



Appeal Decision

Site visit made on 18 August 2021

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/E3715/W/21/3274080

Cottage Farm, Heath Lane, Brinklow, Warwickshire CV23 0NX

- 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 Mrs A McDonnell against the decision of Rugby Borough Council.
 - The application Ref R20/1073, dated 11 December 2020, was refused by notice dated 24 March 2021.
 - The development proposed is demolition of existing equestrian buildings and construction of 4 no. dwellinghouses.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. Whether or not the proposal would be inappropriate development in the Green Belt in terms of the National Planning Policy Framework ('the Framework') and development plan policy;
 - ii. whether the proposal would be in a suitable location for housing, having to the settlement hierarchy for the Borough and national planning policies; and,
 - iii. if the development would be inappropriate, 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 necessary to justify it.

Reasons

Development in the Green Belt

3. The appeal site comprises an equestrian facility located within the Green Belt. In respect of development in the Green Belt, Policy GP2 of the Rugby Local Plan 2011-2031, June 2019 ('LP') states that new development will be resisted; only where national policy on Green Belt allows will development be permitted.
4. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include: g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
5. It is common ground between both main parties that the appeal site is previously developed land ('PDL').
 6. In this case, the proposal is for market housing. Therefore, I have assessed this appeal on the basis of the first limb of exception g) of paragraph 149 of the Framework. As part of this assessment, it is necessary to consider whether the complete redevelopment of the site would have a greater impact on the openness of the Green Belt.
 7. Paragraph 137 of 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. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect and therefore is not limited to volumetric comparisons.
 8. The existing development at the appeal site comprises a main stable block located along its northern boundary with a horse walker sited behind this. The horse walker is largely screened by the main stable block and existing vegetation. A much smaller and lower stable block with a lean to attached to this is located along the eastern boundary of the site, the remainder of the site is largely occupied by the manege. The manege is enclosed by a low and open design of fencing, which allows views along it. There are also areas of hard standing that are open and support some vehicle parking and storage.
 9. Because the site is relatively open, its effect on the visual and spatial openness of the Green Belt are appreciable from outside the site as well as from within it. In such views, the massing, height and arrangement of development rather than its volume have a greater effect on openness. Therefore, although this previously developed site already has some impact on the openness of the Green Belt, due to the spread of the built development and juxtaposition of this to the generally open areas (the manege, hard standing and grassed areas) there is considerable permeability through the site which provides a degree of spatial and visual openness.
 10. To facilitate the proposal the existing buildings are to be demolished and the horse walker removed, along with the manege. The proposed development would have a reduced volume. However, the maximum heights of the proposed dwellings would be about 7.8m which is appreciably higher than the horse walker and stables which have a modest height of about 5.3m at most.
 11. Moreover, the proposed dwellings would be arranged centrally within the site, close to each other around a sizeable courtyard, which would be used for access and the parking of vehicles. This arrangement would also result in the creation of elongated elevations of built development.
 12. The proposal would also result in the subdivision of the site to create 4 separate plots. To ensure privacy boundary treatments are also likely to be required which would provide further enclosure and containment of the

development. The new plots would be of varying sizes and would also support a degree of residential paraphernalia associated with four family dwellings.

13. Cumulatively, the proposed and more ordered layout would result in a consolidated and expansive spatial footprint of new development centrally, which would substantially reduce permeability through the site. This extent of development and the massing and height associated with it, along with the associated curtilages would also have a strong visual presence from within and outside the site. Consequently, the proposal would erode the spatial and visual openness of the site when compared to the existing situation. Accordingly, the openness of the Green Belt would not be preserved.
14. For the above reasons, the proposal is not supported under the exception of paragraph 149 g) of the Framework. As the proposed development does not meet any of the other exceptions under Paragraph 149, it constitutes inappropriate development in the Green Belt and conflicts with Policy GP2 of the LP.
15. Notwithstanding that the site is PDL, given its countryside location and due to the extent of its overall spatial footprint, the proposal would conflict with one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment.

Suitability of location for housing

16. Policy GP2 of the LP sets out a settlement hierarchy that provides a sequential approach to the selection of locations for development. Having regard to the supporting text to this Policy, its overarching aims are to locate new development in locations where there is best access to a range of facilities. These aims are consistent with Part 9 of the Framework (Promoting sustainable transport).
17. The appeal site is located outside of any settlement and therefore within the countryside. Although LP Policy GP2 seeks to resist development in countryside locations there is an exception to this, in that, development will be permitted where national policy on countryside locations allows this.
18. In summary, with regard to rural housing, the Framework, states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. However, it goes on to state that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of certain exceptions apply.
19. In this case, the site is located next to a dwelling at Cottage Farm. Therefore, for the purposes of Paragraph 80 of the Framework, I consider that physically this site would not be in an 'isolated' location for new housing in the countryside. Accordingly, it is not necessary for me to consider the five circumstances (exceptions) for isolated homes listed in Paragraph 80 of the Framework.
20. The nearest main settlement, Brinklow, is located north of the site with the bulk of the amenities associated within this being about 1.8km from the appeal site. Access from the site is primarily via Heath Lane which is unlit and without a footpath along a substantial stretch, which would make this particular route unappealing and unsafe for walking. There is also no bus stop near the appeal

site. Therefore, it is likely that future occupants would be heavily reliant on the private car for the vast majority of their day-to-day needs.

21. Furthermore, when in private vehicles, occupiers of the proposed dwelling would be likely to drive to Rugby or Coventry to access the better range of services and facilities there, in preference to Brinklow and other villages nearby. Consequently, the proposal is unlikely to support services in rural villages, as Paragraph 79 of the Framework envisages.
22. Taking into account the above factors and the advice in the Framework¹ on sustainable transport solutions varying between urban and rural areas, in this case the location of the site for housing does not offer any suitable sustainable travel choices in respect of accessibility to shops and services.
23. The proposal would deliver four additional dwellings to the local housing stock. This would also support the Government's objective to significantly boost the supply of homes and fulfils a social objective. There would be economic gains through the construction of the development and then the occupiers of the dwellings would also utilise and support shops and services. Although in this case, given the site's poor accessibility from Brinklow, I am not persuaded that the new dwellings would support local communities.
24. However, I acknowledge that there would be benefits for the Borough overall. Despite this, the Council can demonstrate a 5-year supply of housing land and therefore such benefits could be derived by providing housing in sequentially preferable locations. For this reason and given its modest scale (four dwellings) I attach limited weight to any social and economic benefits arising from the proposal.
25. The appellant has provided some information and contends that vehicular movements associated with the proposed use would be considerably lower than the extant use. However, this is not corroborated by any evidence and provides no information on journey lengths. I, therefore, attach limited weight to this.
26. The extant development although of a functional design is not uncommon for an equestrian facility in a rural location. Therefore, and while the proposal may deliver high quality new dwellings, this would be at the expense of harm to the Green Belt. Therefore, I am not persuaded that the proposal would bring any notable environmental benefits.
27. Consequently, and despite some limited benefits associated with it, the proposal does not accord with the countryside development exception stated in LP Policy GP2 and therefore would be in an unsuitable location for housing. Accordingly, the proposal conflicts with LP Policy GP1, which reflects the presumption in favour of sustainable development contained in the Framework, but only supports planning applications that accord with policies in the LP, and LP Policy GP3 which supports the redevelopment of PDL, subject to proposals being compliant with the policies within the LP, which is not the case here.

Other considerations

28. Paragraph 147 of the Framework is clear that, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. It is stated that very special circumstances will not

¹ Paragraph 105

exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

29. As set out above, there would be some social and economic benefits arising from the proposal which are afforded limited weight.
30. The acceptability of the proposal in relation to design, the living conditions of neighbours, parking standards, highway safety, ecological and biodiversity considerations is a neutral factor in the overall balance.

The Green Belt balance

31. The proposal would harm the Green Belt by way of inappropriateness, loss of openness and conflicts with one of the purposes of the Green Belt. The Framework requires substantial weight to be given to any harm to the Green Belt. I have also found that housing at the appeal site would conflict with of the Council's settlement hierarchy.
32. Having taken account of all the other considerations raised in support of the proposal, I find that these do not clearly outweigh the Green Belt harm and indeed the other harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal conflicts with Policies GP1, GP2 and GP3 of the LP, along with the provisions of the Framework for safeguarding the Green Belt, rural housing and promoting sustainable transport.

Conclusion

28. For the reasons given above, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR