



Appeal Decision

Site visit made on 29 October 2019

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2020

Appeal Ref: APP/E3715/W/19/3235588

**Land adjacent to 3 Tattlebank Cottages, London Road, Willoughby
CV23 8BL**

- 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 & Mrs Wain against the decision of Rugby Borough Council.
 - The application Ref R19/0423, dated 19 February 2019, was refused by notice dated 29 May 2019.
 - The development proposed is erection of 2 two-bed dwellings, creation of new vehicular access, closing of existing vehicular access and demolition of existing double garage and stable building.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 two-bed dwellings, creation of new vehicular access, closing of existing vehicular access and demolition of existing double garage and stable building at land adjacent to 3 Tattlebank Cottages, London Road, Willoughby CV23 8BL in accordance with application, Ref R19/0423 dated 19 February 2019 subject to the schedule of conditions at the end of this decision.

Procedural Matter

2. The Rugby Borough Local Plan 2011 – 2031 (RLP) has been adopted since the appeal was submitted. Policy CS1 of the Core Strategy (2011) has been superseded and as such Policies GP1, GP2 and D1 from the adopted RLP are now the most relevant policies for the determination of this appeal. The Willoughby Neighbourhood Plan (WNP) has also been 'made' since the appeal was submitted. The appellant and the Council have commented on the new policies and the neighbourhood plan. I must make a decision based on the development plan at the time of my decision. I am satisfied that no interested party have been prejudiced by my approach.

Main Issue

3. The main issue is whether the proposed development would provide an appropriate location for housing, having specific regard to accessibility to services and facilities and reliance on motor vehicles.

Reasons

4. Willoughby is a 'Rural Village' under Policy GP2 of the RLP which permits new development within existing boundaries. As the appeal site lies outside of but

adjacent the boundary for Willoughby there is conflict with the development strategy for the area. Therefore, new development outside of existing boundaries will be considered to be located within countryside and this proposal has not been presented on the basis of any essential need for a countryside location.

5. The Council have indicated that the site would not constitute a Rural Exception Site as set out under policy H4 of the RLP. The proposal has not been presented as such, therefore it is not relevant to the determination of this appeal.
6. The supporting text of Policy GP2 of the RLP does however allow development away from existing settlement boundaries providing that it can demonstrate that the overall social and economic benefits outweigh the locational disadvantages.
7. The appellant contends that the proposed development presents benefits which would overcome the conflict with Policy GP2 in relation to the location of the appeal site outside the existing boundary of Willoughby. In terms of the economic benefits the proposed development would provide short term employment during the construction phase and future occupiers would support the existing services and facilities within Willoughby. Turning to the social benefits the proposal would provide 2 two-bedroom properties which would accord with the WNP which encourages smaller homes and would provide new housing for, amongst others, young families or people wishing to down-size. I find that these economic and social benefits would outweigh the conflict with Policy GP2 in respect of the location of the appeal site.
8. The village of Willoughby is located on the western side of London Road mainly extending west along Main Street. The village has few services and facilities limited to a village hall, public house, hairdressers and an infrequent bus service. The nearest settlement with more facilities is Braunston a few kilometres away; and whilst connected by a footpath, residents are unlikely to use this route on a regular basis due to the overall distance and it being unlit.
9. Given the distance between the site and nearby villages with more services and facilities together with the infrequency of the bus services future occupiers would be more reliant on private vehicles to access services and facilities to meet their day to day needs. However, this would be the situation for existing residents of Willoughby and it is acknowledged in the National Planning Policy Framework (the Framework) in paragraph 103 that transport solutions will vary between urban and rural areas. Notwithstanding the above, I find that the location of the development and accessibility to services and facilities in Willoughby and nearby towns and villages would not be unacceptable. Future occupiers would not be solely reliant on private motor vehicles as there are some services and facilities and access to alternative modes of transport such as public transport (the bus services, which include a dedicated weekday school service) and footpaths leading to nearby villages.
10. Although it would be limited there would be some positive contribution to the vitality of Willoughby as a rural community, thus in this regard it would accord with Paragraph 78 of the Framework. It would also redevelop a previously developed (brownfield) site, as encouraged by paragraph 84 of the Framework; and it would also continue the existing pattern and appearance of housing along London Road thereby not encroaching into the surrounding countryside.

As such, I find that the proposed development would protect the surrounding landscape in accordance with Paragraph 170(b) of the Framework.

11. Whilst there would be conflict with the RLP in respect of the Policy GP1 and the locational requirements set out in Policy GP2, I find that the economic and social benefits of the proposal would overcome the perceived locational disadvantages of the appeal site. As such it would in my judgement, accord with Policies GP1, GP2 and D1 of the RLP which seek, amongst other things, that development improves the economic, social and environmental conditions in the area in appropriate locations and provides opportunities for sustainable transport to serve the development and safe and suitable access. It would also accord with the aims and objectives of the WNP.
12. The development would also accord with the Framework which aims to achieve sustainable development, housing in rural areas where it will enhance or maintain the vitality of rural communities and appropriate opportunities to promote sustainable transport modes given the type of development and its location and the provision of a safe and suitable access.

Other Matters

13. I have considered the representations received in relation to highway safety. There is no substantive evidence before me to suggest that the development would harm highway safety, particularly as the Highway Authority raise no objection. I therefore find that there is no compelling evidence before me which would lead me to a different conclusion in respect of this matter.
14. A small section of hedgerow would be removed for the new access and the frontage would be turned over to a parking area. Whilst this would change the appearance of the frontage, this would not be significantly dissimilar to the appearance of properties along this side of London Road and as such I do not find that this would undermine the rural character of the area.

Conditions

15. The Council suggested 21 conditions in the event that the appeal was to be allowed. I have considered these, together with the appellant's comments, in relation to the contents of the Framework and Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council. In particular I have consolidated 8 suggested conditions relating to highway requirements into 3 conditions.
16. In addition to the standard time three-year limit condition for implementation; it is necessary to specify the approved plans in the interests of certainty. Conditions relating to materials and boundary treatment are necessary in order to ensure the satisfactory appearance of the development. A condition for a scheme of noise mitigation is required in the interests of safeguarding the living conditions of future occupiers from noise arising from adjacent road traffic, nearby commercial uses and agricultural operations.
17. A condition requiring details of a combined ecological and landscaping scheme has been imposed in the interests of safeguarding wildlife and habitats.
18. A condition relating to the vehicular access, visibility splay and the laying out of car parking spaces is imposed in the interests of highway safety. The

appellants have also suggested a condition for electric vehicle charging points, however, given the modest scale of the development I do not consider it would be reasonable to impose such a condition.

19. The Council suggested a condition requiring detailed information of the proposed windows and doors, however, I find that in this particular instance such a condition would not be necessary or reasonable and has not been imposed as there is sufficient information on the submitted plans.
20. The Council also sought to prevent the installation of gates at the access and remove permitted development rights in relation to extensions, roof alterations, porches and outbuildings. However, I find they would not be reasonable or necessary under the provisions of the PPG and thus I have not imposed such conditions.
21. There are two conditions which require compliance prior to the commencement of development, namely boundary treatment and for a combined ecological and landscaping scheme. I am satisfied that both of these are necessary. The procedure set out in Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 has been followed and the appellants have provided written agreement of both of these pre-commencement conditions.

Conclusion

22. For the reasons set out above the appeal is allowed.

B Thandi

INSPECTOR

Schedule of Conditions (10 in total)

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans and Elevations Plan Drawing No KWPL01 Version 5 and Block Plan Drawing No KWPL02 Version 12.
- 3) No development shall take place, including site clearance, until an ecological and landscaping scheme have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of the boundary treatments to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall commence above ground until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 6) Construction work shall not take place until a scheme for protecting the proposed development from noise from road traffic, commercial uses and agricultural operations shall have been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the development is occupied and retained thereafter.
- 7) The development hereby permitted shall not be first occupied until details of the proposed vehicular access and the closing of the existing access has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained for the life of the development.
- 8) The development hereby permitted shall not be first occupied until details of a visibility splay for the proposed access have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details, prior to the first occupation of the dwellings hereby permitted. The approved visibility splay shall then be retained thereafter for the life of the development.
- 9) The development hereby permitted shall not be first occupied until details of the parking and turning area have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details, prior to the first occupation of the dwellings hereby permitted. The approved parking area shall then be retained thereafter for the life of the development.
- 10) The window in the north west elevation shown on Proposed Plans and Elevations Plan Drawing No KWPL01 Version 5 shall be fitted with obscure glazing for the lifetime of the development.