The Planning Inspectorate

Appeal Decision

Site visit made on 28 July 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/E3715/W/20/3250957
The Old Pastures, Moor Lane, Willougby, CV23 8BT

- 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 Ms Jane Edgar against the decision of Rugby Borough Council.
- The application Ref R19/0758, dated 3 May 2019, was refused by notice dated 29 January 2020.
- The development proposed is described as demolition of the existing garage and erection of a new dwelling for over 55's.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Jane Edgar against Rugby Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. The proposals were amended during the application process. The Council made its decision on the amended drawings and I have determined the appeal on the same basis.

Main Issue

4. The main issue is whether the site is an appropriate location for housing having regard to its accessibility to services and facilities by sustainable modes of transport.

Reasons

5. The site comprises the garden area of an existing property, there is an existing detached garage and other structures within the site, and mature landscaping. The proposal is to erect a detached bungalow with separate vehicular access.

6. The site is located adjacent to the settlement boundary and would therefore not be physically isolated from other development. There are some limited services and facilities within Willoughby that would be accessible from the site via walking or cycling, and future occupiers would make some contribution to their viability, though considering the scheme proposes just one dwelling this would only have modest benefits.

7. As the services and facilities in the village are limited any future occupants would also be reliant upon other nearby settlements, the nearest being Braunston, for their day to day needs. Although there is a footpath from the village to Braunston it is some distance away, and the route is along the A45 London Road, which I saw on my site visit is a busy unlit road, subject to the national speed limit in places, and therefore does not provide for a particularly inviting route for either pedestrians or cyclists.

8. There is a bus service to larger centres such as Dunchurch and Rugby, though this is an infrequent service. The appellant has also stated that there is a local community transport scheme operating in the area. There is however limited detail provided as to how these services operate and whether there are any eligibility criteria that needs to be met to benefit from these services.

9. Whilst recognising that the access to services and facilities would be the same for existing residents of the village, and even considering that transport solutions will vary from urban to rural areas, considering the infrequency of the services and that nearby centres are closer and more easily accessible by car, the appeal of public transport for future occupants may well be limited, and they would be more reliant on the private car for access to services and facilities.

10. These locational disadvantages are recognised by the Rugby Borough Council Local Plan, 2019 (LP) and Willoughby Neighbourhood Development Plan, 2019, (NDP) which seek to limit the amount of new development that would be heavily reliant on the private vehicle by directing development to within the settlement boundaries only, and thereby ensuring the overall strategic approach achieves key sustainability aims of the LP, NDP and the National Planning Policy Framework (the Framework).

11. Willoughby is identified as a 'rural village' within LP Policy GP2 and the LP acknowledges that the level of services within rural villages are more limited than main rural settlements, and as such, affords a greater restriction, limiting new development to within existing settlement boundaries only.

12. LP Policy GP 5 states that the policies contained within a made neighbourhood plan will be used alongside LP policies in determining proposals. Policy W8 of the recently made NDP is supportive of new housing providing it meets certain criteria and is within the settlement boundary.

13. The site is located outside the defined settlement boundary, albeit adjacent, and as such would not accord with LP Policies GP1, GP2 and GP5 and NDP Policy W8. LP Policy GP3 supports the redevelopment of previously developed sites, though only where such proposals are compliant with other policies in the LP. As detailed above this is not the case with the appeal scheme and so the proposal would also not accord with this policy. Both the LP and NDP have been recently adopted and I attach considerable weight to the conflict with these policies.

14. The supporting text to Policy GP2 does indicate that proposals for development away from the defined settlements may be considered, though they would need to demonstrate that the overall social and economic benefits outweigh the disadvantages of the location.

15. The proposal has been submitted on the basis that it would provide accommodation for the over 55s, which would meet an identified need and could be addressed by condition. The LP encourages the provision of housing for older people though the ability to access essential services and facilities is a key consideration. Whilst the NDP identifies a need for smaller homes for older residents, it is also clear that this should be directed to sites within the settlement boundary. There is no evidence to demonstrate this identified need could not be met within the settlement boundary which would accord with the LP and NDP. Therefore, due to the lack of evidence this matter only carries limited weight.

16. Whilst the appellant has indicated the proposed dwelling could be affordable, there are no details before me and no mechanism to secure this. Furthermore, as above, there is a lack of evidence to demonstrate that no alternative sites exist within the village boundary and this matter also carries little weight.

17. The Council has stated that following the adoption of the LP they are able to demonstrate a 5-year housing land supply and therefore paragraph 11 d) of the Framework is not engaged in this appeal. The supporting text to LP Policy GP2 is also clear that rural villages will not play a role in helping to deliver the Borough's strategic growth due to the limited level of services.

18. I note that LP Policies and the Framework emphasise the need to support the efficient use of land and that the proposal would provide an additional dwelling. Although I recognise the important contribution small sites can make to meeting the housing requirements of an area, the provision of one additional dwelling would have a limited impact in relation to boosting the supply of housing. Similarly, any employment created during construction and from future occupants use of local services would only result in temporary and modest benefits.

19. It is acknowledged that the site has not been identified as a heritage asset and is not within the Green Belt or Area of Outstanding Natural Beauty. That no concerns have been raised in regard to highway safety, flooding, amenity of existing residents, trees or the character of the surrounding area would have a neutral effect, and therefore do not weigh in favour of the appeal. The submission states that the site was partially within the settlement boundary under the previous development plan, however, this is not the case with the recently adopted LP, and it is this that I must have regard to.

20. I have attached considerable weight to the conflict with the LP and NDP and, on the basis of the above, whilst there are some economic and social benefits attributable to the proposal these do not weigh heavily in favour of the development. Any benefits would not be sufficient to outweigh the locational disadvantages and would not justify departing from the recently adopted LP and NDP.

21. Whilst I am mindful of the appellant's individual circumstances and connection to the area there is little to suggest the appeal scheme is the only way of meeting these personal needs. The appeal scheme must be considered on its merits and I do not find that the personal circumstances would outweigh the harm I have identified.

22. The appellant has drawn my attention to an appeal decision[1] for a site in the same village but which also fell outside the settlement boundary. The Inspector in that decision found the conflict with the LP was outweighed by the benefits of the housing to be provided. Whilst I note the Inspector found the accessibility to local services and facilities would not be wholly unacceptable, he did acknowledge the need for residents to travel further afield to meet their day to day needs and that there would be a reliance on the private vehicle. This is reflective of the LP and NDP which, in recognising there are limited services available seek to limit the amount of development in such locations, by permitting it only within settlement boundaries.

23. Nevertheless, it is clear from the reasoning that it was the social and economic benefits of that particular scheme that led the Inspector to conclude that the locational disadvantages, and conflict with the LP, were outweighed in that case. I do not have the details of the evidence that was before the Inspector and which led them to that conclusion, although having determined the current appeal on its own merits, I have clearly identified conflict with the LP and NDP which only allow for development within the settlement boundary. I have attached considerable weight to this conflict with the recently adopted LP and NDP policies, and on the basis of the evidence before me do not consider the social and economic benefits are sufficient to outweigh this harm. This other decision does not, therefore, lead me to a different conclusion.

Conclusion

24. For the above reasons I conclude that the appeal should be dismissed.

A Denby

INSPECTOR

[1] APP/E3715/W/19/3235588