



Appeal Decision

Site visit made on 5 July 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2022

Appeal Ref: APP/E3715/W/21/3289532

**Magpie Farm Farmyard, Lilbourne Road, Clifton, Rugby, Warwickshire
CV23 0BD**

- 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 Mr Allen Bloor (Rugby Properties Limited) against the decision of Rugby Borough Council.
 - The application Ref R20/0635, dated 3 August 2020, was refused by notice dated 23 June 2021.
 - The development proposed is the demolition of existing barns and construction of 7 no. dwellings (3 no. terraced, 4 no. detached).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development in the banner heading above is taken from the planning application form. However, during the application stage the number of proposed dwellings changed from 7 to 5 dwellings. The above description therefore differs from that on the decision notice which is 'Demolition of existing barns and the erection of 5 dwellings (Outline only – Principle, access and layout only).' My decision is based on this description from the decision notice, since it more accurately described the proposal. It is also shown on the appeal form, so the appellant would not be prejudiced by my use of it.
3. The planning application that is the subject of this appeal was submitted in outline with all matters reserved except for access and layout for the construction of 5 dwellings. I have therefore determined the appeal on this basis and taken all plans submitted to be for illustrative purposes only.

Main Issue

4. The main issue is whether the proposal is a suitable location for housing, with particular reference to reliance on the private car.

Reasons

5. The appeal site is located within a rural area near to Clifton-upon-Dunsmore. The site comprises a number of agricultural buildings and structures, such as silos, and areas of concrete hardstanding. It is adjacent to Magpie Lodge Farmhouse and surrounded by arable land. Access to the site is from an existing access off Lilbourne Road.

6. Policy GP2 of the Rugby Borough Council Local Plan 2011-2031 (June 2019) (Local Plan) states that development will be supported in accordance with the settlement hierarchy as set out in the policy. The appeal site is not within any of the defined settlement boundaries and is not an allocated site. It is therefore located in open countryside. Policy GP2 states that development in the countryside will be resisted unless allowed under national policy.
7. The appeal site is located within the vicinity of a small cluster of existing dwellings that sit within a short stretch of Lilbourne Road. I note that both parties are in agreement that the appeal site is not isolated, given its proximity to the existing dwellings, and none of the exceptions are considered to apply. Therefore, I am satisfied that the appeal site is not isolated in the context of paragraph 80 of the Framework, which sets out that new isolated homes should be avoided in the countryside.
8. However, the appeal site's lack of isolation with regard to paragraph 80 of the Framework does not mean that the site would be reasonably accessible to services when considered in the context of other requirements of the Framework.
9. The nearest main rural settlement to the appeal site is Clifton-upon-Dunsmore, which is approximately 1.1 miles away. To access services and facilities in Clifton-upon-Dunsmore, the occupants of the proposed dwellings would have to walk and cycle along Lilbourne Road. Along the road, the occupants would have to share the carriageway with vehicles, as a substantial stretch of the road extending from the appeal site has no footpaths or street lighting. Although there are some grass verges adjacent to the carriageway, these are uneven and unsuitable for use. In addition, the road has a 40mph speed limit, which means vehicles are likely to be travelling at fast speeds. Therefore, the route would be unsuitable for walking, cycling, children's pushchairs, wheelchair users, or people with limited mobility.
10. Whilst bus services operate in the area, the nearest bus stop to the appeal site has a limited community bus service. In addition, the lack of footpaths from the appeal site to access the bus stops, combined with the absence of street lighting, is likely to deter occupants from using the bus services. Similarly, the lack of footpaths and lighting would deter people from using these routes to access the train station.
11. Although the IndieGo Community Transport service operates a demand responsive bus scheme in the local area, there is limited detail before me as to the practicalities of the booking system, how effective the service has been for local residents, and whether there are any eligibility criteria that would need to be met to benefit from this service.
12. Whilst the A5 is located under 100m from the appeal site and provides links to the M1 and the north, this would encourage the use of the private car as the road leading to the A5 has no footpaths or street lighting. In addition, the A5 has no footpaths and the uneven grass verges would be unsuitable for users, especially with vehicles passing at high speed.
13. I acknowledge the appeal site's proximity to the Daventry International Rail Freight Terminal (DIRFT) logistics park and the new rail-served logistics/distribution extension, which will create jobs for the area. However,

access to DIRFT from the appeal site is likely to be by car as there are no public footpaths or cycleways from the appeal site to DIRFT.

14. I also acknowledge the site's proximity to an allocated residential development at Rugby Radio Station site at Houlton, and the new school, local centre, and numerous new bus routes that will be created for the development. However, the Council has stated that this large development of circa 6,200 homes will take several years to complete. Notwithstanding this, the appeal site is not located within easy walking and cycling distance of the new development and access by public transport would be difficult for the reasons given above.
15. The appellant has indicated that the proposal would include a new footpath and cycle route to connect to an existing public right of way track, providing access to the new district centre being built at the Rugby Radio Station site. However, there is no mechanism before me to secure this proposed route. Furthermore, the footpath and cycle route is likely to be unlit, which would limit its use during hours of darkness. In addition, the sloping nature of the land is likely to be unsuitable for people with limited mobility, wheelchair users and children's pushchairs.
16. I note the appellant also refers to new growth along the A5 corridor and generally within the area, including roadside service opportunities. However, the area surrounding the appeal site is countryside and I have not seen details of approvals for this type of development within this countryside location. I therefore attribute little weight to this.
17. Whilst online services, such as online healthcare, the delivery of shopping via local supermarkets or fast-food apps, and working from home would be available to occupants, this may not appeal to all. In addition, working from home and online healthcare may not be possible for all future occupiers.
18. For the reasons above, essential services and facilities, public transport, and job opportunities would not be readily accessible from the appeal site. Therefore, the occupants would be largely reliant on private vehicles to access services, facilities, and job opportunities, due to the lack of safe pedestrian and cycle routes and having limited options for alternative modes of transport.
19. Whilst I accept that the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, it also states that 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. It does not justify locating development in an inherently unsustainable location. Given my findings above, there would be conflict with the Framework in these respects.
20. I note that the Framework emphasises the need to support the efficient use of land and that the proposal would provide 5 dwellings on a site that currently has derelict and dilapidated farm buildings. I have also had regard to the appellant's Landscape and Visual Appraisal (October 2020) submitted with the appeal. Whilst the proposal would make efficient use of the site, including previously developed land, and the scale of the new built footprint could be less than the existing volume of farm buildings, this does not outweigh the harm I have identified.

21. I acknowledge that the appearance and landscaping of the proposed dwellings are reserved matters, and although landscape planting could be designed to provide some degree of screening, it would nevertheless be likely to be visible from the surrounding area. This is due to the site's prominent position located near a ridge and the development would be particularly visible when trees and vegetation are not in leaf during winter months. Such planting could not be guaranteed to survive or be maintained in the longer term.
22. The appellant has suggested a condition to mandate electric car charging points for each dwelling. However, whilst such a condition could be imposed, it would be impossible to control by condition the type of vehicles that would be used by the future occupiers or visitors to the dwellings.
23. The appellant has also suggested a condition to minimise air pollution in relation to the scheme and I note the Council has put forward such a condition in their list of suggested conditions. Whilst such a condition might help to minimise pollution, it would not overcome the harm I have identified in relation to the lack of safe access to services and facilities for the site and the reliance on private car.
24. My attention has been drawn to planning permission R20/0363 for the erection of 7 new dwellings. I note the permission relates to a Green Belt site that was considered to be in an unsustainable location. However, in this particular case 'very special circumstances' (VSC) existed that outweighed the identified harm to the Green Belt and the negative environmental impact from the heavy reliance of the private car. Such VSC included a previous planning permission for the site, demolition of a fire damaged building, the decontamination of the site, and the introduction of soft landscaping including amenity grass areas. While there are some similarities between the proposed development and this approved scheme, there are not considerations that carry such weight in favour of the appeal proposal as existed at the former Riverside Cantonese Restaurant site. In any case, I have determined this appeal on its own individual merits.
25. My attention has also been drawn to appeal decision (APP/E3715/W/20/3265719) for the erection of 4 detached dwellings in an area of open countryside. However, the Inspector concluded that the future residents would not be heavily reliant on private motor vehicles due to the site being within reasonable walking distance of bus stops which provide regular bus services, and its proximity to a settlement with a good level of services and amenities, including schools, public houses, shops, a petrol station and a village hall. Therefore, there are significant differences between this approval and the proposal before me, so this other decision does not lead me to a different conclusion.
26. The appellant has also referred me to the General Permitted Development (England) Order 2015, Schedule 2, Part 3, Class Q for the change of agricultural buildings to dwellinghouses. However, the proposal before me is for the demolition of agricultural buildings and the development of 5 new dwellings. Whilst I appreciate that the Class Q does not require development to have regard to public transport provision or accessibility, this is an application for outline planning permission and the development plan does require development to have regard to such matters. In any event, such a proposal is not before me, and the nature of a change of agricultural buildings to

dwellinghouses in this rural context is likely to be different to that relating to the proposed new dwellings.

27. Therefore, for the reasons given, the proposal's future occupants would be heavily reliant on the private car to access services and facilities as well as employment and thus fail to mitigate and adapt to climate change and support moving to a low carbon economy. As such, the proposal would fail to accord with Policies GP1 and GP2 of the Local Plan, which seek to secure sustainable development with access to a range of services and facilities. Policy GP3 of the Local Plan supports the redevelopment of previously developed sites, though only where such proposals are compliant with other policies in the Local Plan. For the reasons given, this is not the case with this appeal scheme and so the proposal would also not accord with this policy.
28. In addition, the proposal would fail to accord with the Framework in respect of achieving sustainable development.

Other Matters

29. The site is located near to Dunsmore House, which is a grade II listed building. The site is also located near to the Conservation Area of Clifton-upon-Dunsmore (CA). This was not a contentious issue for the Council and taking into account my observations on site and the evidence before me, I have no substantive basis to consider differently.

Planning Balance

30. The proposal would make a contribution to meeting the housing requirements of the area. However, the provision of 5 additional dwellings would have limited impact in relation to boosting the supply of housing.
31. The proposal would create employment opportunities and indirect supply chain benefits during the construction phase, and future occupiers would help to support the vitality of the village and support local shops, leisure facilities and other services. The proposal would also generate council tax and possible new homes bonus payments. However, given the small scale of the proposal, this would only result in temporary and modest benefits to which I attach limited weight.
32. I note that the highway authority has not raised concerns in regard to highway safety. However, the lack of harm in this respect is a neutral effect, and therefore does not weigh in favour of the proposal.
33. I am mindful of the appellant's desire to make use of the redundant farmyard, which would help to finance the relocation of the facilities to an alternative location on the farm. However, there is no substantive evidence to suggest the appeal scheme is the only way of making use of the redundant farmyard and meeting these financial needs. The appeal scheme must be considered on its merits, and I do not find that these personal financial circumstances would outweigh the harm I have identified.
34. I acknowledge the ecological benefits of the site's enhanced boundary planting along Lilbourne Road, and the suggestion of a proposed landscaping and planting scheme at reserved matters stage. However, these are neutral, and the proposed landscaping and planting would be providing mitigation for the scheme. Therefore, these do not weigh in favour of the proposal.

35. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.

Conclusion

36. For the reasons given above, the appeal is therefore dismissed.

Helen Smith

INSPECTOR