



Appeal Decision

Site visit made on 10 September 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/E3715/W/19/3231710

**Flecknoe Farm Stud & Livery, Flecknoe Village Road, Flecknoe,
Warwickshire CV23 8AU**

- 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 & Mrs A Murray against the decision of Rugby Borough Council.
 - The application Ref R18/1542, dated 13 August 2018, was refused by notice dated 6 February 2019.
 - The development proposed is demolition of existing barns and erection of 4 chalet bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline form with all matters reserved for future consideration. However, the plans submitted with the planning application included a location plan and a block plan, and the description of development clearly indicated that the development would be for chalet bungalows. However, as all matters are reserved, I have treated the block plan as indicative only.

Main Issues

3. The main issues in this appeal are:
 - Whether the site of the proposed development is a suitable location for dwellings having particular regard to accessibility for future residents to essential services; and
 - The effect of the proposed development on highway safety.

Reasons

Sustainability

4. The appeal site is located outside the village boundary of Flecknoe, and as a result is located within the open countryside.
5. Flecknoe offers a limited number of facilities, including a public house, but lacks many of the basic services required by residents to meet day-to-day needs. As such, residents would need to travel outside the village for many services.

6. There is a very limited bus service and would, in my view, have little practical effect in reducing what would still be an overwhelming reliance on the private car. Reliance on the private car would also hinder social integration between new and existing residents in the village.
7. Paragraph 78 of the National Planning Policy Framework (the Framework) promotes sustainable development in rural areas, and it directs housing to rural villages to enhance or maintain the vitality of rural communities. The remoteness of the appeal site would mean that the future occupiers of the proposed development would be unlikely to offer any meaningful day-to-day support to the facilities and services at the identified main settlements without reliance on the private car.
8. I have noted the comments of the appellant regarding the isolation of the respect in respect of the *Braintree* judgement (*Braintree DC v Secretary of State for Communities and Local Government (2017)*). However I have noted that in their statement, the Council does not consider the site as isolated, given the proximity of residential dwellings to the appeal site, and I agree with that position, and I do not find that the appeal site is in an isolated position within the terms of paragraph 79 of the Framework.
9. Given these factors, I find that the dwellings would be within a location with poor access to services and facilities. Whilst I accept that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it also states that development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes, and that housing should be located where it will enhance or maintain the vitality of rural communities. It does not justify locating development in an inherently unsustainable location. Given my findings above, there would be conflict with the Framework in these respects.
10. Therefore, based on what I have seen and the evidence in front of me, future residents of the proposal would be heavily reliant on the private car to access services and facilities as well as employment. Notwithstanding my conclusion in respect of paragraph 79 of the Framework, the proposal would be contrary to the Framework in respect of achieving sustainable development with due regard to managing patterns of growth in order to promote sustainable transport.

Highway Safety

11. The application was made in outline form, with all matters reserved. However, I note that the second reason for refusal relates to the concerns of the County Council, in relation to the provision of a safe and appropriate access for the appeal proposal.
12. Since the appeal was submitted, additional information has been submitted by the appellant in relation to the requirement for a Swept Path Analysis and a Stage 1 Road Safety Audit. I note that the County Council has now removed its objection with regard to those matters.
13. Whilst the access to the site is located close to the bend in the road, I find that the visibility available at the proposed point of access would be acceptable, and given the infrequent use of the highway, and low vehicle speeds which would

be expected in the locality, this would not cause a highway safety issue. As the County Council have now removed their objection, I find that the proposals would not cause harm to highway safety, and as such are consistent with Saved Policy T5 of the Rugby Borough Council Saved Local Plan Policies, Emerging Local Plan Policy D1 and Section 9 of the Framework, which collectively seek to ensure that a safe and sustainable access to the site can be achieved for all users.

Other Matters

14. The appellant has stated that the increased use of hybrid and electric vehicles will reduce the need for the combustion engine as the principal need for travel. I cannot agree with this argument and also magnifies the sustainability weaknesses relating to the site. In addition, it would be impossible to control by condition the type of vehicles that would be used by occupiers, let alone visitors to the dwellings.
15. Whilst there would be some visual benefits from the removal of the existing building and hardstanding, this does not overcome the harm that I have identified in relation to the lack of access to services for the site.
16. I have noted the references to other approved sites. I do not have full details of those cases in front of me. However, whilst there are some factors that appear similar to the proposed development, the examples are located in different areas with different development and locational characteristics to the appeal scheme. In any event, I am required to deal with this proposal on its own merits and as such, I accord them limited weight.

Conclusion

17. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR