



Appeal Decision

Site Visit made on 12 October 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/T3725/W/21/3277012

The Bungalow, School Lane, Hunningham, Leamington Spa CV33 9DS

- 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 Dr and Mrs John and Susan Denning against the decision of Warwick District Council.
 - The application Ref W/20/1898, dated 18 November 2020, was refused by notice dated 19 March 2021.
 - The development proposed is the change of use from allotment/garden to that of domestic garden, to be included in the curtilage of the dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from allotment/garden to that of domestic garden, to be included in the curtilage of the dwelling house at The Bungalow, School Lane, Hunningham, Leamington Spa CV33 9DS in accordance with the terms of the application, Ref W/20/1898, dated 18 November 2020, subject to the following condition:
 - 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 approved plan: Block/Site Plan (dated 10/11/2020 16:09:08).

Procedural Matter

2. The description in the heading and decision above is taken from the Council's decision notice and the appellants' appeal form, rather than the original planning application form, as this provides a more succinct description of the proposal. I have considered the appeal on this basis and do not consider any party will have been prejudiced by my doing so.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt, with particular regard to its effect on the openness of the Green Belt and the purposes of including land within it.

Reasons

Whether inappropriate development in the Green Belt

4. Paragraph 149 of the National Planning Policy Framework 2021 (the Framework) sets out the types of development that comprise exceptions to inappropriate development in the Green Belt. The appeal proposal does not fall within any of these exceptions. However, paragraph 150 of the Framework sets

out certain other forms of development that are also not inappropriate development in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. In respect of these, the proposal falls to be considered under paragraph 150.e) relating to material changes of the use of land. It is therefore necessary to assess the effect of the proposal on Green Belt openness and its purposes.

5. Openness is an essential characteristic of the Green Belt and has spatial as well as visual aspects. The site occupies a small plot of land alongside the bungalow, which itself occupies a relatively small plot. The appeal site is open along its boundary with the bungalow, there being no clear distinction between the existing bungalow garden and the adjoining appeal site. It is therefore inevitably read in conjunction with that dwelling. Plots in Hunningham are generally spacious and as such the combined size of the appeal site and bungalow plots appears in keeping.
6. Hunningham has a rural feel with School Lane comprising a narrow lane without pavements. Due to the proximity of some of the houses to the road and the presence of mature hedges and trees along it, views from School Lane out to the wider countryside and Green Belt are relatively limited. Aside from its open boundary with the bungalow, the appeal site is similarly bound by mature hedges and very well screened as a result. The site's front boundary is defined by School Lane and an access road into the adjacent farm defines one side. Its rear boundary is a continuation of that of the bungalow, the appeal site being of the same depth as the existing bungalow garden. The appeal site therefore appears well contained, with clearly defined boundaries.
7. Consequently, it would not conflict with the Green Belt aim of safeguarding the countryside from encroachment. Similarly, in the particular circumstances of this case, the proposed change of use to domestic garden would not conflict with the fundamental aim of Green Belt policy of preventing urban sprawl by keeping land permanently open. I accept that, subsequent to allowing the appeal, the visual characteristics of the site could be altered by the presence of play equipment, washing lines, garden sheds or other residential paraphernalia. However, as already described, the site is very well screened by its mature and densely planted boundary hedges. There is no indication that this would change, given the prevailing character of the village with a predominance of planted boundaries for aesthetic and privacy reasons.
8. Although potentially not continuously or in very recent years, evidence suggests that the site has been maintained as a garden or to a domestic standard, rather than being left to grow wild, from as far back as 1995 or longer. I accept that the nature of the site has arisen at least in part from such use over time, which has not been expressly authorised. However, the number of other similar examples is likely to be very small. Moreover, it is the scale, context and surroundings particular to this scheme that mean its change of use would not harm openness or the Green Belt purposes here. As such, my assessment is context specific and I foresee no potential for this decision to set an unwarranted precedent or to lead to a potential reduction in Green Belt quality over time.
9. For these reasons I conclude that the proposed change of use to domestic garden land of this site would not harm Green Belt openness in visual or spatial terms and would not harm the purposes of including land within it.

Consequently, the proposal would not be inappropriate development in the Green Belt. I therefore find no conflict with the Framework, or Policy DS18 (Green Belt) of Warwick District Local Plan 2011-2029 (adopted September 2017).

Conditions

10. I wasn't supplied with any suggested conditions. I have however imposed conditions relating to the standard time limit for implementation and setting out the approved plan for certainty and enforcement purposes.

Conclusion

11. The proposal would not be inappropriate development in the Green Belt. As such, and as there would be no harm caused to it, it has not been necessary for me to take into account other considerations that might weigh in favour of the proposal. In light of the above reasoning, in the absence of other non-Green Belt harm, and having regard to all matters raised, I conclude that the appeal should be allowed.

Rachel Hall

INSPECTOR