



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/20/3251142

Masters Barn, Masters Yard, Birdingbury, CV23 8EU

- 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 Duncan Findlay against the decision of Rugby Borough Council.
 - The application Ref R19/1406, dated 4 November 2019, was refused by notice dated 24 February 2020.
 - The development proposed is erection of three new dwellings and associated parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. 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

3. The site consists of a paddock accessed via a private drive which serves adjacent residential properties. There is a small stable block adjacent to the site, though the site itself is devoid of structures, and comprises manicured grass with some trees, and hedges and fencing to the site perimeter.
4. There are very limited services and facilities within Birdingbury, and although the Birdingbury Village Club is within walking distance of the site, and footpaths are available, from the details provided, this is only open in the evenings and at weekends and would not provide for the day to day needs of potential future occupants. There is a small business park nearby, though due to its size, it would appear to offer limited employment opportunities.
5. Any future occupants would therefore be reliant upon the services and facilities in other nearby settlements, the nearest being Leamington Hastings, Marton, Frankton and Bourton on Dunsmore. These settlements are however a significant walking distance from the site and, beyond the settlement there would be a reliance on grass verges for access. These are uneven and unsuitable for walking, cycling or using pushchairs and wheelchairs. Furthermore, considering the speed limits in place, attempting to walk alongside the road with fast moving traffic may put anyone attempting to do so at considerable risk.

6. Whilst the proposals could potentially support the existing services and facilities in those areas, they are similarly limited, and it is likely that future occupants would need to travel further to the larger settlements of Dunchurch, Stockton and Long Itchington or further afield to the main urban areas, such as Rugby, to access a fuller range of facilities.
7. There is a bus stop close to the site though the frequency of the service is limited, and from the details provided the route does not appear to go via Leamington Hastings or the nearest largest settlements of Stockton and Long Itchington.
8. Considering the infrequency of the services, and that nearby centres are closer and more easily accessible by car, I consider 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. The appellant considers that given the proximity to the larger settlements such car trips would generally be short. Be that as it may, it does not change that nearly all such trips would still need to use private vehicles.
9. The appellant notes a cycle route passes through Birdingbury, however, given the distance and speed of the adjacent roads and that the route would be unlit for the most part, I consider it unlikely that future occupants of the proposed dwellings would use anything other than a private motor vehicle for the vast majority of their day-to-day needs.
10. Whilst the site may not be physically isolated from other development it is still detached from local services. Even in considering that transport solutions will vary from urban to rural areas, due to its location the development would be overly reliant on the private motor vehicle and have limited options in terms of sustainable modes.
11. It is recognised that the access to services and facilities would be the same for existing residents of the village, though the locational disadvantages are recognised by the Rugby Borough Council Local Plan, 2019 (LP) which seeks 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 and the National Planning Policy Framework (the Framework).
12. Birdingbury is identified as a 'rural village' within LP Policy GP2, and the LP acknowledges that the level of services within rural villages is more limited than main rural settlements, and as such, affords a greater restriction limiting new development to within existing settlement boundaries only.
13. The site is located outside the defined settlement boundary, albeit adjacent, and as such would conflict with LP Policies GP1 and GP2. LP Policy GP3 supports the redevelopment of previously developed sites, though only where such proposals are compliant with other policies in the LP. The LP has been recently adopted and I attach considerable weight to the conflict with these policies.
14. The supporting text to LP 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 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 provision of housing would still be a benefit of the scheme, though the supporting text to LP Policy GP2 is 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.
 16. I note that LP Policies and the Framework emphasise the need to support the efficient use of land, and that the proposal would provide three additional dwellings. Although I recognise the important contribution small sites can make to meeting the housing requirements of an area, the proposal 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.
 17. That no concerns have been raised in relation to the character and appearance of the area, living conditions of existing occupiers and highway safety, would have a neutral effect, and therefore do not weigh in favour of the appeal.
 18. I have attached considerable weight to the conflict with the LP and, on the basis of the above, any benefits would not be sufficient to outweigh the locational disadvantages and would not justify departing from the recently adopted LP.
 19. The appellant has drawn my attention to decisions relating to the conversion of the buildings in the vicinity that also fell outside the settlement boundary. I do not have the full details of those schemes, though they related to the conversion of existing buildings and on that basis did not conflict with the LP. In the case of the new build on the site of the adjacent stable block, there is little detail before me though it would appear this followed the conversion proposal which likely represented a genuine fallback position. This is not the case with the appeal scheme before me, and I do not, therefore, consider these other sites and schemes to be directly comparable.
 20. A number of other appeal decisions have been referred to by the parties, though I note the sites are more detached from defined settlements. There is however reference to an appeal decision¹ for development of a site adjacent to a settlement boundary. The Inspector in that decision found the conflict with the LP was outweighed by the benefits of the housing to be provided.
 21. 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 which only allows for development within the settlement boundary. I have attached considerable weight to this conflict with the recently adopted LP policies, and on the basis of the evidence before me do not consider the benefits are sufficient to outweigh

¹ APP/E3715/W/19/3235588

this harm. These other sites and schemes do not, therefore, lead me to a different conclusion.

22. The Council have identified that the proposals would result in a net loss of biodiversity and, whilst the appellant has submitted a unilateral agreement relating to a contribution to bio-diversity offsetting, they have queried whether such contribution would be reasonable. Within the evidence before me there is little detail as to how the level of contribution has been determined, or how any on-site measures have been considered in terms of the overall mitigation required. I am therefore not able to conclude on this matter. However, any contribution or scheme would seek only mitigation and would not amount to a benefit weighing in favour of the development. Therefore, as I am dismissing the appeal for other reasons, I have not pursued this matter further with the main parties.

Other Matters

23. I note the appellant has attempted to address the Council's objections to a previous scheme on the site, however, having considered the proposal on its own merits, this does not alter the harmful effects I have found.

Conclusion

24. For the reasons given above I conclude that the appeal is dismissed.

A Denby

INSPECTOR