



Appeal Decision

Site visit made on 22 April 2021

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2021

Appeal Ref: APP/W3710/W/21/3267279

Four Acres Stud Farm, Coventry Road, Bulkington, Bedworth CV12 9NB

- 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 EMS Midlands Properties Limited against the decision of Nuneaton and Bedworth Borough Council.
- The application Ref 036614, dated 12 August 2019, was refused by notice dated 20 July 2020.
- The development proposed is described as 'outline planning submission request to build two new build houses on two plots of land at Four Acres Stud Farm'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal is in outline, with all matters reserved.

Main Issues

3. The main issues in this appeal are 1) whether the proposal would be inappropriate development in the Green Belt having regard to the 2021 revised National Planning Policy Framework (the Framework) and any relevant development plan policies, 2) its effect on the openness and the purposes of the Green Belt; and 3) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site is within the West Midlands Green Belt. The proposed dwellings would be located on fields that were used for exercising horses in relation to the former stud and horse training use of the wider site. At the time of my site visit, works were being undertaken to provide dog boarding kennels and grooming services on the adjacent land. A car repair business was operating in a large barn at the rear of the wider site.
5. The construction of new buildings in the Green Belt should be regarded as inappropriate unless it is for one of the exceptions specified in the Framework. The appeal proposal does not satisfy any of these exceptions. I therefore conclude that it constitutes inappropriate development in the Green Belt. By definition, inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The proposal thereby conflicts with Policy DS3 of the Nuneaton and Bedworth Borough Plan (BP) which is consistent with the Framework in this regard.

6. The Framework states 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 their permanence".
7. The appellant notes that there are 8 dwellings opposite the site within a distance of 10m and on this basis considers that the proposal is not inappropriate development. However, the appeal site is also separated from the ribbon development along Coventry Rd to the north-east by the railway. The surrounding area to the south-west of the site is predominantly open, containing limited, non-residential development. The appeal site is a field adjacent to open countryside. Through the introduction of permanent development, the building of 2 dwellings on the appeal site would harm the openness of the Green Belt, by removing its undeveloped character and appearance. Such development would also encroach into the Green Belt. These are further harms to the Green Belt.
8. Decision makers should ensure that substantial weight is given to any harm to the Green Belt. '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. It is therefore necessary to consider whether there are any other considerations which clearly outweigh the substantial harm to the Green Belt.
9. The appeal location is outside any defined settlement. Furthermore, there is no dispute that the Council can demonstrate a 5-year supply of housing. Even if they were acceptable in principle, the proposed dwellings would have a very modest impact on the supply of dwellings. Whilst this supply may well be affected by the current pandemic, this is a matter which is more appropriately considered through the development plan process.
10. The Borough Plan Inspector's 2019 report refers to the potential for development in Bulkington's Green Belt to be considered. Nonetheless, the appeal site remains within the designated Green Belt and this appeal must be determined in accordance with the development plan and national planning guidance, alongside any other material planning considerations.
11. The main parties disagree about whether the appeal site is a low or high performing Green Belt Parcel. The more convincing evidence is provided by the Council which undertook a study to assess parcels of land at the edge of the Green Belt boundary to consider whether they should be released from the designation. The report found the wider appeal site to be a 'higher performing Green Belt Parcel'. Furthermore, whilst the Framework indicates that entry-level exception sites should be supported, land which is designated as Green Belt is specifically excluded. There is therefore no support for the appeal proposal on this basis.
12. The appellant states that the appeal site does not have any special landscape qualities which require its preservation. However, its landscape qualities do not affect the Green Belt status of the site.
13. There is no convincing evidence of any real prospect that the barn/storage buildings on the wider site could be converted to residential use under 'permitted development' rights. But in any event, even if the barns were to be converted, having regard to their location and their relationship to the appeal

site, the appeal proposal could not in my judgement be described as 'limited infill' development.

14. I have considered the housing development approved on land between 151 and 157 Coventry Rd which is also within the Green Belt. Whilst I do not have the full details of this scheme, it appears that the Council concluded that the 6 dwellings proposed amounted to 'limited infilling', having regard to the existing dwellings in that part of the Coventry Rd. The considerations applying to the appeal proposal are therefore materially different from that approved scheme and it would not amount to 'limited infilling'. Each proposal is required to be determined in its own individual circumstances.
15. There are no objections to the proposed development from the Highway Authority. The Environment Agency has recommended conditions and limitations to prevent the risk of flooding. However, these are neutral factors in the overall planning balance.
16. Balancing all of these above factors, I conclude that the appeal proposal would conflict with BP Policy DS7 and the Framework which, in summary, seek to restrict development that is inappropriate in the Green Belt except where very special circumstances can be demonstrated. I further conclude that the other considerations in this case do not clearly outweigh the harms that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

17. As substantial weight is given to any harm to the Green Belt, the appeal should be dismissed.

Elaine Benson

INSPECTOR