



Appeal Decision

Site visit made on 8 October 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2019

Appeal Ref: APP/E3715/W/19/3233944

8 Swedish Houses, Birdingbury Road, Hill, Rugby, Warwickshire CV23 8EA

- 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 Mrs T F Kimberley against the decision of Rugby Borough Council.
 - The application Ref R19/0312, dated 11 February 2019, was refused by notice dated 22 March 2019.
 - The development proposed is construction of one dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the Council's decision, the Rugby Borough Council Local Plan 2019 (LP) has been adopted and this supersedes the Rugby Borough Council Final Version Core Strategy 2011. The emerging policies referred to in the Council's refusal reasons are now part of the adopted development plan. The main parties have had an opportunity to submit comments following the adoption of the LP and I have regard to its relevant policies in my consideration of the appeal.
3. The appeal relates to an outline planning application with all matters reserved. The Council dealt with the proposal on this basis and so shall I.

Main Issues

4. The main issues are (i) whether the site is a suitable location for the proposed development having regard to local and national policies and accessibility to services, and (ii) the effect on the character and appearance of the area.

Reasons

Suitability of the location

5. Policy GP2 of the LP states that development will be supported in accordance with a settlement hierarchy set out in the policy. The appeal site is outside any defined settlement and so lies in countryside. Policy GP2 states development in the countryside will be resisted unless allowed under national policy.
6. Paragraph 78 of the National Planning Policy Framework (the Framework) states that housing in rural areas should be located where it can enhance or maintain the vitality of rural communities and planning policies should identify opportunities for villages to grow and thrive. Paragraph 103 of the Framework

looks to ensure patterns of growth are managed to support specified objectives such as the promotion of walking, cycling and public transport use.

7. Hill is not identified in the recently adopted LP as one of the rural settlements where development is permissible. Most of the services that occupiers of the proposed dwelling would be likely to use, such as shops, places of employment, and health facilities are some distance away in larger settlements. Residents are unlikely to walk or cycle to such facilities given the distance and lack of pedestrian/cyclist friendly links. Buses serving Hill are limited to one a day. As such, even when recognising differences between urban and rural areas as referred to in paragraph 103 of the Framework, occupiers of the proposed dwelling would be unduly reliant upon the car to access a wide range of facilities due to the lack of realistic alternatives.
8. Residents of the proposed dwelling would be able to walk to the nearby parish hall and primary school. However, the potential for future residents to make a meaningful contribution to the vitality of Hill is severely limited given the narrow range of local services. Furthermore, Leamington Hastings and Birdingbury have few facilities, thereby limiting the potential for residents to affect or maintain the vitality in the other nearest settlements.
9. The proposed dwelling would be adjacent to existing buildings and so would not be isolated. However, the proposal would not promote use of sustainable modes of transport and would fail to have any meaningful effect on the vitality of a rural community. As such, there is no part of the Framework that indicates the proposed development is allowable.
10. Consequently, I conclude the appeal site would not represent a suitable location for the proposed development having regard to policy GP2 of the LP, the Framework and accessibility to services. Policy GP1 of the LP is referred to in the refusal reasons but is not relevant to this main issue.

Character and appearance

11. The appeal property is at the end of a line of similar properties (called Swedish Houses) all positioned a uniform distance back from the road.
12. To be consistent with the established building line, the proposed house would have to be positioned in the narrower part of the site, at odds with the wide plots in the area. A house in such a position would appear uncharacteristically cramped. A building towards the front of the site would be unduly prominent whilst a house positioned to the rear of the back garden would be out of keeping with the linear form of Swedish Houses.
13. The site has no specific designation, but the policy requirement that development responds to the character of an area is applicable to all proposals. The appeal submissions fail to demonstrate how the proposed dwelling could be positioned or designed in a manner that responds sympathetically to adjacent development. There is no evidence before me to show that the proposal would enhance the character of the area as claimed by the appellant.
14. For the reasons outlined above, I conclude the development would cause significant harm to the character and appearance of the area. Consequently, and in this regard, it would not accord with policy SDC1 of the LP and the Framework, which aim, amongst other things, to protect or enhance the character and appearance of the area and to provide attractive environments.

Other Matters

15. The appellant has brought my attention to planning permission for the erection of a dwelling at The Furrows, the adjoining property to the west¹. This permission was granted before the adoption of the LP and in the context of a previous version of the Framework. Also, the approved scheme was found to make a positive contribution to the character and appearance of the area. Due to the differences between the appeal scheme and approved development, it would not be inconsistent to dismiss this appeal and in any case, I am required to consider the appeal proposal on its own merits.
16. The proposal is acceptable in terms of highway safety, ecological issues and impact on living conditions of neighbouring residents. However, lack of harm in these respects is a neutral impact that fails to weigh in favour of the scheme.
17. The proposal would make more efficient use of previously developed land. It would contribute to the supply of housing, create employment during construction and future residents may support the few facilities that exist in Hill and nearby villages. I give these factors positive regard, although consider the benefits would be modest given the scale of the proposed development.
18. The report on the application submitted by the Council indicates that a housing land supply of only 3.78 years can be demonstrated. This report was prepared prior to the adoption of the LP and so the housing supply situation may subsequently have changed, although I have been provided with no update from the Council. The lack of a five year housing land supply leads to the application of the tilted balance in favour of granting planning permission for development as set out under paragraph 11(d) of the Framework. This means granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
19. Even if I were to conclude there is a shortfall in the five-year housing land supply on the scale indicated in the Council's report, I find the benefits of the proposed development would be modest. Also, for the reasons outlined above, I find the proposal would be contrary to the recently adopted LP and the Framework taken as a whole. The harm caused by the proposal by reason of the unsuitable location and to the character and appearance of the area would be considerable and would significantly and demonstrably outweigh the benefits of the scheme. As such, the presumption in favour of sustainable development as set out under paragraph 11 of the Framework would not apply. I find no substantive reason that indicates the proposal should be determined other than in accordance with the development plan when read as a whole.

Conclusion

20. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR

¹ Planning permission granted by Rugby Borough Council, ref. no. R18/0079.