



Appeal Decision

Site visit made on 20 September 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2022

Appeal Ref: APP/U4610/W/22/3297041

Glen Ellen, Wall Hill Road, Corley, Coventry CV7 8AH

- 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 Lakhbir Dhesi (Prestige Construction GB Limited) against the decision of Coventry City Council.
 - The application Ref FUL/2022/0036, dated 7 January 2022, was refused by notice dated 8 March 2022.
 - The development proposed is demolition of existing outbuildings and erection of new detached dwelling with new access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's refusal reasons refer to the Coventry Local Plan 2016 (the LP). However, the information provided indicates the LP was adopted in 2017. For clarity, I confirm my assessment is based upon the policies provided by the Council with its appeal questionnaire.

Main Issues

3. The main issues are (i) whether the development would be in a suitable location having regard to LP policies, the National Planning Policy Framework (the Framework) and accessibility, and (ii) whether the scheme would be inappropriate development in the Green Belt in light of the LP policies and the Framework.

Reasons

Suitability of location

4. LP policy DS3 looks to secure development that improves economic, social and environmental conditions including through access to sustainable modes of transport. In addition, part 4 of LP policy H3 looks to ensure new housing is within specified distances from facilities such as medical services, primary schools and bus stops. Part 6 of the same policy seeks to ensure all housing has easy access to high quality public transport, walking and cycling routes.
5. These policies are generally consistent with the Framework which looks to locate new rural housing where it would enhance or maintain the vitality of rural communities. It also looks to promote walking, cycling and public transport use whilst recognising that the opportunities to utilise sustainable transport will vary between urban and rural areas.

6. The proposed house would be to the rear of Glen Ellen on the road that leads out from the nearest settlement, Corley Moor. The village contains 2 pubs which would be within a reasonable walking distance for most people from the proposed house, albeit the route would be along a rural lane with no pavements. However, apart from the pubs, Corley Moor contains no other significant facilities. A public right of way runs across fields near to the site but no information has been provided to demonstrate that this would allow easy pedestrian access to any services. As such, it is likely the residents of the proposed dwelling would be unable to walk to most facilities to meet their day-to-day needs.
7. The appellant indicates that the bus stop in the village would be 600m away from the house, in excess of the maximum 400m as referred to under part 4 of LP policy H3. Moreover, the stops are served by only limited and infrequent bus services. Therefore, the occupants of the dwelling would not have easy access to high quality public transport.
8. The facilities in the villages of Corley, Fillongley and Meriden are referred to in general terms, although limited details are provided. In any event, due to the separation distances it is likely they would only be accessible by car by occupants of the proposed dwelling.
9. Also, no details are provided on the medical services which the appellant states would be within 2km of the proposed house. In any case, the appellant's submissions indicate the dwelling would not be within 1.5km of a designated centre, not within 1km of a primary school, not within 1km of indoor and outdoor sports facilities and not within 400m of publicly accessible green space. The nearby public footpath would not provide a recreation or play area to compensate for the lack of nearby sports facilities. In all of these regards, the proposal would fail to comply with part 4 of LP policy H3.
10. In overall terms, the dwelling would be located in a predominantly rural area with a lack of local services and easy public transport links. Rather than support the rural communities in Corley Moor or other rural settlements, it is likely that occupiers would drive to the broader range of services such as shops, places of employment and leisure facilities in Coventry. Even when taking account of its rural context, the location of the proposal would not encourage the use of sustainable transport but would instead lead to a particularly high reliance on private car travel. The imposition of conditions that require charging points and cycle storage would not guarantee the use of electric vehicles or cycles and so would not meaningfully reduce this reliance on the private car.
11. For these reasons, I conclude the proposal would be in an unsuitable location having regard to LP policies DS3 and H3, the Framework and accessibility. The Council's refusal reason refers to LP policy GB1 but this includes no statements relevant to this particular issue.

Whether the proposal would represent inappropriate development in the Green Belt

12. LP policy GB1 states that inappropriate development in the Green Belt will not be permitted unless very special circumstances exist. Proposals in the Green Belt will be assessed in relation to relevant national planning policy.

13. The Framework defines the erection of new buildings as inappropriate development in the Green Belt, although a number of exceptions are set out. These include the redevelopment of previously developed land, whether redundant or in continuing use, provided it would not have a greater impact on the openness of the Green Belt than the existing development.
14. Previously developed land is defined in the Framework as that which is occupied by a permanent structure, including the curtilage of the developed land. The appeal site includes 3 buildings which the appellant states have been used for commercial purposes since the late 1960's. Without evidence to the contrary, I have no reason to dispute the appellant's comments on the historic use of the site.
15. Therefore, the site represents previously developed land as it contains permanent commercial buildings with an associated curtilage. In these regards, I have arrived at the same view as the Inspector who dealt with appeal reference number APP/U4610/W/20/3262398.
16. As such, it follows to assess the impact of the proposal on openness compared to the existing situation. The removal of all buildings on the site would in itself increase openness. Also, the Council have not sought to dispute the appellant's claim that the footprint and the volume of the proposed development would be smaller than the existing buildings when considered altogether. Accordingly, the scheme would lead to an improvement in the spatial openness of the site.
17. The existing buildings are not easily seen from off the appeal property due to the screening effect of boundary vegetation. Generally, they are only visible from the rear of Glen Ellen. The proposed development would also be largely screened from wider views but it too would be seen from Glen Ellen. Consequently, the proposal would have no greater visual impact on the openness of the Green Belt compared to the existing situation. However, the lack of visibility means the decrease in the footprint and volume of buildings would not be readily appreciated from outside the appeal property.
18. It is likely the proposed residential use would lead to associated parking and external paraphernalia that would impinge on the site's openness. However, the existing commercial uses may also result in external parts of the site being utilised for vehicles and storage. As such, I find the proposed development would be comparable to the existing situation in these regards.
19. I note the aforementioned previous Inspector found the proposal before him would have a greater impact on openness compared to the existing situation. However, the previous scheme was for a much larger 2 storey dwelling with a greater effect on spatial and visual openness than the current proposal. As such, I am not bound to reach the same conclusion as the previous Inspector.
20. For the above reasons, I find the proposal would be the redevelopment of previously developed land that has no greater impact on openness. Therefore, it would represent one of the exceptions as set out at paragraph 149 g) of the Framework. Consequently, I conclude the proposal would not be inappropriate development in the Green Belt. In these regards it would accord with LP policy GB1 and the provisions of the Framework. LP policy H3 is also referred to in the Council's refusal reason but this is irrelevant to the matter of Green Belt.

Other Issue and Planning Balance

21. No claim is made that the proposal would be contrary to any specific development plan policy that relates to the Ancient Arden Landscaped area, even though it is referred to in the Council's refusal reasons. As it would have only a localised and highly contained visual effect, I find the proposal would be acceptable in terms of its impact on the character and appearance of the landscape. This is a neutral factor in my assessment.
22. The proposal would accord with Green Belt policy and it would lead to a minor improvement in the openness of the site, although this would not be widely appreciated. As such, this benefit attracts modest weight in support of the scheme.
23. However, the overriding factor is that the proposal would not accord with the development plan when read as a whole due to the unsuitability of its location and general lack of easy access to services. There is insufficient justification to allow the appeal contrary to this conflict with the development plan policy.

Conclusion

24. For the above reasons, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR