
Appeal Decision

Site visit made on 9 June 2020

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/T3725/W/20/3245897

Land at Honiley Road, Beausale

- 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 Metkey 1 Ltd against the decision of Warwick District Council.
 - The application Ref W/19/1633, dated 18 September 2019, was refused by notice dated 24 December 2019.
 - The development proposed is demolition of existing stable building and erection of two detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect upon the character and appearance of the area;
 - The effect on protected species and biodiversity; and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposed development would be inappropriate development

3. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new dwellings is regarded as inappropriate in the Green Belt save for a number of specified exceptions, one of which is the limited infilling of villages.
4. Policy H11 of the Warwick District Local Plan (2017) (LP) also relates to the limited infilling of villages in the Green Belt. It makes clear in criterion b that such infilling should be in a small gap fronting the public highway between an

otherwise largely uninterrupted built up frontage which is visible as part of the street scene.

5. The appeal site, which is within the settlement boundary of Beausale, contains an L shaped stable positioned along its northern boundary. Located opposite the site is existing linear residential development which extends for a short distance along Honiley Road and School Lane, but otherwise housing is more sporadic. The character of the stable and the sporadic nature of the existing housing contribute to the verdant and rural character of the immediate area.
6. Notwithstanding the presence of the neighbouring dwelling, the site is not a small gap located within an otherwise uninterrupted built up frontage but rather a largely open paddock located on the edge of the village. Nor does the site have the characteristics of an obvious vacant plot. The proposal would not integrate into an established street scene due to the substantial separation between houses along this side of Honiley Road. Consequently, it does not constitute limited infill in a village, irrespective of how the settlement boundary has been drawn.
7. I acknowledge as the site is currently in equine use, it falls within the definition of previously developed land (PDL). The Framework states that partial or complete redevelopment of PDL, whether in redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development is not inappropriate development.
8. However, due to the overall size of the two dwellings proposed it would have a significant greater impact on openness. Consequently, the proposed development constitutes inappropriate development as set out in paragraphs 145 and 146 of the Framework. It would also conflict with policy H11 of the LP.

The effect on openness

9. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both spatial and visual aspects.
10. The proposed development comprising two large detached dwellings and the associated infrastructure and domestic paraphernalia would have a substantial impact on openness in both visual and spatial terms.
11. As such, I find that there would be a loss of openness of the Green Belt and this harm would be substantial contrary to the aims and objectives of the Framework.

Character and appearance

12. I acknowledge that the set back of the dwellings would allow for an area of defensible space, that the proposal would provide future occupiers with satisfactory living conditions and it would not harm the living conditions of nearby residents. However, in my view, the scheme would not successfully integrate into the wider landscape. It would be very apparent and intrusive appearing as an incongruous form of development that would change the verdant appearance of the site into something more urban, notwithstanding the small site coverage. It would significantly erode its verdant and rural appearance adversely affecting its character and appearance.

13. Whilst the materials would be sympathetic to the local area, the dwellings would have a suburban appearance. The design of the dwellings together with their overall scale and mass would appear as unduly prominent and incongruous features on the edge of the village.
14. Taking the above into account I find that the proposed development would adversely affect the character and appearance of the area contrary to Policies BE1 and NE4 of the LP which, amongst other things, requires new development to harmonise with existing settlements; respect surrounding buildings in terms of scale, height, form and massing and consider landscape context including local distinctiveness.

Protected species and biodiversity

15. The Council's Ecological Services advise that surveys are required in respect of the presence of bats and nesting birds. From the evidence before me there is the possible presence of protected species in the area.
16. I acknowledge that trees would not be removed, and hedge removal would be limited to the access points only. I also note that the appellant is willing to accept a soft landscaping scheme as part of an appropriately worded planning condition. However, Circular 06/2005: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system, states it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. In this case I see no reason to depart from the guidance set out in the circular and the advice of the Council's Ecological Services.
17. The potential for bats and other protected species on site and in the area carries statutory duties and is a matter of considerable weight. In the absence of an ecological appraisal I am not satisfied that this matter has been investigated to demonstrate that there would be no harm to protected species.
18. I note that the appellant contends that there would be a biodiversity net gain through the introduction of new hedgerow and other soft landscaping. However, without a biodiversity impact assessment I am not satisfied that this matter has been investigated to demonstrate that there would be no harmful impact upon biodiversity.
19. Therefore, the proposal would be contrary to Policy NE3 of the LP which, amongst other things, requires new development to avoid negative impacts on existing biodiversity and protection of the districts natural resources.

Balancing Exercise

20. In line with the Framework the proposal would be inappropriate development in the Green Belt. It would also result in the loss of openness. I attach substantial weight to this harm, as required by paragraph 144 of the Framework. I have also found harm with regard to the character and appearance of the area, protected species and biodiversity.
21. There are no other considerations in this case that would clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

22. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR