultural field on the edge of the village. The field is an integral part of the countryside which forms the setting of the village and the CA and the erection of dwellings on the site, however sensitively designed would result in an inappropriate and significantly harmful incursion of built development into the countryside.
10. My attention has been drawn by the appellant to a site at Manor Farm where I understand that outline planning permission has been granted for a residential development within the CA and near to listed buildings. However I am unaware of the details or particular circumstances of this case and how it compares with the proposal. In any event I must determine the proposal before me on its own merits.
11. Taking the above matters into consideration, I consider that the harm to the setting and therefore the significance of the CA that would result from the proposal would be less than substantial and that the proposal would have a significant adverse effect on the character and appearance of the area more generally.
12. The proposal would fail to preserve the setting of the CA and would not meet the requirements of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). For the same reasons it would not accord with paragraph 132 of the National Planning Policy Framework (the Framework) or with the development plan, in particular policies NW12 and NW14 of the North Warwickshire Local Plan Core Strategy (CS), policies ENV15 and ENV16 of the North Warwickshire Local Plan adopted 4 July 2006 (LP). These policies seek, amongst other things, all development proposals to

demonstrate a high quality of sustainable design that positively improve the individual settlement's character and sustain, conserve and enhance the historic environment including conservation areas and non-listed buildings of historic value. The proposal is also contrary to Policy LP15 of the DLP which similarly seeks to conserve the historic environment.

13. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA in accordance with Section 72 (1) of the Act. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. I will return to this matter below.

Other Matters and Planning Balance

14. There is disagreement between the main parties as to whether the Council can demonstrate a five year supply of deliverable housing sites. The Council's most up to date five year housing land supply position dated 31 March 2017 and published on 5 July 2017 states that the Council has a 5.1 year supply of deliverable housing sites. However if the appellant's figures were to be used, then a five year housing land supply could not be demonstrated.
15. The appeal site is located outside the settlement boundary of Newton Regis. Though not referred to in the Council's reason for refusal, my attention has been drawn to CS Policy NW2. This policy sets out a settlement hierarchy and states that where necessary, changes to development boundaries will be made in the appropriate development plan document, or once development has taken place, whichever is the earlier.
16. Newton Regis is a Category 4 settlement; 'Other Settlements with a development boundary'. In this category it is stated that development will be limited to that identified in the plan, or has been identified through a neighbourhood or other locality plan. CS Policy NW5 states that Newton Regis will cater for 15 houses usually on sites of no more than 10 units and at any one time depending on viability. I understand from the evidence that since the CS was adopted 9 dwellings have been constructed in Newton Regis at Secklington Lane and that outline planning permission has been granted for 14 dwellings at Manor Farm.
17. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Paragraph 14 of the Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
18. The proposal would provide up to 6 housing units and would contribute to the supply of housing in the Borough, supporting the Government's ambition to boost significantly the supply of housing. However this contribution would be small and attracts moderate beneficial weight in the planning balance. Given the scale of the proposal, any economic benefit arising from the construction of

the scheme would also be moderate as would any additional spend in the locality.

19. In reaching my decision I have had regard to the fact that the appellant is a local developer, that the site is available and deliverable and that the appellant is agreeable to the timescale for the submission of the reserved matters to be reduced to one year. In addition I acknowledge the findings of the Inspector who granted planning permission for a residential development at Ansley (Ref APP/R3705/W/16/3149572) and the advice contained within the Government's Housing White Paper: Fixing our broken housing market February 2017.
20. Considerable importance and weight is to be given in the planning balance to any harm to the significance of a heritage asset. Even though I have found that the harm to the heritage asset is less than substantial, it is not to be treated as a less than substantial objection to the proposal. The public benefits of the proposal would not in my view outweigh the great weight to be given to the harm to the heritage asset. As such the proposal would not comply with paragraph 134 of the Framework. In addition I have found significant harm to the character and appearance of the area more generally.
21. There is disagreement between the main parties about whether the Council can demonstrate a five year supply of deliverable housing sites. However even if I were to conclude that there is a shortfall in the five year housing land supply on the scale suggested by the appellant and that relevant policies for the supply of housing should not be considered up to date, having regard to my findings on the main issue above and to footnote 9 of the Framework, I find that the final bullet point of paragraph 14 of the Framework is engaged, as specific policies in the Framework indicate that development should be restricted. Therefore, the proposal would not represent sustainable development.
22. The harm that would be caused to the character and appearance of the area also leads me to conclude that the proposal would conflict with the development plan. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, and as set out in paragraph 12 of the Framework, development that conflicts with the development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

23. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR