
Appeal Decision

Site visit made on 24 July 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/T3725/W/19/3227005

Land Adjacent to 177-179 Chessetts Wood Road, Lapworth, Solihull, B94 6ET

- 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 Mrs Valerie Yates against the decision of Warwick District Council.
 - The application Ref W/18/1141, dated 30 May 2018, was refused by notice dated 30 January 2019.
 - The development proposed is a single 3 bedroomed detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows:
 - Whether the proposal would be inappropriate development in the Green Belt;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development 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, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. Paragraph 145 of the National Planning Policy Framework (the Framework) states that new buildings should be regarded as inappropriate development in the Green Belt. One of the exceptions to this includes limited infilling in villages.
4. Policy H11 of the Warwick District Local Plan (the Local Plan), states that limited village infill housing development in the Green Belt should comprise the filling of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage.

5. The Chessetts Wood Road area lies to the north of the main village of Lapworth and comprises small areas of built development, separated by areas of open land. The appeal site consists of garden land, situated between the long gardens of the dwellings to south and grass paddocks to the north. Land to the east and west is also predominantly undeveloped garden, paddock and woodland, with the exception of a single large detached dwelling located roughly opposite the site.
6. Given the large open gap between the site and the built up frontage to the north, the proposed development would not constitute infilling as defined by Policy H11 of the Local Plan.
7. I therefore conclude that the proposal would be inappropriate development, which, according to paragraph 143 of the Framework, is by definition harmful to the Green Belt.

Openness

8. Paragraph 133 of the Framework states that openness and permanence are essential characteristics of the Green Belt. The fundamental characteristic of openness is the absence of buildings. The construction of a dwelling on the site would impact on openness by introducing built development where there currently is none. Although the harm from a single dwelling would be moderate, paragraph 144 of the Framework requires that substantial weight is given to any harm to the Green Belt.

Character and appearance

9. The appeal site comprises an extended area of garden although its appearance is far from domestic. The trees and hedges within and around the site make a positive contribution to the rural character of the area.
10. The proposed building would comprise a 3 bedroomed, two-storey house with an integral garage and an approximate floor area of 215 square metres. Having visited the site and viewed its surroundings, I do not find that the scale of the proposed dwelling would be significantly at odds with existing nearby properties.
11. Notwithstanding my view that the scale of the dwelling would not be significantly greater than that of other dwellings in the area, it would nevertheless, to my mind, detract from the open and rural character of the area. Given its scale and its proximity to the northern site boundary it would not blend into the landscape or be well screened. Moreover, it would potentially result in the loss of trees and hedges that make a positive contribution to the area.
12. The proposed development would therefore conflict with Policy BE1 of the Local Plan, which seeks to ensure that new development positively contributes to the character and quality of its environment.

Other considerations

13. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

14. The appellant's statement draws attention to four other new dwellings recently approved within the area. From the plan that I have been provided with it is evident that these dwellings all comprise infilling of a gap within an otherwise continuously built up frontage. These examples are not comparable to the appeal site, which is separated from the built up frontage to the north by a large paddock.
15. I acknowledge that the site is not isolated and is within the development limit boundary of an area in which small scale housing growth is considered to be sustainable. I also note that other properties in the area have been extended and altered. This does not alter the fact that the appeal proposal before me is neither infill development nor an extension to an existing building and as such does not comply with any of the exceptions set out in the Framework for new buildings in the Green Belt.
16. Despite the presence of other dwellings in the area the appeal site is not an infill plot and is not surrounded by built development. As such the presence of other built development in the area is not a very special circumstance upon which the development could be justified.

Conclusion

17. The proposed development would be inappropriate development, which would be by definition harmful to the Green Belt. In addition I have found that the development would be harmful to the openness of the Green Belt and to the character and appearance of the area. I give little weight to the other considerations put forward by the appellant in support of the development, which do not clearly outweigh the substantial weight I must give to the harm to the Green Belt and the other harm I have identified to the character and appearance of the area.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rachael Bartlett

INSPECTOR