



Appeal Decision

Site Visit made on 20 April 2021

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th May 2021

Appeal Ref: APP/W3710/W/20/3264760

Land opposite 145 Watling Street, Nuneaton CV11 6BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Jamia Estates Development Ltd against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref 037122, dated 28 April 2020, was refused by notice dated 31 October 2020.
 - The development proposed is 4 No. 3 bedroom houses with associated parking and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal before me has been made in outline with all matters, including access, layout, appearance, landscaping and scale, reserved for a subsequent application.

Main Issue

3. The main issue in this case is the principle of the proposed development having regard to its location and accessibility to shops and services.

Reasons

4. The appeal site is on a spur off the north side of the A5, a busy main road heading east-west. The site runs parallel to the spur which leads up to a Hijaz college some distance away, while opposite the site are a small group of dwellings, and so I find the proposal would not be isolated development. However, the appeal site is separated from the northern edge of Nuneaton by the A5 and a band of open countryside.
5. Policy DS3 of the Nuneaton & Bedworth Borough Council: Borough Plan 2011-2031 (BP) restricts new unallocated development outside of settlement boundaries to a few exceptions including agriculture, forestry, leisure and other uses demonstrated to require a location outside of a settlement boundary. It is accepted by both main parties that the appeal site is outside of the settlement boundary and none of the above exceptions have been raised by either party. Therefore, given its siting the proposal would conflict with BP Policy DS3.
6. While I acknowledge that the appeal site would be within reasonable walking distance of some services to the east, including a shop, public house and petrol station, the route would be unattractive given its close proximity to the A5, a main road which I observed to be busy and with vehicles travelling at high

speeds. As the dwellings could accommodate families, this route would be especially unattractive and unsafe for those with a pushchair or young children. This is further exacerbated by the limited street lighting between the site and the built-up area which would make the route less safe at night. Furthermore, given the limited nature of these facilities, as well as education and employment opportunities near the site, they are unlikely to meet all the daily needs of future occupiers. Therefore, future occupiers would regularly need to travel further afield to meet these needs. I have not been provided with any substantive evidence to suggest that any nearby bus routes would be suitable for necessary trips to support employment, community visits or shopping trips. Therefore, given the location of the site this is likely to put pressure on future occupiers to use private motor vehicles.

7. Although I note that some of the fields to the south of the A5 are identified as a Strategic Housing Allocation site, HSG1, from my observations while on site it appears that work is only currently being carried out near Higham Lane which is some distance away from the appeal site. Given the scale of the allocation site it is likely to be some considerable time before it reaches the appeal site. Furthermore, it has not been demonstrated that there would be any functional links between the appeal site and the HSG1 allocation site which would allow future occupiers of the appeal site to easily access any new facilities and services. Therefore, while the appeal site is close to the HSG1 allocation site and the northern Nuneaton settlement boundary, any future development cannot be relied upon to accommodate the needs of future occupiers. Although I am also mindful of the development at Meadow Croft, I understand this to be solely residential and so would be of no meaningful benefit to the future occupiers of the appeal site.
8. The proposal would result in four dwellings and as such any benefit it may have towards supporting the economic viability of services and facilities within the local area would be limited. I consider that the limited benefit would not outweigh the locational harm and additional trips required to support future occupiers in this location of the development outside of the settlement boundary, contrary to the development plan.
9. Therefore, given the location outside of the settlement boundary and poor accessibility to shops and services, the proposal would be unsustainable development. The development would therefore be contrary to BP Policies DS1 and DS3 which, amongst other matters, restricts development outside of settlement boundaries and supports a presumption in favour of sustainable development. It would also be contrary to the economic, social and environmental objectives for sustainable development set out in Paragraph 8 of the National Planning Policy Framework (the Framework), as well as the presumption in favour of sustainable development set out in Paragraph 11. Although the Council have also referred to Paragraph 9 of the Framework, I do not find this to be directly relevant to the proposal before me.

Other Matters

10. The development allocated under HSG1 along the south side of the A5 is significantly greater in scale to that before me, I therefore find it is not directly relevant to the appeal scheme. Although not part of the allocated site, in my judgement the development at Meadow Croft is significantly different to that before me given that the scheme was for 59 affordable homes on previously

developed land. Moreover, I understand that permission was granted for Meadow Croft under the previous development plan and met a need for affordable housing. I understand the three dwellings adjacent to the appeal site were also approved under the previous development plan while the Council could not demonstrate a five-year housing land supply. Given the specific circumstances of the examples above which are not replicated at the appeal site, I find that they do not set a precedent for the appeal development. Whilst I note the appellant's concerns regarding consistency and their reference to DLA Delivery Ltd V SoS, I find that the Council have been consistent in their approach. Therefore, and given that all proposals must be considered on their own merit, these examples have not materially affected by determination of the appeal.

11. I note the appellant's concerns regarding the lack of opportunity for discussion between them and the Council. However, this matter does not materially affect the proposal before me or my determination of it. Furthermore, given the early stage at which the Planning for the Future white paper is currently at, I find that it also does not materially affect my determination of this appeal.

Conclusion

12. The appellant has raised concerns regarding the Council's ability to demonstrate a five-year housing land supply as a result of their historic under provision, and the use of the Liverpool Method in calculating the supply. Even if I were to conclude that there is a shortfall in the five-year housing land supply as suggested by the appellant, the adverse impacts of granting permission, by way of its unsustainable location and poor access to services and facilities, would significantly and demonstrably outweigh the benefits arising from the small contribution towards the Council's under provision and the identified need for three-bedroom dwellings.
13. No other matters raised, either individually or cumulatively, outweigh the conflict with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR