
Appeal Decision

Site visit made on 21 January 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/T3725/W/19/3240328

8 Savages Close, Bishops Tachbrook, CV33 9RL

- 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 and Mrs Wellsted against the decision of Warwick District Council.
 - The application Ref W/19/1183, dated 12 July 2019, was refused by notice dated 9 October 2019.
 - The development proposed is the erection of single storey dwelling with associated works following demolition of existing outbuildings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the proposed development as set out in the Council's decision notice as this is more concise than that set out in the application form.

Main Issues

3. The main issues are whether the proposed development would be located in a suitable location having regard to the Council's housing strategy and whether it would provide adequate living conditions for future occupants, with regard to outlook.

Reasons

Living Conditions

4. Policy BE3 of the LP states that development would not be permitted that does not provide an acceptable standard of amenity for future users and occupiers of the development. The explanatory text to Policy BE3 lists a number of disturbances and intrusions. However, these are clearly described as examples and therefore it is not an exhaustive list. It is a well-established principle that outlook is an integral aspect of residential amenity.
5. The proposed carer/guest bedroom would be served by two high level windows, which would be obscure glazed. As a result of the obscure glazing, the windows would not afford any outlook from this room.

6. I acknowledge that the bedroom would also be served by a high-level internal window and would receive adequate natural light. However, the only outlook from this would be of the internal corridor of the dwelling and not of any outdoor aspect.
7. Therefore, the lack of any meaningful outlook from the room would create an oppressively confined form of accommodation that would be detrimental to the well-being of the occupants of the dwelling.
8. I find therefore that the proposal would not provide adequate living conditions for the occupants of the dwelling, with regard to outlook. As such, it would be contrary to Policy BE3 of the LP.

Location

9. Policy H1 of the Warwick District Local Plan (LP) 2017 directs new housing to built-up areas, defined as Urban Areas, allocated sites on the southern edge of Coventry and Growth Villages. The explanatory text to this policy goes on to identify the Urban Areas and Growth Villages as well as Limited Infill Villages. It also defines open countryside as those areas outside the built-up areas and Limited Infill Villages.
10. Policy H1 states that new housing in the open countryside where, amongst other things, the site is adjacent to an Urban Area or a Growth Village and there is an identified housing need to which the development would contribute could be acceptable.
11. Bishops Tachbrook is identified as a Growth Village and a clearly defined settlement boundary demarcates the village confines in the LP Proposals Map. The appeal site is located within a small group of dwellings and forms part of the Bishops Tachbrook Conservation Area (CA), which 'gives protection to the core of the original village'. However, it is located outside of the defined settlement boundary for Bishops Tachbrook. Therefore, for the purposes of the development plan, the site falls within the open countryside.
12. I acknowledge the appellant's argument that the National Planning Policy Framework (the Framework) does not define open countryside and that case law establishes that planning policies ought never to be over-interpreted. However, the LP definition of open countryside is clear and straightforward, with little scope to interpret it in any other way than it is intended. Development is either within the defined built-up areas or Limited Infill Villages, and therefore not within the open countryside, or, outside these areas and therefore within the open countryside. For the purposes of the development plan, the appeal site can only reasonably be interpreted as being within the open countryside. To consider it as such is not an 'over interpretation' but rather the correct and only reasonable interpretation.
13. The appellant also refers me to the Court of Appeal case of *Julian Wood v SSCLG and Gravesend Borough Council (2015) EWCA Civ 195*. However, this case was concerned with the definition of 'village' with specific regard to development within the Green Belt, whereby one exception to the presumption against new buildings in the Green Belt is limited infilling in villages. Therefore, the Green Belt policy context of this judgement is not directly comparable to the general housing strategy policy context of the

proposal before me, for which there are clearly defined settlement boundaries.

14. Despite the appeal site lying outside the settlement boundary of Bishops Tachbrook, the Council considers that it is adjacent to it and therefore satisfies criterion i of Policy H1(d) of the LP. The Council also confirms that it would satisfy criterion iii, iv and v. Based on the evidence before me, I find no reason to conclude otherwise. The crux of the matter is whether the proposal satisfies criterion ii of Policy H1(d) of the LP. i.e. that there is an identified housing need to which the proposed development can contribute.
15. There is no dispute between the main parties that the Housing Needs Survey (HNS) carried out by Bishops Tachbrook Parish Council in July 2019 identifies a need for three owner occupier bungalows. However, the HNS does not take into consideration that within the Parish there are three housing allocations, one for 1605 houses, one for 900 houses and one for 50 houses. In addition, planning permission has been granted for 150 dwellings off Oakley Wood Road. The Council confirms that the need for three bungalows has already been met in the planning permissions granted for the allocated sites, with more likely to be provided on the allocated sites that have yet to come forward. However, based on the evidence before me, including drawings of the approved developments on allocated sites H02 and H49, the Council considers that dormer bungalows would meet the need for the identified need for three bungalows. I do not agree with this interpretation.
16. The HNS makes reference to both dormer bungalows and bungalows, indicating that there is a clear distinction between the two. Furthermore, the appellant makes a compelling case that the Ministry of Housing, Communities and Local Government's English Housing Survey defines a bungalow as 'a house with all of the habitable accommodation on one floor'. The Council does not dispute this. The approved dormer bungalows referred to me have habitable accommodation across both the first floor and the ground floor. It therefore seems a reasonable approach to consider these properties as being houses, rather than bungalows, particularly bearing in mind that bungalows are typically required by people who have accessibility needs and may struggle to utilise first floor accommodation.
17. Therefore, based on the evidence before me, I am not satisfied that the approved 'bungalows' referred to by the Council are in fact bungalows that would meet the need identified in the HNS. Furthermore, there is no evidence that the allocated sites yet to come forward would indeed fulfil this need. Accordingly, as the proposal would provide a dwelling with all of its habitable accommodation on the ground floor, and therefore would truly be a bungalow, it would make a positive contribution to the identified need for three bungalows.
18. I find therefore that that the proposal would satisfy criterion ii of Policy H1(d) of the LP and therefore Policy H1 as a whole. As such, it would represent a suitable location for housing in accordance with the Council's Housing Strategy and the Framework.

Other Matters

19. The proposed dwelling would be built to lifetime homes standard and utilise environmentally sustainable construction methods. These are matters that weigh in favour of the proposal. However, given its small scale I attribute them only limited weight.
20. The Council have raised no objection to the proposal in respect of whether it preserves or enhances the character or appearance of the CA or the effect it would have on the setting of the Grade II Listed Building. Based on the evidence before me and the observations I made during my site visit, I find that it would have a neutral effect on the significance of the CA and therefore would preserve its character and appearance. Furthermore, it would not harm the setting of the listed building. However, as these are neutral effects, they do not weigh in favour of the proposal.

Conclusion

21. The proposal would offer some benefits in terms of contributing towards an identified housing need, being built to lifetime homes standard and utilising environmentally sustainable construction methods. However, individually or cumulatively, these matters do not outweigh the harm the proposal would have by reason of providing inadequate living conditions for future occupants.
22. I recognise the strong support for the proposal from local residents. However, my consideration of the proposal has been based on the planning merits of the proposal and I do not consider that this support justifies a departure from the development plan.
23. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR