
Appeal Decision

Site visit made on 18 June 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 06 August 2019

Appeal Ref: APP/E3715/W/19/3225463

Land north of Wolvey House Farm, Wolds Lane, Wolvey LE10 3LL

- 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 M Chilton against the decision of Rugby Borough Council.
 - The application Ref R18/1477, dated 10 August 2018 was refused by notice dated 4 October 2018.
 - The development proposed is outline application with all matters reserved for the change of use of land and erection of up to 3 holiday lodges land north of Wolvey House Farm, Wolds Lane, Wolvey LE10 3LL.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised National Planning Policy Framework (the Framework) was published after the issue of the Council's decision. However, as any policies that are material to this decision have not fundamentally changed in the Framework, I am satisfied that this has not prejudiced any party and I have had regard to the latest version in reaching my decision.
3. The appeal proposal has been submitted in outline form only with all matters reserved. Whilst, plans have been submitted showing layout and scale, they are indicative only.
4. The site address is taken from the appeal form as it is more precise with regard to location than the details provided on the application form.
5. The Rugby Borough Council Local Plan 2011-2031 (the Local Plan) was adopted on the 4 June 2019 after the issue of the Council's decision notice. Both parties were allowed the opportunity to comment upon the Local Plan post adoption. Policies CS1 and CS16 of the Rugby Borough Core Strategy 2011 referred to in the Council's decision notice have now been superseded and policies GP2 and SDC1 of the Local Plan are now the relevant policies for consideration and I have been provided with copies.

Main Issues

6. The main issues are
 - Whether the proposal would be inappropriate development within the Green Belt including its effect on the openness of the Green Belt;

- The effect of the proposal on the character and appearance of the area; and
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify development.

Reasons

Whether the proposal is inappropriate development within the Green Belt and effect on openness

7. The appeal site is a field currently used as a paddock in connection with adjoining stables with established hedgerows to the northern and western boundaries. There is a public footpath which runs along the northern boundary within the appeal site following the hedge boundary. There are stables and a ménage to the south of the site and extensive views of the open countryside to the east from the public footpath within the appeal site.
8. The Framework identifies that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework states that inappropriate development is harmful and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions set out in Paragraph 145 and 146 of the Framework.
9. The appellant has referred to the exception contained at paragraph 145 b) which relates to the provision of appropriate facilities (in connection with an existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds or allotments: as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
10. Limited information is provided by the appellant as to how the appeal proposal would fall within this exception. It is not clear how the permanent erection of lodges with ancillary domestic features such as parking would provide appropriate facilities in connection with outdoor recreation or sport. However, even if I had found that the appeal proposal did fall within the first element of this exception, it would still be necessary for such facilities to preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
11. The proposal would introduce built structures into an open field together with car parking, hardstanding and a new access. It would result in a significant loss of openness which would undermine the fundamental Green Belt aim of keeping land permanently open and would impact on the related Green Belt purpose of safeguarding the countryside from encroachment.
12. The proposal would be inappropriate development as it does not satisfy the criterion to fall within the exception referred to in the Framework as it does not preserve openness in the Green Belt and conflicts with the purposes of including land within it.

Character and Appearance

13. The siting of up to 3 holiday lodges would alter the current rural character of the appeal site and its surroundings. The proposal would be visible both along the footpath within the appeal site and also to footpath users approaching the site towards Wolds Lane from the wider countryside. Although design is not a consideration at this stage, the principle of the proposal would be likely to introduce prominent and incongruous development into a rural setting. Whilst access is a reserved matter, a new access is likely to be on Wolds Lane which would break up the existing mature hedgerow and would also impact upon the rural character of the area. I therefore do find that the proposal would harm the character and appearance of the area.
14. The proposal would therefore be contrary to Policy SDC1 of the Local Plan which, amongst other things, states that development will only be supported where proposals respond to the character of the areas in which they are situated.

Other Considerations

15. I attribute limited weight to the location which the appellant has referred to as being close to the village as the appeal site is outside the village in open countryside.
16. The appellant has referred to the Framework and local policies supporting economic growth in rural areas and sustainable rural tourism. I have noted the recommendations of the Warwickshire Visitor Economy Framework (2013-2018) However, I attribute these matters with limited weight as they are general policy considerations rather than site specific factors to support the appeal proposal. The economic benefits of up to three holiday lodges are likely to be modest. Moreover, paragraph 83 of the Framework makes clear that sustainable rural tourism should respect the character of the countryside.

Conclusion

17. I have found that the appeal proposal would be inappropriate development in the terms set out in the Framework and would lead to a significant loss of openness to the Green Belt. The Framework indicates that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. I have also found that the appeal proposal would harm the character and appearance of the area. The other considerations that exist do not clearly outweigh the totality of the harm. Consequently, very special circumstances do not exist and as such the proposed development would also conflict with Policy GP2 of the Local Plan which states that only where national policy on Green Belt allows will development be permitted.
18. Therefore, for all the reasons given, I conclude that the appeal should be dismissed.

E Griffin

INSPECTOR