The Planning Inspectorate

Appeal Decision

Site visit made on 19 January 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/T3725/W/20/3257986
The White House, Five Ways Road, Shrewley CV35 7HT

- 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 Cox against the decision of Warwick District Council.
- The application Ref W/20/0331, dated 28 February 2020, was refused by notice dated 20 June 2020.
- The development proposed is demolition of existing building with replacement dwelling.

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building with replacement dwelling, at The White House, Five Ways Road, Shrewley, CV35 7HT in accordance with the terms of the application, Ref W/20/0331 and the plans submitted with it, subject to the conditions in the Schedule of Conditions below.

Main Issue

2. The main issue is whether or not the proposal would be inappropriate development in the Green Belt in terms of the National Planning Policy Framework ('the Framework') and development plan policy.

Reasons

3. The development at the appeal site currently comprises a dormer bungalow, a detached garage, and an outbuilding. These, along with the appeal site are located in the Green Belt. Policy DS18 of the Warwick District Local Plan 2011-2029 ('LP') requires the application of national planning policy in determining proposals within the Green Belt.

4. The Framework states that new buildings in the Green Belt shall be regarded as inappropriate development, and by definition, harmful to the Green Belt. Exceptions to this are set out in Paragraph 145 of the Framework. One such exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. The appeal proposal involves replacing a building with one of the same use. The size 'test' is based on a comparison between the building as it exists and what is proposed.

6. The existing dwelling has a floor area of approximately 230.9 sqm, including the detached garage. Despite being detached, this garage is in proximity of the existing dwelling and the 2 can be reasonably considered together. Moreover, I

have not been provided with any specific policy reason for excluding the garage from the size calculation of the existing building. The floor area of the proposed dwelling would be about 242 sqm, and it would be no taller than the maximum height of the building it replaces. Furthermore, any increase in volume would appear modest due to the new building being split into blocks by a glazed corridor, and its single-storey and pitched roof design.

7. In light of the above, the proposed increase in size would not mean the replacement building was materially larger than the one it would replace. Consequently, the proposal does not constitute inappropriate development in the Green Belt.

8. The inclusion of a number of types of built development within the Framework definition of 'not inappropriate' indicates that some diminution of openness in the Green Belt is acceptable. Therefore, and because the replacement building would not be materially larger than the one it would replace, it would not harm the openness of the Green Belt. For the above reasons, the proposal accords with LP Policy DS18 and the Green Belt provisions of the Framework.

Conditions

9. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans as this provides certainty. A condition requiring samples of all proposed external materials is necessary to ensure the satisfactory appearance of the development and area.

10. To promote sustainable development, it is necessary for a condition requiring the incorporation of water efficiency measures within the development. In the interests of securing the necessary drainage for the new dwelling, a condition is imposed requiring details of foul and surface water drainage. To safeguard protected birds and bats, I have imposed a condition requiring a scheme for bird nesting and bat boxes.

11. On the information before me it is unclear how the replacement dwelling would result in any air quality impacts. As such, a condition requiring that the proposal satisfies the requirements of the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) is not necessary.

12. Where necessary and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

13. For the above reasons, I conclude that the appeal should succeed.

M Aqbal

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: SC3105 PA 100 - Location Plan; SC3105 PA 100b - Proposed Plans and Elevations (dated/05/20) and SC3105 PA 200b - Proposed Site Plan (dated 05/20).

3) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the dwelling hereby approved have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved materials.

4) No development other than demolition works shall take place until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

5) No development other than demolition works shall take place until a scheme for the provision of suitable bird nesting and bat boxes to be erected on the proposed dwelling and/or suitable trees within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of box type, location, and timing of works. Thereafter, the boxes shall be installed in accordance with the approved details and maintained for the life of the development.

6) The development hereby permitted shall not be occupied until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved, has been submitted to and approved in writing by the local planning authority. The dwelling shall not be first occupied until the approved scheme has been implemented. Thereafter the approved water efficiency measures shall be retained in accordance with manufacturer's specifications.