

Appeal Decision

Site Visit made on 8 June 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2021

Appeal Ref: APP/U4610/W/21/3269710

260A Hawkes Mill Lane, Coventry CV5 9FJ

- 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 Mr Clarke of Zurich Developments Ltd against the decision of Coventry City Council.
 - The application Ref OUT/2020/2762, dated 14 October 2020, was refused by notice dated 11 February 2021.
 - The development proposed is demolition of existing buildings and erection of four dwellings (access, scale and layout to be considered).
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and erection of four dwellings (access, scale and layout to be considered) at 260A Hawkes Mill Lane, Coventry CV5 9FJ in accordance with the terms of the application OUT/2020/2762, dated 14 October 2020, subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration save for access, scale and layout. I have considered the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area; and
 - Whether any 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

Whether the proposed development would be inappropriate development

4. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new dwellings is regarded as inappropriate

in the Green Belt save for a number of specified exemptions, one of which is the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.

5. Policy GB1 of the Coventry Local Plan (2017) relates to Green Belt and sets out at part 2A that inappropriate development will not be permitted unless very special circumstances exist including those involving previously developed land.
6. The Council contend that the proposed development would not fall within the provisions of the Green Belt exceptions set out in the Framework as the use of the land and buildings constitute both agricultural and commercial uses. Based on the information before me the appellant has not contested this point.
7. As such, the proposed development would be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework, at paragraph 148, states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, resulting from the proposal, is clearly outweighed by other considerations. Which I now turn to.

Effect on openness

8. The Framework states that one of the essential characteristics of the Green Belt is its openness. Openness is the absence of development notwithstanding the degree of visibility of the land in question from the public realm. Openness has both visual and spatial aspects.
9. The site is formed of a number of utilitarian rural buildings in varying states of disrepair spread across a large part of the site with a central hardstanding area. The proposal is to demolish these buildings and replace them with four detached dwellings.
10. I have been made aware of the planning history for the site which includes planning permission for residential development comprising three detached dwellings. Whilst the proposed development would result in more dwellings on site the cumulative floor area proposed would be less than the previously approved scheme and the height of the buildings would be similar. As such, I am satisfied that the form and scale of the proposed dwellings would not result in a greater impact upon openness.
11. During my site visit I observed associated paraphernalia and miscellaneous items stored in the open spaces between buildings. Whilst the proposed development would lead to parked cars and domestic paraphernalia there is the potential for a similar quantity of paraphernalia across the site. The replacement of these items with domestic ones whilst resulting in a visual change would not, in my view, diminish the openness of the Green Belt.

Character and appearance

12. Hawkes Mill Lane comprises a range of dwelling forms, scales and designs. Dwellings are set back from the road with long rear gardens. The character of existing housing contributes to the informal and semi-rural character of the area. The houses fronting Hawkes Mill Lane have long gardens and whilst the proposed layout and garden depths would not follow this general convention the proposed development would not be harmful to its character and

appearance given that the position of the proposed dwellings would be a significant distance from the houses fronting Hawkes Mill Lane in a transitional area between the road frontage and the countryside beyond.

13. I acknowledge that there would be a degree of urbanisation as a result of the proposed development. However, it would be well contained and would not encroach into the countryside. The informal layout, low scale of the houses, the margin of garden land, green space around the dwellings and spacing between them would ensure that the proposed development would not be visually prominent, intrusive or intensive form of development and reflecting the rural character of the Ancient Arden landscape.
14. I conclude that the proposed development would not adversely affect the character and appearance of the area. It would accord with LP Policy DE1 which, amongst other things, requires development proposals to respect and enhance their surroundings. It would also accord with guidance contained within Supplementary Planning Guidance 'Design Guidelines for Development in Coventry's Ancient Arden which seek to achieve basic levels of design and layout and to conserve and enhance the landscape.
15. It would also accord with the Framework which, amongst other things, seeks to ensure that developments add to the overall quality of the area and are sympathetic to local character.

Other Matters

16. I note the concerns raised by a local resident regarding the access. However, taking into account the advice of the Highways Officer, I am satisfied that the proposed development would not intensify use of the driveway or access to such an extent that it would prejudice highway safety. Conditions would manage any potential disturbance during the construction works.
17. A condition has been imposed to ensure an adequate fire suppression system is implemented before the houses are occupied. However, in all likelihood fire appliances visiting the site is unlikely to be a common occurrence. In terms of refuse collection, I note that bin storage would be provided within the site ensuring adequate facilities for refuse and recycling. There is no credible evidence before me to indicate that larger vehicles would not be able to access the site.
18. The potential damage to property is not a matter that I can consider as part of the appeal.

Conditions

19. The Council has suggested 20 conditions in the event that the appeal was to be allowed. I have considered these in light of the Framework and the Planning Practice Guidance (PPG). In the interests of precision, clarity and brevity I have undertaken some rationalisation of the conditions suggested by the Council.
20. Conditions relating to the submission of reserved matters and the time limits associated with this have been imposed. I have imposed a condition specifying the relevant drawings as this provides certainty. In order to ensure a satisfactory appearance conditions relating to retained trees have been imposed.

21. In the interests of ecology conditions for a Construction Environment Management Plan, ecological enhancement measures and external lighting have been imposed. For these reasons and in order to safeguard the living conditions of nearby occupiers during the construction works conditions for a method statement for control of dust and emissions has been imposed.
22. Conditions for a sprinkler system, land contamination report for the identification and remediation of any potential contamination within the site is necessary in the interests of the health and safety of future occupants.
23. In the interests of highway safety and sustainability conditions relating to parking areas and electric vehicle charging points have been imposed.
24. Conditions requiring the outbuildings to be removed in their entirety prior to first occupation and for bin storage areas to be provided have been suggested. However, as the development must be carried out in accordance with the approved plans it is not necessary to impose such conditions.
25. A condition for samples of facing and roof materials is not necessary as this information would be provided as part of the submission of the reserved matters.
26. The Council submits that any gas boilers or combined heat and power systems must meet a certain emissions rate. This matter is subject to different legislation i.e. Building Regulations, as such I do not consider it reasonable to impose this condition.

Overall balance and conclusion

27. The proposed development would amount to inappropriate development which the Framework makes clear is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. The cumulative floor area and height of buildings would be less than those previously approved. The proposal would have very limited impact in terms of their size compared to the existing buildings and there would be no impact upon openness which is an essential characteristic of the Green Belt. Moreover, in this specific regard the approved planning permission for three dwellings represents an important fallback position.
28. Taken together and having regard to the above, I find that harm caused by reason of inappropriateness, is clearly outweighed by other considerations in these particular circumstances, so as to amount to the very special circumstances necessary to justify the development. Consequently, the proposed development would accord with LP Policy GB1 which permits development in the Green Belt where very special circumstances exist.

Conclusion

29. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) Details of the access to the buildings, appearance and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and Proposed Site Plan Drawing Number 1503-SK-01_C.
- 5) The details submitted in accordance with condition 1 above shall include:
 - Tree Survey Plan;
 - Tree Constraints Plan;
 - Tree Protection Plan; and
 - Boundary details.
- 6) No development shall take place, including any works of demolition or preparatory work, until a Construction Environment Management Plan has been submitted to, and approved in writing by the local planning authority. The approved Construction Environment Management Plan shall be adhered to throughout the construction period for the development.
- 7) No development shall commence until a method statement detailing the control of emissions into the air during the demolition/construction phase shall have been submitted to and approved in writing by the Local Planning Authority. The method statement should accord with the Best Practice Guidance - 'The control of dust and emissions from construction and demolition'. The approved method statement shall be adhered to throughout the construction period for the development.
- 8) No development shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site.
- 9) No development shall take place where following the risk assessment land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to

be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.

- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 11) Details of any street or external lighting shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before any dwellings are occupied and maintained for the lifetime of the development.
- 12) Details of ecological enhancement measures including hedgehog mitigation measures shall be submitted to and approved by the local planning authority. The measures shall be carried out in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.
- 13) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 14) The dwellings hereby permitted shall not be occupied until electric vehicle charging points (ECVP) have been provided, with 1 EVCP per dwelling. The charging points shall thereafter be retained for the lifetime of the development.
- 15) No dwelling shall be occupied until spaces have been laid out within the site in accordance with drawing no. 1503-SK-1_C for cars to be parked and that these spaces shall thereafter be kept available at all times for the parking of vehicles.
- 16) Prior to occupation of the development each unit shall be fitted with a sprinkler system in accordance with BS 9999:2008 and Building Regulations Approved Document Part B1 2013 and thereafter shall be retained for the lifetime of the development.