



Appeal Decision

Site visit made on 29 July 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/E3715/W/19/3226761

Land adjacent to West View, Stockton Road, Birdingbury, Warwickshire CV23 8EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Walker against the decision of Rugby Borough Council.
 - The application Ref: R18/2210, dated 10 December 2018, was refused by notice dated 15 March 2019.
 - The development proposed is construction of one no. dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The new Rugby Borough Local Plan 2011-2031 (2019) (LP) has been adopted since the Council issued its decision. This supersedes the Rugby Core Strategy (2011). Policies GP1 and GP2 of the LP accord with the earlier version of the policies referred to by the Council in its Planning Officer's Report. The main parties have had opportunity to comment, in the light of the new LP. Accordingly, in my assessment I have regard to the relevant policies in the LP.
3. The appeal proposal relates to an outline planning application where all matters are reserved. The Local Planning Authority dealt with the proposal on this basis and so shall I.

Main Issue

4. The main issue is whether the proposed development's location is suitable and accessible, with particular reference to reliance on the private car.

Reasons

5. The appeal site is an area of vegetation with perimeter trees and shrubs, situated within open countryside.
6. The appeal site is next to a dwelling and opposite a farm, and is a short drive away from the village of Birdingbury. As such, the proposal would feasibly contribute to the social vitality of the area. Therefore, with reference to the

Braintree judgement¹ and subsequent Court of Appeal judgement², the proposed dwelling would not be 'isolated', in the context of paragraph 79 of the National Planning Policy Framework (the Framework)³.

7. However, lack of isolation in the above sense does not necessarily mean that a site will be reasonably accessible to services when considered in the context of other requirements of the Framework. The nearest settlements to the site are Birdingbury and Leamington Hastings, which are around 1km away. Given the limited extent of services and facilities in those settlements, future occupants of the proposed dwelling would need to travel further afield to the larger settlements of Dunchurch and Southam, around 6km away, to access facilities such as shops, medical services and schools.
8. A substantial unlit stretch of Stockton Road, without a pavement, links the appeal site to the edge of Birdingbury. This makes for lack of safe pedestrian access to the village and the nearest bus stop. Moreover, bus services from Birdingbury are of limited frequency. The above factors, together, would limit the appeal of public transport, and make reliance on the private car likely, for occupants of the proposed development.
9. It is suggested that the proposal would reduce the appellant's travel to work by enabling them to live adjacent to their family farm. Be that as it may, such future occupancy of the proposed dwelling is not guaranteed. Moreover, future occupants would be reliant on the private car to access essential services and facilities. As such, the planning benefit would not demonstrably outweigh the harm identified, in respect of private car use.
10. I note the appellant's reference to a planning permission⁴ for erection of a new dwelling approximately 730m north of the appeal site. However, I do not have full details of the other case and so it is not clear whether the circumstances are analogous to the proposal before me. Moreover, the appeal site is further away from Birdingbury than the other site, and has its own setting and circumstances. As such, I assess the proposal on its own merits.
11. The examining Inspector for the new LP found that it would enable the Council to identify a five year supply of deliverable housing sites, with sufficient surplus to achieve a rolling supply over the lifetime of the Plan. The Council sets out that, following adoption of the new LP, it can demonstrate a five year supply of deliverable housing sites. In the absence of substantive evidence to the contrary, I accept that there is sufficient supply such that the 'tilted balance' is not engaged.
12. In conclusion, the proposal would result in increasing reliance on the private car, in order to access essential services and facilities. As such, it would conflict with Policies GP1 and GP2 of the LP and relevant parts of the Framework, which together seek to direct development towards sustainable locations.

Other Matters

13. It is noted that a local resident recalls a caravan and industrial storage with cars on the site over thirty years ago. However, there is not substantive

¹ Braintree District Council v Secretary of State for Communities and Local Government & Ors [2017] EWHC 2743.

² Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2017] EWHC 2743 (Admin); [2018] EWCA Civ 610.

³ Published on 19 February 2019.

⁴ Ref: R18/1486.

evidence before me of such contemporary use of the site. Accordingly, this consideration carries limited weight.

14. It is recognised that the proposal would provide an additional dwelling, with associated socio-economic benefits during and after construction. However, given the proposed scale of development, the planning benefits would be modest, and would not outweigh the harm identified.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR