



Appeal Decision

Site Visit made on 1 October 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/R3705/W/21/3274026

2 Claremont Villas, Coleshill Road, Furnace End, Coleshill B46 2LG

- 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 Peter Wheeler against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2020/0053, dated 20 January 2020, was refused by notice dated 8 January 2021.
 - The development proposed is Provision of internal access drive and the construction of two bungalows and one two storey house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged the Local Plan has been adopted and I have given full weight to the policies within that plan. The appellant was given an opportunity to provide further comments.
3. I am aware that there are heritage assets other than those highlighted by the Council in the vicinity, and in line with my statutory duties I have given special regard to all those assets in my reasoning.

Main Issues

4. The main issues are:
 - Whether the 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 of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of future occupiers and occupiers of Claremont Villas with particular regard to amenity space, outlook, overlooking and light;
 - Whether the development would preserve the setting of the Grade II listed Bubble Inn, the Grade II listed Cottage, adjoining Mill garage, and Mill garage, Coleshill Road, and the scheduled monument of Furnace End Bridge; and,

- 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

Green Belt

5. The Framework states that inappropriate development is by definition harmful to the Green Belt. Paragraph 149 sets out exceptions including the limited infilling or partial or complete redevelopment of previously developed land (PDL) and limited infilling in villages.
6. The Glossary to the Framework states that residential gardens in built-up areas should be excluded from the definition of PDL. However, case law has confirmed that this exclusion does not apply to residential gardens outside built-up areas.
7. Furnace End is a very small rural settlement centred around crossroads. Claremont Villas has a corner plot at the crossroads and the appeal site is the large rear garden of 2 Claremont Villas (No 2). The triangular site is bounded by the car park to the Bubble Inn and a field on one side, by Coleshill Road and by Claremont Villas. Although there is a varied building line on the other side of the road, in this context the site appears as an extension of the surrounding open countryside. Its development would represent an extension to Furnace End's building pattern rather than infill. I conclude on balance that the appeal site does not lie within a built up area and consequently the site is not PDL.
8. Policy LP3 of the recently adopted Local Plan¹ (LP) states that limited infilling in settlements washed over by the Green Belt will be allowed within infill boundaries as defined on the Proposals Map, where the site is clearly part of the built form of the village, and where there is built development on at least three sides. The LP does not identify Furnace End as a settlement suitable for development within infill boundaries and there is not built development on at least three sides.
9. In addition, LP Policy LP2 sets out a settlement hierarchy. Furnace End falls within Category 5, that is in '*all other locations*' where development will not generally be acceptable. There are exceptions set out, and the development before me would not accord with any of those exceptions. However, I appreciate that this appears to be an open list and I have considered whether special circumstances exist to clearly outweigh the harm to the Green Belt from this development later in my reasoning.
10. In the light of the above, I conclude that the development would not meet the exceptions set out in Paragraph 149 of the Framework and would be inappropriate development. It would therefore be contrary to the purposes of the Green Belt as set out in Paragraph 138 of the Framework, which includes safeguarding the countryside from encroachment.
11. It would also be contrary to LP Policies LP2 and LP3 as set out above, as well as Policies NW2 and NW3 of the Core Strategy² (CS) which are also concerned with the control of development within the Green Belt.

¹ North Warwickshire Local Plan September 2021

² Core Strategy October 2014

Openness

12. The appeal site is open to the west, and although the Bubble Inn's car park is situated on the site's boundary, this does not impede views or the appreciation of openness in this part of the village. The development would introduce significant built form, including terracing, across the site which in itself would be detrimental to the openness of the Green Belt and it would also impede views across the site. Even if I concluded that this was an infill site for the purposes of Paragraph 149 of the Framework, the development would have a greater impact on the openness of the Green Belt than the existing development, or in this case the site's use as garden land. The development would therefore have an adverse effect on the openness of the Green Belt and would not meet the exceptions set out in Paragraph 149 of the Framework.
13. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 also states that substantial weight should be given to harm in the Green Belt.
14. The Council has also cited CS Policy NW5 which sets out a settlement strategy but I conclude that this has been rendered out of date by the adoption of the LP which will be based on the latest housing need figures. CS Policy NW6 and LP Policy LP9 are concerned with affordable housing but there is nothing before me to indicate that the development would include affordable housing. Nor is there any mechanism before me to indicate how affordable housing would be secured in relation to this development. I conclude that these policies weigh neither for nor against the appeal.

Character and appearance

15. Claremont Villas is a pair of semi-detached and well-proportioned red brick Victorian dwellings with intricately carved timber decoration on the gable ends, bay windows, dentilled eaves, decorative ridge tiles and stone lintels to some elevations. It is prominently located at the crossroads with sufficient garden on both sides to provide an appropriate buffer from the road and to enhance its prominence and setting.
16. The two-storey dwelling and two single storey dwellings would be spread across the site in a rather random manner unrelated to the building line set by No 2, the line of Coleshill Road or even each other. Their form and typology would also fail to reflect that of any buildings within their visual context, or each other. The siting of Plot 3 also appears inappropriately close to No 2 and would intrude upon its spacious setting. I conclude that the development would fail to integrate with the underlying building pattern, would not reflect local distinctiveness and would not represent high quality design.
17. The development would therefore be contrary to the design aims of LP Policy LP30 which requires development to respect and reflect the existing pattern, character and appearance of its setting. It would also be contrary to Saved Policies ENV12 and ENV13 of the 2006 Local Plan (SLP), and CS Policy NW12 which taken together also set out that development should be well related to each other and harmonise with the immediate setting, and to integrate positively into surroundings with regard to scale, massing height and appearance amongst other considerations.

Living conditions

18. There would be oblique views over No 2's garden and vehicular approach from Plot 3 at fairly close distance, and this would lead to overlooking and a loss of privacy for occupiers of No 2. In other respects I am satisfied that the distances involved are sufficiently large to avoid significant overlooking.
19. The amenity space for Plot 3 would also be restricted. Whilst this might not be sufficient to warrant dismissal of the appeal in the absence of other harm, this observation reinforces my concerns in relation to the development's layout.
20. On balance, I conclude that the dwellings are sufficiently well-spaced from each other to avoid significant issues of outlook or light loss. However this does not alter my conclusions that the development would have an adverse effect on the living conditions of No 2 with regard to loss of privacy, and poor amenity space provision for Plot 3. As such the development would have an adverse effect on the living conditions of existing and future occupiers with regard to overlooking and amenity space. This would be contrary to LP Policy LP29 and CS Policy NW10 which taken together are concerned with residential amenity amongst other considerations. It would also fail to accord with Paragraph 130 of the Framework which requires development to have a high standard of amenity for existing and future occupiers.

Heritage Assets

21. There is a cluster of distinctive period buildings on Coleshill Road opposite the appeal site. These include a country house style period dwelling which appears to date from the 18th century and its large garden, the 17th/18th Bubble Inn and a timber framed sandstone and red brick cottage dating from the early 17th century which was associated with a former watermill.
22. At the end of these buildings there is a large three storey building red brick structure which appears to be of some age but which has been converted to residential use. This building has flat elevations with new jettied windows on the top floor but has retained a distinct industrial and utilitarian appearance which appears to reflect association with the former watermill. I am also aware that the nearby bridge is a scheduled ancient monument, although there are no further listing details on the Historic England website.
23. I conclude that the significance of these listed buildings arises from their diverse form and typology, their spatial relationship with each other and the nearby river, and such historic fabric as remains. This is reflective of the establishment of Furnace End as a small scale industrial hub and associated settlement based on the harnessing of local water power.
24. There is scant information before me with regard to the significance of the appeal site in relation to the appreciation and setting of these heritage assets. The development would introduce a low density development of unremarkable design on the other side of the road. Although this would represent a loss of openness opposite this cluster of buildings, there is nothing before me to indicate the significance of that openness. As such I am satisfied that the development would have neutral effect on the settings of the listed buildings and the bridge. As such there would be no conflict with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Section 16 of

the Framework. Nor would there be conflict with CS Policy NW14 and LP Policy LP15 which are concerned with the protection of the historic environment.

Other considerations

25. CS Policy NW2 states that development outside development boundaries will be permitted where there is a proven local need, and where it is small in scale and located adjacent to a village.
26. Although policies made before the Framework are not necessarily out of date, Paragraph 219 of the Framework states that due weight should be given to such policies according to their degree of consistency with the Framework. CS Policy NW2 is not entirely consistent with the Framework with regard to development in the Green Belt and in this regard I give this policy limited weight. In any case, there is provision under the Framework for the potential harm arising from inappropriate development to be taken into account in a planning balance and this is outlined in my reasoning below.
27. Two dwellings would provide level accommodation suitable for disabled and/or elderly occupiers, and the third would have a lift. I am required under the Equalities Act to give particular weight and consideration to protected characteristics, which include disability and age. This weighs in favour of the appeal. However, there is nothing before me to indicate that other design solutions that would be more sympathetic to the site's context are not available, or that provision could not be made on another site.
28. Moreover, there is nothing before me to indicate that there is a local shortage of such accommodation or that the Council is resistant to arguments relating to the provision of such accommodation on an individual basis. Whilst I appreciate that the appellant also requires suitable accommodation and that No 2 would be difficult to convert, these needs could be met by the provision of one additional dwelling rather than the three proposed.

Planning balance

29. The evidence before me indicates that the Council has sufficient housing supply. As such the tilted balance set out in Paragraph 11 of the Framework does not apply in this instance.
30. Although I have given weight to the benefits to be afforded to the accessibility of the dwellings and associated social benefits of allowing local residents to downsize within the village, the harm arising from inappropriate development in the Green Belt, as well as harm to the character and appearance of the area and the living conditions of future and existing occupiers would not be clearly outweighed by these other considerations. That being so, there are not the very special circumstances required to justify the proposal.

Other Matters

31. The appeal statement notes that the form and architectural style was indicative of development. However, this is not an outline application and I have to determine the appeal on the basis of what is before me.
32. The lack of objections from other parties carries little weight as there may be many reasons why other parties do not object.

Conclusion

33. I conclude that the development would fail to accord with the Local Plan taken as a whole and the Framework, and that that conflict would not be outweighed by other material considerations including the public sector equality duty. The appeal is dismissed.

A Edgington

INSPECTOR