



Appeal Decision

Site visit made on 7 October 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2019

Appeal Ref: APP/U4610/W/19/3233197

Land adjacent to The Brindles, Pickford Green Lane, Coventry CV5 9AP

- 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 Geoffrey and Patricia Faulconbridge against the decision of Coventry City Council.
 - The application Ref OUT/2018/3099, dated 6 November 2018, was refused by notice dated 21 January 2019.
 - The development proposed is outline application for up to three dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is in outline form with all matters except access reserved for subsequent approval. The appellant has submitted a block plan showing the position of three dwellings on the site and two access points. For the purposes of my assessment, I have taken the position of the dwellings on the block plan to be indicative only.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - (ii) The effect on the openness of the Green Belt.
 - (iii) The effect of the proposal on biodiversity in the Ancient Arden Historic Landscape Area.
 - (iv) If the proposal is inappropriate development, 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

Whether or not inappropriate development in the Green Belt

4. The appeal site is a grass field situated within the West Midlands Green Belt and the Ancient Arden Historic Landscape Area. It forms a substantial gap

between ribbon development on Pickford Green Lane and a detached single storey dwelling known as The Brindles which is positioned at the junction with Pickford Grange Lane. The site is elevated from the road and has mature planting and a post and rail fence to the boundary with Pickford Green Lane. Fields adjoin the rear boundary of the site and are also situated opposite the site.

5. The proposal seeks permission for up to three dwellings on the site and the indicative drawings show a potential layout for a pair of semi-detached dwellings and a detached dwelling with two vehicular access points. Paragraph 145 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than in a number of exceptions. One exception is for limited infilling in villages. Policy GB1 (Green Belt and Local Green Space) of the Coventry City Council Local Plan (2017) (the LP) confirms development proposals in the Green Belt will be assessed in relation to the relevant national policy and allows for limited infill. Policy H3 (Provision of New Housing) of the LP states amongst other things that self-build homes and starter homes will be considered acceptable as part of limited infill within existing ribbon developments within the Green Belt where it is demonstrated that they do not have an adverse impact upon the openness and integrity of the wider Green Belt.
6. My attention has been drawn to a previous appeal¹ on the site. The Inspector in that particular case noted the intrinsically rural and open nature of the site and the wider agricultural setting of Pickford Green Lane. I also noted these characteristics on my site visit and in particular the wide proportions of the site, the slope of the lane and the clear visual break that these factors provide between The Brindles and the row of properties further down Pickford Green Lane. I concur with the previous Inspector that consequently the development pattern here does not read as a continuous streetscene and the appeal site does not exhibit the visual characteristics of a limited infill site.
7. To conclude, the development constitutes inappropriate development in the Green Belt when assessed against national policy in the Framework and the relevant policies in the Development Plan.

The effect on the openness of the Green Belt

8. Paragraph 133 of the Framework sets out the essential characteristics of Green Belts, which are their openness and permanence. It has been held in the High Court that openness is epitomised by the lack of buildings or development. Openness is a separate issue from the effect of a development on the character and appearance of an area.
9. The site is largely screened from Pickford Green Lane by the mature planting which exists to the front boundary. However, from Pickford Grange Lane views of the site are available and in combination with adjoining fields, the site forms part of the generally open and rural context. Even accounting for the proximity of existing dwellings on Pickford Green Lane, development of the site whether it be for a single dwelling or the maximum three dwellings proposed would inevitably increase the presence of built form within the landscape.

¹ APP/V4610/W/16/3145338

10. Visual impact is only part of the assessment of the impact of the proposal on openness. My assessment must also take the spatial impact into consideration. The footprint, height and volume of any dwelling would undoubtedly affect openness when compared with the current undeveloped nature of the site.
11. For the above reasons, the development would not preserve the openness of the Green Belt and would conflict with the purposes of including land in it. The development is therefore contrary to Policy GB1 of the LP and national policy in the Framework.

Biodiversity of the Ancient Arden Historic Landscape Area

12. Policy GE3 (Biodiversity, Geological, Landscape and Archaeological Conservation) of the LP states that proposals for development on sites with biodiversity conservation value will be permitted provided that they protect, enhance and/or restore habitat biodiversity. The appeal site is located within the Ancient Arden Historic Landscape Area (AAHLA). The rural character of the site and mature soft landscaping to its boundaries indicate that there is habitat potential. The development would result in significant parts of the site being overlaid with buildings and hardstanding and the vehicular access points would necessitate removal of sections of the planting to the front boundary. On this basis, and in the absence of any evidence to demonstrate otherwise, it is reasonable to conclude that there would be likely to be a net loss to biodiversity on the site.
13. The appellant suggests that the ecology consultee comments were not made available to them during the application process and that the Committee resolution did not include a reason relating to conserving and enhancing the biodiversity. I was not party to the discussions at the Council's Committee meeting and I must consider the main issues before me as indicated on the Council's decision notice. The effect of the proposal on biodiversity in the AAHLA was also a matter considered under the previous appeal. The appellant therefore had prior knowledge that matters relating to biodiversity were likely to be prevalent in the Council's decision making. Given the Council's concerns in respect of the principle of the development in the Green Belt, it is reasonable that they would not put the appellant to any additional expense in terms of requesting ecological surveys.
14. Notwithstanding the above, in the absence of an appropriate ecological assessment, the potential impact on the biodiversity value on the site and whether or not any loss can be appropriately mitigated cannot be fully understood. The appellant suggests any impact on biodiversity could be dealt with by condition. However, this would not provide any certainty as to the extent of impact and whether this could be compensated for.
15. Since the previously dismissed appeal on the site, the LP has been adopted. The LP includes the Sustainable Urban Extension (SUE) on the land north of Eastern Green which sits on the opposite site of Pickford Green Lane to the appeal site. The appellant contends that the AAHLA would have been considered as part of this. However, I have no substantive evidence before me to indicate that any assessment of biodiversity as part of the adoption of the SUE included the appeal site.
16. To conclude, in the absence of an appropriate assessment, there is uncertainty as to whether the proposal would protect, enhance and/or restore habitat

biodiversity within the AAHLA. On this basis the proposal is contrary to Policy GE3 of the LP and the aims of the Framework to protect and enhance biodiversity.

Other considerations

17. The appellant contends that development of the SUE will change the setting of the appeal site and it will then be read as part of a village. However, the SUE is part of the Council's strategic approach to meeting its development requirements. I note that the parameters plan for the SUE provided indicates that the site boundary is set some distance away from this part of Pickford Green Lane and the fields immediately opposite the appeal site would not be developed. In those circumstances, the appeal site would still remain distinctly rural. The appellant suggests that the fields opposite the appeal site have also been taken out of the Green Belt. Even if this were the case, the intervening road provides a distinct buffer and the appeal site remains in the Green Belt. The adoption of the SUE does not diminish the importance of protecting the remaining Green Belt land in order to meet the fundamental aims of the Framework.
18. My attention has also been drawn to the comments of the Inspector who assessed the SUE as part of the LP examination. In particular, reference has been made to the gap between Coventry and Solihull and that the SUE would not reduce this gap. On this basis, the appellant suggests that development to this section of the Green Belt would not be harmful in terms of preventing urban sprawl. However, I do not find the comprehensive development of a site that has been examined through the development plan process to help meet the long-term development requirements of the area comparable to the development before me which would be piecemeal and would result in incremental erosion of the Green Belt.
19. I note the comments made in support of the proposal including the reference to their being good transport links, that there is a shortage of properties for sale, that the development would have security benefits for neighbouring properties and that the proposals would not be detrimental to the area. I have no substantive evidence that the proposal would address a specific need for housing in the area nor that there is a significant security issue that needs to be addressed. The availability of good transport links and to incorporate a design that complements other dwellings in the area only relates to usual expected requirements of a development proposal and therefore I attach neutral weight to these matters as a material consideration.
20. The proposal would make a limited contribution to the Council's housing requirements. A limited economic benefit would be generated through the development of the site and expenditure in local services by any future occupants. There would also be a limited social contribution if occupants were to use local facilities.

Green Belt Balance and Conclusion

21. The development constitutes inappropriate development in the Green Belt. The Framework states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Moreover, I have found that the proposal would be harmful to the openness of the Green Belt. I have also identified conflict with the development plan in

respect of the effect the proposal would have on biodiversity in the AAHLA. Very special circumstances 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. This is a high hurdle for a development proposal to overcome.

22. I have found that the other considerations in favour of the proposal would only carry limited weight.
23. In conclusion and on balance, the substantial weight to be given to Green Belt harm, is not clearly outweighed by these other considerations and therefore the very special circumstances needed to justify the proposed development do not exist.
24. For the reasons given the overall conclusion is therefore that the appeal should be dismissed.

M Russell

INSPECTOR