



Appeal Decision

Site visit made on 8 September 2020 by S Watson BA(Hons) MSc MRTPI

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/R3705/W/20/3254000

Land east of School Lane, Shuttington B79 0DX

- 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 Adrian Hall against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2019/0608, dated 29 October 2019, was refused by notice dated 10 January 2020.
 - The development proposed is the erection of 3 bed dormer bungalow.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issues

3. The main issues in this case are:
 - Whether the appeal site is suitable for new housing and whether future occupants of the development would have reasonable access to shops and services; and,
 - The effect of the development on the character and appearance of the local area.

Reasons for the Recommendation

4. The development plan for the area comprises The North Warwickshire Local Plan: Core Strategy (NWCS), adopted in October 2014 and the North Warwickshire Local Plan, adopted July 2006. An emerging North Warwickshire Local Plan was submitted for examination in 2018 and an Inspector's report and main modifications were received in 2019 but the plan has not yet been adopted.

Principle of Development

5. Policy, NW2 of the NWCS, defines the settlement hierarchy for all development, including housing. Development is allowed within the settlement boundary of

Shuttington, which is identified as a category 4 settlement. The Officer report states that the appeal site is close to, but outside of, the settlement boundary where the policy does not allow for residential development except for where special circumstances exist. These have not been raised by either party. The appellant does not dispute that the site is outwith the settlement boundary but suggests it is recognised that certain settlements will have to expand beyond current limits of development if the proposed housing requirements are to be accommodated. On a reasonable interpretation of the policy and the proposals before me, the appeal site would not be within the boundary and would therefore conflict with Policy NW2.

6. Policy LP2 of the emerging North Warwickshire Local Plan reaffirms the settlement hierarchy and again identifies Shuttington as a category 4 settlement within the settlement hierarchy and where development will not be supported outside the current development boundaries. The appeal site is located adjacent to and opposite properties fronting School Lane. These demark a strong settlement boundary and the appeal site is part of paddock land more appropriately considered to be part of the open countryside surrounding the village than forming part of the village, in my view, it clearly therefore sits outside the built up area of the village. The proposal would therefore conflict with emerging policy LP2.
7. While I acknowledge that the appeal site would be within a reasonable walking distance of some services within the village, including a public house, shop and community hall, I find that these would not be sufficient to meet all the daily needs of a future occupier. Notably the small shop would not likely be sufficient for a family's weekly shop, there would also be no nearby schools and few places of employment within the village. As such occupiers would regularly need to travel further afield to reach services and facilities. I note that the appellant has identified the existence of a regular bus service, but no substantive details of this service have been provided. I have not therefore been provided with any substantive evidence to suggest that the buses would be suitable for necessary trips to support employment, community visits or shopping trips. I find that as a result future occupiers would not be provided with alternative modes of travel and would be under pressure to rely on private motor vehicles to supplement the limited facilities and services provided within walking distance.
8. The proposal would result in one dwelling and as such any benefit it may have towards supporting the economic viability of services and facilities within the village would be limited. I consider that the limited benefit would not outweigh the locational harm and additional trips required to support future occupiers in this location of the development outside of the settlement boundary, contrary to the development plan and emerging policies.
9. Given the appeal site's location outside of a named settlement, and its remote relationship to services and facilities resulting in a high dependency on the private motor vehicle, I conclude that it is not within a suitable location for a new dwelling and future occupants of the development would not have reasonable access to shops and services. The proposal is contrary to the locational strategy set out in policy NW2 of the development plan NWCS and Policy LP2 of the emerging NWLP. It would also be in conflict with the National Planning Policy Framework (Framework), which requires the planning system to

contribute to the achievement of sustainable development, with accessible services.

Character and Appearance

10. The appeal site comprises part of a large, open and undeveloped field, and the parts of the boundaries forming the north-west corner. Although there is some sporadic development on this side of School Lane the site relates instead to its rural nature and the open countryside beyond. The closest dwelling on this side of School Lane is Stretton House which, due to its location around a bend is read as part of the built-up area, not the countryside. In contrast the appeal site and proposed dwelling would project out into the open countryside forming an incongruous feature. The proliferation of residential paraphernalia within the long rear garden would exacerbate the jarring nature of its location. Moreover, by way of the loss of some of the trees forming the boundary, as a result of the proposed driveway, the dwelling would be prominent within the street scene. The loss of the trees would also further erode the rural nature of this side of the road.
11. In conclusion I find the proposal would be an incongruous feature which relates poorly to the existing built environment. As such it would harm the character and appearance of the local area, contrary to Policy ENV12 of the North Warwickshire Local Plan, adopted 2006 and Policy NW12 of the NWCS which collectively require development to harmonise with the immediate and wider surroundings.

Other Matters

12. The proposal would result in some construction activity and employment prospects during construction and as identified above economic activity associated with its future occupation. However, given the scale of development this is only a limited benefit.

Overall conclusions

13. As part of their statement the Council has included a recent appeal decision¹ which was made subsequent to the Council's decision on this appeal scheme. The Inspector concluded that although the settlement boundaries should be given limited weight, as the main purpose of Policy NW2 of the NWCS is to define a settlement hierarchy, it is broadly consistent with the Framework and therefore up-to-date.
14. Furthermore, the Inspector found the Council to have a five-year housing land supply. I accept this to be the case as, while I note the appellant's concerns that some of the sites may not be achievable as they are not allocated through an adopted plan, no substantive evidence has been submitted to demonstrate that these sites are not achievable.
15. From the evidence before me I conclude that in this instance those policies most important for the determination of this appeal are up-to-date, and that the Council can provide a five-year housing land supply. As such Paragraph 11(d) and the tilted balance is not engaged.

¹ APP/R3705/W/19/3234056

16. However, even if I were to accept the appellant's position on the five-year housing land supply, given that the proposal is only for one new dwelling the positive benefit of the scheme in this regard is limited. Overall, when associated with the economic benefits previously identified, I am satisfied that there is only a limited positive benefit associated with the development. On the basis of my conclusions above, and the evidence before me, I am satisfied that the harm the proposal would cause would significantly and demonstrably outweigh the benefits of the scheme in those circumstances.
17. In conclusion, the proposed development would conflict with the development plan and there are no material considerations that would indicate a decision otherwise would be appropriate.

Recommendation

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

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

Kenneth Stone

INSPECTOR