
Appeal Decision

Site visit made on 26 May 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2020

Appeal Ref: APP/T3725/W/19/3243345

Sunnyside, Old Warwick Road, Lapworth B94 6HN

- 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 Ms M Powers against the decision of Warwick District Council.
 - The application Ref W/19/0925, dated 03 June 2019, was refused by notice dated 19 November 2019.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The appeal proposal is for outline planning permission with access only to be determined at this stage with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme I have treated the indicative details submitted with the appeal application as no more than a guide as to how the site might be developed.

Preliminary Matters

4. The description of development above has been taken from the application form. 'Re-submission of W/18/0607' is not however an act of development and accordingly I have not included it in the description.

Main Issues

5. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the 'Framework') and development plan policy;

- The effect of the proposal on the openness of the Green Belt;
- Whether the appeal site represents an appropriate location for new housing; and
- If the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

Whether Inappropriate Development

6. I acknowledge that the appeal site is within a small residential settlement fronting Old Warwick Road and Wharf Lane, however it is not within an urban area, or village, as defined in Policy H1 of the Warwick District Local Plan 2011-2029 (LP) and is therefore within the countryside for planning policy purposes. Given its location, and the fact that the proposal would be located on garden land where there are existing outbuildings, the appeal site would fall within the definition of previously developed land as contained within the Glossary to the Framework.
7. Paragraph 145 of the Framework establishes that new buildings in the Green Belt (GB) are inappropriate, subject to a number of exceptions. These exceptions include limited infilling or redevelopment of previously developed land (paragraph 145 g)), provided that the development does not have a greater impact on the openness of the Green Belt than the existing development.
8. In the light of the above I am required to assess the impact of the proposal on openness before I can conclude whether or not it would comprise inappropriate development within the Green Belt.

Openness

9. The Framework identifies that an essential characteristic of Green Belts is their openness. The Court of Appeal in *Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466* has confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. But equally this does not mean that the openness of the Green Belt has no visual dimension.
10. The site occupies a narrow parcel of land running parallel to Old Warwick Road. It is located between the host property and No 215, with a substantial gap between the 2 dwellings. It contains 2 small single storey outbuildings that are not clearly visible from public locations as a consequence of existing boundary fencing, trees and hedgerows.
11. There would be a high probability that a new dwelling on the site would be larger than the existing modestly sized outbuildings upon the site, both in terms of floor area and volume. Indeed, the indicative layout and elevations

indicate this. As such a new dwelling on the site would be likely to have a greater spatial and visual impact than the existing buildings upon it, even taking into account the existing fencing and hedgerows along the road frontage. As a consequence, a new dwelling on the site would be likely to have a significantly greater impact on the openness of the Green Belt than the existing development, in that openness would be reduced.

12. Considering the above, I conclude that the proposal would have a greater impact on the openness of the Green Belt than the existing development and as such would be inappropriate development in the Green Belt. In this regard, the proposal would conflict with Policy DS18 of the LP and with the Framework insofar as they affirm that inappropriate development is, by definition, harmful to the Green Belt and that an essential characteristic of Green Belts is their openness.

Whether an appropriate location for housing

13. Within the open countryside housing development is supported in only a limited number of circumstances as set out in Policy H1 d) and e) of the LP. As the site is not adjacent to the boundary of the urban area or a growth village, the proposal does not comply with criteria d) of LP Policy H1. It therefore falls to be considered under criteria e) of this policy.
14. In this regard, the evidence before me does not demonstrate that the new dwelling falls within any of the circumstances set out within criteria e) of Policy H1. Accordingly, I conclude that the location of the appeal site is not appropriate for the proposed new dwelling as it conflicts with LP Policy H1, which seeks to direct new housing towards built-up areas which are seen as the most sustainable locations, and permit housing in the countryside only where certain criteria is met.
15. The Appellant refers, in her statement, to a number of villages that have been identified in the LP as 'Limited Infill Villages', including Rowington/Rowington Green and Chessetts Wood. She indicates that these villages do not provide facilities and services to meet essential day to day requirements. I am not aware of the circumstances that led to their designation however they are identified within an adopted Development Plan that has been subject to examination. As a result, development proposals within those villages are likely to be judged against different development plan policies to those appertaining to the current appeal.
16. The Council refers to Policy H11 in their reason for refusal. This policy relates to 'Limited Infill Village' housing development in the Green Belt. However, it has been accepted by both parties that the appeal site does not fall within 'Limited Infill village (as shown on the Policies Map)' and consequently I find this policy does not apply.

Other Considerations

17. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

18. I acknowledge that the appellant has sought to address the issues raised in a previous application and appeal for 2 dwellings on the site, however for the reasons set out above, I find that the proposal conflicts with the development plan.
19. Whilst the reuse of the site may contribute to the supply of housing in the area, and increase housing choice, the benefits would be limited given the quantum of development proposed. I give this matter limited weight.
20. Hockley Heath and Lapworth are the nearest villages with facilities and services. Hockley Heath is only half a mile from the site but the route to it lacks street lighting and footpaths. The route to Lapworth is considerably longer and also lacks footpaths and lighting for much of its length. The absence of dedicated footpaths and lighting, combined with traffic travelling up to 40 mph, would make the route to both villages unsafe and unattractive to pedestrians and cyclists. As a consequence, there would be a high reliance on private car. For those without access to such a vehicle the services and facilities would not be accessible. For these reasons it is not accepted that the site is in an accessible location.
21. The appellant has indicated that the design of the building would ensure that its visual impact would be kept to a minimum, and the floorspace is in keeping with what could be provided as 'permitted development'. The appearance and scale of the dwelling are not before me. Moreover, I have not been provided with evidence of the nature and scope of the works that might be carried out under 'permitted development'. Consequently, I am unable make a comparison with the appeal proposal or consider the likelihood of such development taking place. I give these matters neutral weight.
22. The removal of permitted development rights, as suggested by the appellant, does not provide justification for a new dwelling on the site. I give this matter limited weight.
23. The Council is of the view that the outline proposal for a single dwelling would not have a harmful effect to the character of the area, ecology or living conditions, amongst other matters. These matters are not in dispute and carry neutral weight in my assessment as such matters would be expected of a well-planned development in any event.

Balancing of considerations and whether very special circumstances exist

24. The proposal would be inappropriate development in the Green Belt and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. Further harm would be caused as a result of the location of the appeal site and the proposal's conflict with the development plan. The matters advanced in support of the proposal at most carry limited weight and do not outweigh the substantial weight that is given to the harm identified to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal therefore conflicts with Policy DS18 of LP and the Framework.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR