



Appeal Decision

Site visit made on 12 December 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2022

Appeal Ref: APP/R3705/W/22/3304390

Orchards, Bennetts Road North, CORLEY, West Midlands CV7 8BG

- 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 Dereck Beverley against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2021/0531, dated 9 September 2021, was refused by notice dated 2 August 2022.
 - The development proposed is a new build bungalow and single garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An appeal was dismissed¹ for the erection of a bungalow on the site in early 2021. It appears that the siting and scale of development was similar to the dwelling proposed in this appeal. The Inspector found that the proposal would not constitute 'limited infilling' within a village in accordance with paragraph 145(e) of the National Planning Policy Framework (the Framework). The Inspector also found that whilst the site was deemed to be Previously Developed Land (PDL) the proposal would have a greater effect on the openness of the Green Belt than the existing development.
3. Since this decision was made, the Council adopted the North Warwickshire Local Plan (2021) (LP). Consequently, local policies have changed, creating a new policy context for the scheme. Furthermore, a revised version of the Framework was published in July 2021. However, its Green Belt policies have not materially changed between versions. As such, the appeal decision remains an important material consideration for this appeal.

Main Issues

4. The main issues are;
 - whether the proposal would be inappropriate development in the Green Belt and its effect on openness having regard to the Framework and any relevant development plan policies;
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances to justify it.

¹ Planning Appeal Decision: APP/R3705/W/20/3258573

Reasons

Inappropriate development

5. The Framework explains that the Government attaches great importance to the Green Belt and that substantial weight is to be afforded to any harm. Paragraph 149 establishes that new development would be inappropriate development in the Green Belt unless it would meet a listed exception. Paragraph 149(e) states that limited infilling in villages is not inappropriate development.
6. LP Policy LP3, bullet point 3, states that limited infilling, in settlements washed over by the Green Belt, will be allowed within infill boundaries as defined on the Policies Map. At bullet point 4, the policy also identifies that 'limited infilling' may also be acceptable where a site is clearly part of the built form of a settlement, such as where there is substantial built form on three or more sides of the site. This provides a useful understanding as to how the Council applies the policy. Nevertheless, the question of infilling is also a matter of planning judgement, taking into account the size and location of the development and its relationship to existing built form.
7. The site consists of a deep plot that is L-shaped and wraps around the adjacent residential plot of Holmfield. To the northwest the pattern of development consists of a close-knit and regular form of linear housing. To the south-eastern side of the site development becomes more dispersed. Although there are two houses adjacent to the eastern side of the site, these are separated from the nearby linear form of development. The site is not therefore within an established row of linear development, but a point of transition where development becomes more dispersed.
8. The area is 'washed over' by the Green Belt. The site is relatively wide, with the open countryside beyond its rear and front boundaries. The site is not within a designated settlement infill boundary and has built form to only two sides. Consequently, the proposed site would not fulfil the definition of limited infilling advanced local policy. Furthermore, based on my own observations of the site and its context, the site is not within the built form of a settlement and instead at an edge beyond the close-knit linear form of development. Accordingly, whilst limited, the proposed site would not constitute an infilling plot within a village by virtue to paragraph 149(e) of the Framework.
9. Paragraph 149(g) of the Framework supports limited infilling of PDL which would not have a greater impact on the openness of the Green Belt than the existing development.
10. The site shows some signs that it was previously developed, with an access point and gap in the front boundary hedge. There is also evidence that parts of the middle of site have been turned over and there are some small piles of rubble evident elsewhere. A land registry title plan has also been submitted that shows that a property was previously located on the site. I have also noted the comments from an interested party, the Council and the previous appeal decision. These all help me to conclude the site would constitute PDL.
11. Paragraph 137 identifies that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. The openness of the Green Belt has both spatial and visual dimensions. The existing development

amounts to an extremely limited form of development. The house that previously stood on the site has been fully cleared with limited elements of this development remaining as 'existing'. In contrast, the proposed dwelling would be clearly viewed from the highway, and the countryside to the rear, through gaps in the boundary hedging. The proposed dwelling would also be overlooked by the occupiers of adjacent dwellings.

12. Spatially the proposal would have a large footprint, covering a large proportion of the site's width. Visually, whilst relatively low-lying, it would substantially erode the openness of the site in comparison to the existing development on site. New landscape planting, whilst providing some screening, would not mitigate the visual effect of development or the identified loss of openness. Consequently, the proposal would have a moderately adverse effect on the openness of the Green Belt and therefore would fail to satisfy the requirements of paragraph 149(g). Furthermore, whilst relatively discrete, the proposed development would introduce built form into this currently open site resulting in encroachment into the Green Belt, in conflict with a key purpose of national Green Belt policy.
13. The supporting text for LP policy LP3 explains, at paragraph 7.24, that redevelopment within the lawful use of the PDL is acknowledged as being appropriate development. However, this in itself is not policy. The assessment of the redevelopment of PDL in the Green Belt would be subject to the criteria of paragraph 149(g) and LP policy LP3(e), that includes consideration of the visual impact of the proposed development.
14. As it has not been demonstrated that the proposal would be any of the exceptions, listed in Paragraph 149 of the Framework, or comply with LP policy LP3, it would amount to inappropriate development which is, by definition, harmful to the Green Belt.

Other considerations

15. The Appellant asserts that the proposal would be close to Kersley End, offering future occupiers access to a range of goods and services, accessible by a footway. Furthermore, I understand that the proposed dwelling would include a ground source heat pump, solar panels, rainwater harvesting and highly insulated building techniques. These benefits are in favour of the proposal but are collectively of only limited weight.
16. The Self-Build and Custom Housebuilding Act 2015 has placed a statutory duty on 'relevant authorities', including district councils, to keep a self-build and custom register. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and grant sufficient permissions to meet the identified demand. The benefits of custom or self-build housing are recognised by the Planning Practice Guidance in finding that it helps to diversify the housing market and increase customer choice. The Framework also supports the delivery of a variety of land coming forward to meet the needs of groups with specific housing requirements including for those people wishing to commission or build their own homes.
17. The appellant asserts that the Council has not approved any self-build housing sites and there are currently 22 people on the Council's self-build housing register, this has not been disputed by the Council. It therefore appears that the Council is not fulfilling its duty to provide a suitable number of serviced

plots to meet this requirement. Consequently, this benefit affords moderate weight in favour of the proposal.

Whether there would be Very Special Circumstances

18. Paragraphs 147 and 148 of the Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
19. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. I have also concluded that the appeal scheme would result in moderate harm to the openness of the Green Belt and would result in encroachment. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
20. On the other hand, the other considerations I have identified are of limited to moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development do not exist. Accordingly, the proposal fails to adhere to the local and national Green Belt policies I have already outlined.

Other matters

21. A recent planning approval² for extensions to the adjacent property of Oakdene enabled the dwelling to be substantially increased in size. Extensions to buildings in the Green Belt are governed by paragraph 149(c) of the Framework. This states that an extension to a building would not be inappropriate development provided it would not result in disproportionate additions over and above the size of the original building. The Council explain that the approved extension was off-set by the demolition of existing workshops resulting in a net gain that was not significantly greater than its 30% guidance for such extensions. As such, the proposed extension did not amount to inappropriate development and would not therefore affect the openness of the Green Belt.
22. In the case of the approval³ for an extension at Little Hurst the officer report explains that whilst the extension would be inappropriate development, it would have a limited effect on openness. It was also noted that the fall-back position, of the implementation of permitted development rights, provided a material consideration that enabled the scheme to be allowed. These considerations are not engaged in the case of the current proposal.
23. The Appellant also refers to other cases of extensions to dwellings in the area. However, the assessment of such schemes in the Green Belt is subject to different requirements and these are markedly different to considerations associated to those for a new dwelling.

² Planning Application Reference: PAP/2019/0115

³ Planning Application Reference: PAP/2022/0303

24. The proposed dwelling would be a bungalow consisting of brick and tile. It would generally accord with the design and form of neighbouring development and be in keeping with the character and appearance of the area. However, this conveys only a neutral affect in respect of the merits of the case. Also, such an absence of harm would not result in 'no harm' to the openness of the Green belt.

Conclusion

25. The proposed development would not accord with the development plan or national policy and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Ben Plenty

INSPECTOR