
Appeal Decision

Site visit made on 22 March 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2022

Appeal Ref: APP/U4610/W/21/3283559

Land adjacent to Spring Cottage, Watery Lane, Corley Moor, Coventry

- 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 Evans against the decision of Coventry City Council.
 - The application Ref FUL/2020/2879, dated 23 November 2020, was refused by notice dated 22 April 2021.
 - The development proposed is demolition of existing buildings, erection of new three bedroom bungalow with double garage and all associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's third reason for refusal states that, 'The dwelling would be out of character with the traditional design of buildings within the Ancient Arden area by virtue of the ridge height of the rear projection, not subordinate to the main part of the dwelling, lack of chimney feature, and proposed driveway materials, harmful to the street scene and character of the landscape.' The appellant has submitted amended plans as part of the appeal to address these design concerns. The Council has confirmed that the amended plans address the design concerns set out in their third refusal reason. I see no reason to disagree.
3. The Council is also of the view that the amendments would not be so significant as to fundamentally alter the scheme or to justify further public consultation. Having carefully considered the plans, I see no reason to disagree. As such, I am satisfied that no party would be prejudiced by my consideration of the revised plans. I have therefore determined the appeal having regard to the amended plans.

Main Issues

4. The main issues are:
 - Whether or not the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;

- whether or not the site would be a suitable location for the proposed development having particular regard to the accessibility of local services and facilities; and,
- If the proposal would be inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. Policy GB1 of the Coventry City Council Local Plan (adopted 2017) (LP) states that development proposals in the Green Belt will be assessed against national policies. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework outlines that the construction of new buildings, other than in connection with a limited number of specific exceptions, should be regarded as inappropriate in the Green Belt (paragraph 149). The appellant relies upon the following exception found at paragraph 149 (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."
6. The definition of previously developed land (PDL) within the Framework excludes, "land that is or was last occupied by agricultural or forestry buildings". The appellant's planning statement explains that the main building on the site was constructed to the design of a cattle shed and the site's previous owners kept livestock on site until some point in the 1970's. The statement goes on to advise that the cattle shed building was subsequently used for the storing of vehicles and spare parts, with the land surrounding the building used for the open storage of old cars and parts. The planning statement includes 2 representations from persons familiar with the history of the site that corroborate the cessation of the agricultural use of the site from some point in the 1970's and its subsequent use for vehicle/parts storage. A further representation by the 2015 purchaser of Spring Cottage states that, at the time of purchase, all of the outbuildings were full of cars and car parts. Additional submissions corroborating the use of the site for vehicle storage, repairs and sales since the 1970's have been received from interested parties during the appeal process.
7. At the time of my site visit, the main building on site had the appearance of a run-down and redundant agricultural building, largely empty, but with some remnants of animal pens/stalls. The building appeared capable of being used as an area for vehicle/parts storage. There were a very limited number of car parts within the building, including some windscreens and windows. The

various paraphernalia within the building, however, gave no significant indication of any particular past or current use.

8. The planning history of the site does not include any applications for the change of use of the site from agriculture, or for a certificate of lawfulness for a different use. Indeed, the most recent planning history¹ relates to an application for the change of use of an agricultural building to a dwellinghouse under Class Q of the (General Permitted Development) (England) Order 2015 (as amended). I note that the appeal statement advises no evidence to demonstrate the building was in agricultural use in 2013 was submitted with that application. Nevertheless, to make such an application requires a declaration that any facts stated within the application form are true and accurate. Such an application, therefore, can only be taken as evidence suggesting that the building's use in 2013 (or last use if before then) was solely for agriculture as part of an established agricultural unit.
9. The historic aerial images within the planning statement, appear to show 2 cars were present outside the main building in 1999 and in 2001. The site, and the main building, appear to become more overgrown in the aerial images from 2006 until 2017. It is not possible to discern, however, from the aerial images what the historic use of the site and buildings has been. There are no other dated photos before me showing the use of the site for vehicle/parts storage. Moreover, there is no evidence in terms of business documents related to the operation of the site as part of a vehicle trade or business. The appellant acknowledges that evidence has not been submitted to document 10 years of continuous commercial use of the site for any particular business.
10. Neither main party has provided compelling evidence to show whether or not a material change of use from agriculture has occurred. Whilst I give weight to the representations received corroborating the appellant's view, that weight is limited given no statutory declarations have been submitted. Based on the limited evidence before me, and my observations during my visit, it has not been demonstrated, on the balance of probabilities, that the established use of the appeal site and its buildings is anything other than for agriculture. As such, the site does not represent PDL and the development would, therefore, be inappropriate development in the Green Belt.

