
Appeal Decision

Site visit made on 8 February 2021 by A J Sutton BA (Hons) DipTP MRTPI

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2021

Appeal Ref: APP/U4610/W/20/3262398

Glen Ellen, Wall Hill Road, Coventry, CV7 8AH

- 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 L Dhesi against the decision of Coventry City Council.
 - The application Ref FUL/2020/1149, dated 20 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is described as 'Proposed demolition of existing outbuildings and erection of new detached dwelling with new access.'
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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.

Main Issues

3. The main issues are:
 - whether the proposal 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; and
 - whether the 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 for Recommendation

4. The Framework states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It requires, when considering any planning application, that substantial weight is given to any harm to the Green Belt. Policies GB1 and H3 of the Coventry City Council Local Plan 2017 (Local Plan) generally conform with the Green Belt policy of the Framework.

Whether inappropriate development

5. The construction of new buildings should be regarded as inappropriate in the Green Belt. However, the Framework identifies a number of exceptions to this, which are considered below.
6. The proposal would remove existing outbuildings and would construct a dwelling, and as such a new building of a different use, on the appeal site. It would therefore would not satisfy the requirements of Paragraph 145 d) for the Framework.
7. The appeal site is located close to the settlement of Corley Moor, and is part of sporadic development near to the village marker. However, it is distinctly separated from the ribbon of development which forms the outer edge of the hamlet by open fields, and, as such is not an integral part of the pattern of development which comprises the village. Therefore, the development would not be in a village and would not qualify as an exception under Paragraph 145 e) of the Framework.
8. It does however comprise previously developed land as defined in the Glossary of the Framework. As such Paragraph 145 g) is relevant in this case. Whilst the criterion allows partial or complete redevelopment of previously developed land this is subject to the requirement that development does not have a greater impact on the openness of the Green Belt than the existing development. This matter is considered below.

Openness

9. Paragraph 133 of the Framework establishes that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
10. The appeal site has an elevated position at the rise of a hill. The mass and footprint of the proposed two storey, pitched roof, five-bedroom dwelling and double detached garage would be higher and larger than that of the modestly sized, single storey flat roof outbuilding which is currently situated in the area where the dwelling would be located. Although the development would remove other outbuildings at the rear of the site, these are also of a significantly lower profile than that proposed.
11. The development would result in a material visual and spatial change which would be observed, particularly at the west boundary of the site, despite the strong hedgerow. It would therefore have a greater impact on the openness of Green Belt than the existing development, in that openness would be reduced.
12. Consequently, I conclude that the proposal would result in a loss of openness to the Green Belt. Whilst the effect would be limited and localised given the scale of development, harm to the openness of the Green Belt would occur; a matter to which I am required to attach substantial weight in reaching this recommendation.

Conclusion on whether inappropriate development

13. Given my findings above that the proposal would reduce the openness of the Green Belt, it would fail to satisfy the requirements to qualify as an exception under Paragraph 145 g) of the Framework.
14. I conclude therefore that the proposal would not fall within any of the exceptions for the construction of new buildings or development within the Green Belt, as established within the Framework. Accordingly, it would comprise inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Other considerations

15. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
16. The submitted evidence fails to confirm whether or not the Council is able to demonstrate a 5-year housing land supply. However, even if the Council was unable to demonstrate this, the tilted balance provided by Paragraph 11 of the Framework does not apply in this case because the Green Belt is a protected area listed in footnote 6 to Paragraph 11 d)i.
17. Notwithstanding this the proposal would be deliverable, would utilise previously developed land and contribute to housing supply and the rural economy in challenging times. These benefits weigh moderately in favour of the proposal. I attach no weight to a lapsed planning permission granted many decades ago, because this is likely to have been considered against a different development plan framework.

Conclusion

18. I have found that this proposal would be inappropriate development in the Green Belt and would lead to a loss of openness to the Green Belt. These are matters that I attach substantial weight to. Balanced against these are the other considerations discussed above, which at most carry moderate weight.
19. However, even when considered together, these considerations do not clearly outweigh the harm to the Green Belt. As a result, the very special circumstances that are necessary to justify the proposal do not exist. The proposal is therefore contrary to Policies GB1 and H3 of the Local Plan and the Framework. There are no other considerations which outweigh this finding.

Recommendation

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

A J Sutton

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR