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## Appeal Decision

Site visit made on 29 July 2019

**by Ben Plenty BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> August 2019**

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**Appeal Ref: APP/T3725/W/19/3228316**

**The Cedars, Stoneleigh Road, Bubbenhall CV8 3BT**

- 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 Mr and Mrs Jones against the decision of Warwick District Council.
  - The application Ref W/18/1630, dated 21 August 2018, was refused by notice dated 12 December 2018.
  - The development proposed is '1 no. new dwelling'.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt;
  - the effect on the openness of the Green Belt;
  - whether the appeal site offers a suitable location for new housing development having regard to the development plan policies concerned with the location of new development and the accessibility of services and facilities;
  - the effect of the proposed dwelling on the character and appearance of the area, including on the adjacent Bubbenhall Conservation Area (CA); and
  - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

### Reasons

#### *Inappropriate development*

3. The site is within the West Midlands Green Belt. Policy DS18 of the Warwick District Local Plan 2017 (LP) states that the Council will apply national planning policy to proposals within the Green Belt. The National Planning Policy Framework (The Framework) explains that the Government attaches great importance to the Green Belt. Paragraph 145 establishes that new development

would be inappropriate unless it meets a listed exception. Furthermore, the Framework explains that substantial weight is to be afforded to any harm.

4. Paragraph 145(e) of the Framework states that limiting infilling in villages is not inappropriate development. The terms 'limited' and 'infilling' are not defined in the Framework. However, my attention has been drawn to several Court cases and appeal decisions in connection with limited infilling. The question of limited infilling is a matter of planning judgement and a defined village boundary is not necessarily determinative.
5. The site, the subject of this appeal, is a paddock adjacent to a large dwelling. The site is bounded by a highway, two dwellings (*Hill Cottage and Mount Pleasant*), an open field and the existing dwelling. Hill Cottage and Mount Pleasant mark the edge of the village when travelling into the settlement along Stoneleigh Road. The existing dwelling is separated from the main village boundary by distance and screening, creating the visual impression of a dwelling in the countryside outside the village. The rear gardens of Church Road dwellings and Hill Cottage and Mount Pleasant create a relatively continuous boundary line between the village and the countryside beyond. This rear boundary line is broken only by the comparatively larger garden of Orchard House.
6. Furthermore, the built form in this same area, creates a relatively common line with Hill Cottage and Mount Pleasant being set back some way from Church Road. The site is therefore separate from the majority of built form within the settlement. The proposal would subsequently not 'round off' or 'complete' the village envelope. A field to the immediate southeast of the site has recently been identified in the Council's Strategic Housing Land Availability Assessment. However, this has not yet been brought forward as a designated housing site. The site is also outside the defined village boundary as designated by the local plan. Therefore, considering the foregoing, the site is not within a village, defined or otherwise.
7. As it has not been demonstrated that the proposal would be any of the exceptions listed in Paragraph 145 of the Framework, it would amount to inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

#### *Effect on openness*

8. Paragraph 133 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. The proposed dwelling would be located within the open Green Belt. The site is relatively enclosed with especially thick tree planting adjacent to the highway. It would be overlooked by dwellings to the northeast. Some views of the first floor and roof of the proposal would be possible from the public right of way (W153) and from dwellings to the southeast of the site. The site is elevated from the adjacent highway preventing views from this vantage. As such visually the harm would be limited. However, spatially the increased mass and development of the site would represent a significant intrusion into the openness of the site and the surrounding Green Belt.
9. Consequently, the proposal would have a moderately harmful effect on the openness of the Green Belt.

### *Suitability of location*

10. Policy H1 of the LP seeks to direct growth towards urban areas, and within Growth Villages (GV) and Limited Infill Villages (LIV). The settlement of Bubbenhall is identified as a LIV settlement in Table 3 of the LP, where limited infill would be supported. When a site is not located adjacent to an urban area or GV, Policy H1(e) states that housing development would only be supported for affordable housing, rural workers, the re-use of a heritage asset, the re-use of redundant or disused building or be of exceptional design. The site is beyond the village boundary, as defined by the LP, and consequently it would be considered as open countryside and subject to policy H1(e).
11. Moreover, due to the limited access to services, occupiers would be reliant on car borne travel to access basic services. Furthermore, whilst the site would benefit from a pedestrian access at its northern corner, the adjacent highway is unlit and does not include a footway. As such, whilst recognising that the access would be adjacent to the driveway of Hill Cottage and the village beyond, this would not provide a suitable or safe access to the village. The alternative access across Pit Hill would be safer but is less direct and crosses an unlit field. The site therefore has poor linkages to the village.
12. The proposed dwelling would be located in the centre of the paddock. The proposed dwelling would have a large ground floor, partially submerged into the ground, and a relatively small first floor set perpendicular to the highway. It would be of a non-traditional modern design including the use of profile metal cladding, stone and some render sections. Despite its efforts to be subdued and appear 'barnlike', the effect of the proposal would be to reduce the rural nature of the site within the open countryside.
13. Accordingly, the proposed dwelling would not accord with Policies H1 and H15 of the LP, which seek new housing to be located in locations which enable a sustainable lifestyle and to encouraged custom and self-build housing in sustainable locations. The Council also referred, in reason for refusal No 1, to Policy BE1(k) of the LP. However, this policy seeks development to provide adequate private open space in terms of quantity and quality. The form of development would include a substantial area of private garden and therefore this policy would be satisfied. Moreover, the proposal would also not accord with the Framework which seeks to promote sustainable development in rural areas that would meet local needs and support the vitality of the settlement.
14. The proposal would also fail policies BUB1 and BUB2 of the Bubbenhall Neighbourhood Development Plan 2018 (NP) which supports new housing that would be sited and designed appropriately and sensitively so as to respect and enhance the setting of small infill sites.

### *Character and appearance*

15. The site is a paddock area to the east of the existing dwelling. It is relatively flat and secluded. The paddock is open and undeveloped and makes a positive contribution to the verdant and rural character and appearance of the area.
16. The site is adjacent to the CA boundary. The proposal includes changes to the access onto Stoneleigh Road. Vehicular access would be gained by an extended driveway from the existing dwelling. This would widen the access, remove some trees and hedges and remove part of the verge embankment. Although

these works would alter the appearance of the access to some extent it would not significantly change the appearance of the access to be regarded as urbanising. Consequently, the proposal would retain the rural character of this part of the CA. Therefore, whilst the proposal would increase the prominence of the access, the changes would be relatively minor. As a result, the proposed access alterations would preserve the character and appearance of the adjacent CA.

17. The proposal would therefore comply with policy HE1 of the LP which seeks development to not result in substantial harm or loss of the significance of a designated heritage asset.

#### *Other Considerations*

18. The site is adjacent to the boundary of Bubbenhall which includes two public houses and a church. The Framework seeks to promote sustainable development in rural areas where housing would meet local needs, enhance or maintain the vitality of rural communities, and where it would support local services. The proposal would deliver a self-build dwelling adjacent to an existing settlement which has some, albeit limited services. However, one dwelling would have only a negligible effect on the rural vitality of local services.
19. Furthermore, the site would be poorly accessed and would therefore not make a meaningful contribution towards housing supply in this rural location. Also, the proposal would contribute only modest economic benefits. Moreover, although the site is not isolated, its development would be contrary to the spatial strategy in the development plan.
20. The Framework seeks development to be high quality. The proposed dwelling would be constructed using sustainable materials, being locally sourced where possible. It would also incorporate renewable energy measures and include electric vehicle charging points. The Design and Access Statement explains that the core principles of the design philosophy have been to respond sensitively to the context with minimal visual impact, be an exceptional design and a low energy building. However, the sustainability credentials would only make a limited contribution in favour of the proposal.
21. The proposal would include biodiversity enhancements such as a wildflower meadow, new tree planting and a grass roof. These measures would be welcomed but many could be delivered without the proposal. Moreover, these would have been largely required as mitigation due to the loss of grassland habitat<sup>1</sup> with limited net gain and would therefore not result in meaningful enhancement.
22. The appellants have indicated that the proposal would allow them to downsize, would provide accommodation more appropriate as they grow older and enable their existing house to be available to the local area. However, there is no legal mechanism in place that would allow the proposal to be secured for the personal occupation of the appellants and therefore this is a point of very limited weight in favour of the proposal.
23. Policy H15 of the LP supports self-build projects within infill villages in suitable and sustainable locations. For the reasons I have already given, the site is not

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<sup>1</sup> Lockhart Garratt, Extended Phase 1 survey report 18/04/18

a suitable location for housing that would promote sustainable transport. Also, self-build is encouraged by the Neighbourhood Plan. However, there is no evidence before me that the appellants have registered the project as a self-build or provided a legal mechanism to guarantee that it would be delivered as such<sup>2</sup>. Moreover, there is nothing to suggest the appellant could not fulfil their self-build aspiration at a site within a settlement boundary. Furthermore, even if it was properly registered and secured, the site would not in any event be within an infill village and therefore it would not be a suitable location.

24. Representations submitted as part of both the planning application and appeal illustrate strong support for the proposal from the local community. However, local support and the referenced merits would not outweigh the identified conflict with local and national policy.

*Whether there would be Very Special Circumstances*

25. Paragraphs 143 and 144 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt. Paragraph 144 of the Framework requires substantial weight to be given to any harm to the Green Belt. The proposal would also be at odds with the spatial strategy in the development plan and harm the open character of the countryside, a point of significant weight.
27. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.
28. Consequently, the proposal would be inappropriate development and as such harmful to the Green Belt. The proposed dwelling would therefore be contrary to policy DS18 of the LP, which states that development in the Green Belt must comply with national planning policy.

**Conclusion**

29. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

*Ben Plenty*

INSPECTOR

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<sup>2</sup> A CIL self-build exemption form is in evidence, but is blank