Openness and the purposes of the Green Belt

11. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development and it has both spatial and visual aspects.
12. The appellant's appeal statement compares the volume, footprint and height of the existing main building and the proposed bungalow. I note that the dwelling would have a smaller footprint than the existing main building, would have a similar volume, and would be 1.2 m taller. The garage would have a smaller footprint than the existing outbuildings to be demolished at the front of the site. The new buildings would be in broadly similar locations to the existing buildings, with the garage set slightly more within the site. Overall, therefore,

¹ LPA ref: PAQ/2021/2132

the impact of the proposals on the openness of the Green Belt, in both spatial and visual terms, would be broadly similar to as existing.

13. With respect to the purposes of the Green Belt, the development of an agricultural site with a new dwelling would have an urbanising effect, representing a harmful encroachment into the countryside contrary to one of the purposes of designating land inside the Green Belt. The harm in this regard would, however, be limited by the proximity of nearby dwellings.

Access to local services and facilities

14. The proposed development is located in the open countryside approximately 250m south of Corley Moor, a village within the administrative boundary of North Warwickshire Borough Council. Facilities at Corley Moor include a public house and bus stops, but overall are very limited. The appellant's planning statement advises that the village of Corley is a 2.7km journey and contains a church, sports facilities, village hall and play area. The planning statement goes on to state that the village of Fillongley is a 3.8km journey from the site, and provides facilities including a doctor's surgery, social club, village hall and primary school.
15. The Manual For Streets guides that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas, which residents may access comfortably on foot. The walking distances for future occupiers of the appeal site to access the majority of facilities would be significantly in excess of this guideline. The cycling route to the larger villages noted above would be, for a significant proportion, unlit and on roads with the national speed limit. As such, the routes to access day to day facilities would not be attractive for cyclists. Whilst the bus service would provide access to Coventry, its infrequency would make it unsuitable for many journeys.
16. I have had regard to the planning permissions relating to the Tin Mission referred to me by the appellant. The officer report in relation to the rebuilding of the Tin Mission and its use as a dwelling advises that the site location does not meet the majority of the criteria set out in paragraph 4 of LP policy H3. I concur with that view. I do not have full details of the circumstances that led to the Tin Mission proposals being accepted despite this policy conflict. I cannot, therefore, be sure that they represent a direct parallel to the appeal proposal. In any case, I have considered the appeal proposal on its own merits.
17. Overall, there would be a lack of sustainable transport choices available to enable future residents to conveniently access services and facilities. The likely reliance on the private motor car for access to everyday services would not support walking, with its attendant health and community building benefits. The development would, therefore, conflict with LP Policies H3 and DS3 which, taken together, amongst other things, support development that provides good access to facilities and services by sustainable modes of transport, increases health, wellbeing and quality of life. The proposal, in this regard, would also conflict with paragraph 105 of the Framework which states development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

18. The Council's second refusal reason also refers to LP Policy GB1. It is not clear from the Council's submissions how Policy GB1 is relevant to accessibility of services, and I do not find conflict with the policy in relation to this main issue.

Other considerations

19. I acknowledge that the proposal would result in some economic and social benefits, including through its construction, and as a result of a slight increase in the use of local services as supported by paragraph 79 of the Framework. The proposal would also make a limited contribution to the Government's objective of significantly boosting the supply of homes. However, given only a single dwelling is proposed, the benefit of increased housing supply carries only limited weight.
20. Whilst the site is currently somewhat rundown, it has a utilitarian agricultural appearance that is to be expected within the working countryside. As such, whilst the proposal represents good design, it would not be a benefit to the character and appearance of the area given its urbanising effect. Furthermore, agricultural uses near to dwellings are to be expected in rural areas. I do not, therefore, find that the residential development of the site would represent a benefit to the living conditions of nearby dwellings.

Green Belt balance

21. The Framework 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.
22. The dwelling would be inappropriate development which is, by definition, harmful. Whilst there would not be harm to the openness of the Green Belt, the proposal would have an urbanising effect, and it would fail to assist in safeguarding the countryside from encroachment. These matters, taken together, attract substantial weight against the development. Having considered all matters in support of the development, they collectively would not clearly outweigh the identified harm to the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal would be contrary to LP Policies GB1 and H3, and the provisions of the Framework, including paragraphs 137, 147, and 149. Taken together, these policies, amongst other things, require that inappropriate development is refused except in very special circumstances, and seek to safeguard the countryside from encroachment, thereby protecting the essential characteristics of the Green Belt.

Planning Balance and Conclusion

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. Substantial weight is given to the identified conflicts with development plan policies relating to the Green Belt and relating to the accessibility of the location. The weight given to other considerations in favour of the proposal noted above would not outweigh that identified harm.

24. The proposal would, therefore, conflict with the development plan, when read as a whole, and there are no other considerations, including the Framework, that outweigh this identified conflict.
25. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR