



Appeal Decision

Site Visit made on 5 March 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/R3705/W/20/3260626

112 Tamworth Road, Polesworth B78 1HU

- 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 Sebastian Arrowthorn against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2019/0543, dated 18 September 2019, was refused by notice dated 21 May 2020.
 - The development proposed is erection of No. 5 three bed dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the header above is taken from the appeal form as the proposal was amended during the course of the application. The Council's decision was based on the above description and so my assessment is made on the same basis.
3. An emerging local plan for North Warwickshire dated 2018 (eLP) has been the subject of examination hearings, although I am advised that the Inspector's report is awaited. The eLP is at an advanced stage but I attribute moderate weight to its policies as I am uncertain whether they will be adopted in the form provided to me.

Main Issue

4. The main issue is whether the proposal would be in a suitable location having regard to development plan policies and its effect on the character and appearance of the area.

Reasons

5. The site lies at the end of a short row of houses that face onto a spur road which runs off the B5000 (the main road) between Polesworth and Tamworth. The surrounding area has a semi-rural feel due to the openness of a recreation ground and fields opposite the site as well as vegetation along the main road. The site is largely vacant of buildings with only a few low key sheds and so it contributes positively to the character of the area.
6. Policy NW2 of the North Warwickshire Core Strategy 2014 (CS) seeks to direct most development to defined settlements. Polesworth is identified as a category 1 market town but the site is well outside its settlement boundary. The proposal would be within a short walking distance to residential streets in Tamworth and bus stops with good access to public transport services.

However, these factors do not address or overcome the non-compliance with development plan settlement hierarchy policy.

7. Furthermore, the site lies to the west of Polesworth and CS policy NW19 states that the broad location of growth would be to the south and east of the town. Development to the west must respect the separate identities of Polesworth and Tamworth and maintain a 'meaningful gap' between them. The eLP policy LP5 looks to define boundaries to the meaningful gap but this is not yet adopted. Therefore, it is reasonable in my assessment to consider the situation on the ground to establish the extent of the gap and the proposal's effect upon it.
8. When travelling eastwards on the main road from Tamworth centre up to Chiltern Road there are views through roadside vegetation of tightly knit houses that form a distinct built up area. However, from Chiltern Road towards the appeal site the view from the main road is of the recreation ground which is largely open. This marked change in character is also apparent when travelling westwards from the site on the pavement to the side of the main road. Accordingly, there is a clear impression that the appeal site and adjacent line of houses are outside the confines of Tamworth. As they are also a significant distance away from Polesworth's defined boundary, the site and adjoining properties lie between the settlements and so in the meaningful gap.
9. The eLP allocates land to the north of the main road for a large urban extension to Tamworth and an outline planning application for a larger development has been submitted. However, the application drawing provided indicates sports pitches and structural planting on the land opposite the appeal site. As such, I am unconvinced that this development would bring the proposal into the built up area of Tamworth even if it is constructed.
10. The openness of most of the site is appreciated from the adjoining roads and from a nearby public right of way in the opposite field. The development would be seen from these public vantage points, albeit that existing and proposed planting may partially screen views from the main road when trees are in leaf. The 5 dwellings would introduce sizeable built form which would markedly reduce the visual openness of the site compared to the existing situation. As such, the proposal would erode part of the meaningful gap and would diminish the semi-rural character of the locality.
11. The scheme would affect a relatively small parcel of land in relation to the overall area between Tamworth and Polesworth. Also, the site has clear boundaries formed by the roads and existing property and so further continuation of the line would be unlikely. The dwellings would be of an appropriate design, would reflect the slope of the land and would follow the line and orientation of the adjoining properties. However, these factors would fail to fully address or override the highly noticeable loss of openness of part of the meaningful gap and harm to the quality of the local environment.
12. For these reasons, I conclude the proposal would not be in a suitable location having regard to development plan policies and its effect on the character and appearance of the area. In these respects, it would not accord with CS policies NW2, NW10, NW12 and NW19. These all aim, amongst other things, to direct development to defined settlements, to maintain a meaningful gap between Polesworth and Tamworth and to ensure proposals improve the environmental

quality of an area. The Council's reasons for refusal also refer to CS policy NW1 but this contains no provisions relevant to these issues.

Other Matters and Planning Balance

13. The proposal would not prejudice highway safety and would provide future residents opportunity to access services by means other than the private car. However, as it would be between the built up areas of Tamworth and Polesworth, the scheme would fail to benefit from the support in the National Planning Policy Framework (the Framework) for housing development on small sites in existing settlements. Nonetheless, the development would add units to the housing stock including bungalows and would generate construction employment and support to local businesses. Having regard to the scale of the proposal, I attribute moderate weight to these benefits.
14. I am referred to an appeal decision where the Inspector found the CS policies on settlement boundaries to be out of date, although a more recent appeal decision indicates the CS development strategy is still pertinent. Where relevant development plan policies are out of date, a tilted balance in favour of granting planning permission should be engaged. However, the Framework states that planning permission should be refused for development that fails to improve the quality of an area. Having regard to this and the policies of the Framework taken as a whole, I find the identified harm would significantly and demonstrably outweigh the benefits of the proposal. As such, even if relevant development plan policies are deemed out of date, the presumption in favour of sustainable development as set out at paragraph 11 of the Framework does not apply.

Conclusion

15. The proposal would be contrary to the policies of the development plan when read as a whole and other considerations do not indicate a decision otherwise. Consequently, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR