
Appeal Decision

Site visit made on 27 July 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2023

Appeal Ref: APP/R3705/W/22/3296368

Land opposite Delves Field Stables, Boulters Lane, Wood End CV9 2QF

- 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 Glover (Glover Properties Ltd) against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2019/0679, dated 06 December 2019, was refused by notice dated 02 November 2021.
 - The development proposed is erection of up to 9 dwellings (all matters reserved except access).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters except access reserved for later consideration. I have determined the appeal on the same basis, treating the submitted layout as indicative.
3. Amendments were made to the proposal prior to determination of the planning application by the Council. I have consequently taken the description of the development from the appellant's appeal form as this more accurately describes the final development proposed.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Background

5. The appeal relates to the undeveloped northern half of a field, the southern half having been recently developed with 14 detached dwellings in a cul-de-sac layout. Prior to the completion of that recent development (Brookfields Close), the village of Wood End, in the vicinity of the appeal site, was characterised by a ribbon of single depth housing that extended along the northern side of Boulters Lane, with open fields to the rear.
 6. Previous appeal decisions relating to the Brookfields Close site found that its development with housing would appear incongruous and unrelated to the village and its strongly linear form of development in the vicinity of the site.
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Notwithstanding the identified harm to the character and appearance of the area, and the dismissal of an initial appeal¹ in 2016 for that reason, permission was granted for the development of the Brookfields Close site in a subsequent 2017 appeal decision² where the Council was no longer able to demonstrate a five year supply of deliverable housing sites. In allowing the appeal, the Inspector found that the level of harm to the character and appearance of the area would not significantly and demonstrably outweigh the benefits associated with the proposal when assessed against the policies in the Framework taken as a whole.

7. A further outline application for the development of the current appeal site with up to 14 dwellings was dismissed by an appeal decision³ in 2018. In that case, the Inspector found, 'the development would be detached from the dwellings fronting Boulters Lane, more so than any development on the adjacent site, and would conflict with the generally linear pattern of development locally.' Overall, the Inspector concluded that the adverse effect of the proposal on the character and appearance of the area, whilst not considerable, would significantly and demonstrably outweigh the benefits of the development.
8. Subsequent to the above 2018 appeal dismissal, the Council adopted the North Warwickshire Local Plan (Local Plan) in September 2021. Local Plan Policy LP2 defines the borough's settlement hierarchy and steers most development to the main towns, with a cascade approach in other settlements and with very little development directed towards the countryside. Wood End is identified by Policy LP2 as a Category 4 settlement where development adjacent to its settlement boundary may be acceptable. Policy LP2 goes on to state, 'All development will be considered on its merits; having regard to other policies in the plan and will cater for windfall housing developments usually on sites of no more than 10 units at any one time depending on viability, services and infrastructure deliverability.'
9. The settlement boundary of Wood End to the north of Boulters Lane is formed by the rear boundaries of the properties facing on to the lane. As such, the proposed housing would be sited outside of the settlement boundary, as are the dwellings on Brookfields Close. Whilst the housing would not be directly adjacent to the settlement boundary, it would represent continuous built form of the settlement and the Council's refusal reason does not refer to Policy LP2. As such, there is no dispute between the main parties that Policy LP2 could be supportive of the development subject to an assessment of its merits and having regard to other relevant policies in the Local Plan. I see no reason to disagree.

Character and Appearance

10. The North Warwickshire Landscape Character Appraisal 2010 (LCA) identifies the site as within 'Character Area 6: Wood End to Whitacre - Upper Tame Valley Farmlands'. The LCA describes this character area as, amongst other things, 'an extensive area of mixed undulating farmland, with open arable fields and woodland to upper slopes and more intimate pastoral valleys, punctuated by a dispersed and ancient settlement pattern of small hamlets, scattered rural properties and farmsteads, some local brick and timber

¹ Ref APP/R3705/W/16/3150188

² Ref APP/R3705/W/17/3171093

³ Ref APP/R3705/W/18/3207348

vernacular and all connected by an intricate network of narrow hedged lanes.' The undeveloped and rural character of the appeal site, surrounded on 3 sides by open fields, contributes positively to that identified landscape character, forming part of the open countryside setting of Wood End and acting as a buffer to the more intensive urban fringe land uses located to the north.

11. The development at Brookfields Close has harmfully disrupted the settlement character in the vicinity of the appeal site by introducing 'back land' development into the open fields to the rear of a section of the housing that faces directly onto the northern side of Boulters Lane. Rather than rounding off the settlement, Brookfields Close projects into the open countryside, representing a harmful urban intrusion into the open countryside setting of Wood End.
12. Whilst the Brookfields Close development has weakened the generally linear pattern of development on the northern side of Boulters Lane, it does not follow that further development at depth would relate well to the character and appearance of the area. Indeed, I find that the effect of the current appeal proposal would be to add to the existing harm that has resulted from the Brookfields Close development. The current proposal would jut out even further into the open countryside, resulting in a development that is even more incongruous and unrelated to the settlement, further weakening the generally linear pattern of development on the northern side of Boulters Lane, and harming the open countryside setting of Wood End.
13. I note that the appellant is willing to accept a condition that restricts the height of the proposed dwellings to bungalows. I also note that additional landscape planting at the northern edge of the development is proposed, enhancing the existing hedgerows, and providing a new block of planting of predominantly oak. This would result in a softer edge of settlement than is currently provided by the closed boarded fencing to Brookfields Close. I also acknowledge that public views of the development would be limited by existing development and the surrounding mature field boundaries. There would, however, be views from the rear of surrounding existing houses, including from those dwellings fronting Tamworth Road to the west, and glimpses from the public footpath AE67 to the east. Notwithstanding the quality of any eventual reserved matters, I find some moderate level of net residual landscape and visual harm would inevitably persist due to the loss of open countryside and by virtue of the incongruous depth of the development.
14. I have had regard to the LP allocation H17 for a major development of homes at the rear of the existing development along Tamworth Road. That site is substantially bounded by the built form of the settlement on 3 sides. As such, development of the H17 site would round off the settlement and is not a direct parallel to the current appeal scheme.
15. For the reasons above, the development would be harmful to the character and appearance of the area contrary to Local Plan Policies LP1, LP14 and LP30. These policies, taken together, amongst other things, require development to respect and reflect the existing pattern, character and appearance of its setting, positively improving the individual settlement's character and appearance. Given these identified Local Plan conflicts, the proposal is not supported by Policy LP2. Furthermore, the proposal fails to accord with Chapter 12 of the National Planning Policy Framework (the Framework) insofar

as it would not add to the overall quality of the area, would not be sympathetic to local character, and would not recognise the intrinsic character and beauty of the countryside.

Other Matters

16. A signed Unilateral Undertaking (UU) has been provided that covenants to the making of financial contribution towards: off-site recreation; the management and maintenance of the on-site local area of play (LAP); and biodiversity offsetting. The Council has set out the relevant planning policy support/justification related to these obligations and these contributions are not disputed by the appellant. I see no reason to disagree. Accordingly, I have taken into account the commitments and accompanying terms of the UU as considerations in my decision.
17. The obligations contained within the UU, however, carry limited weight in favour of the proposal given that they are necessary to adequately mitigate the effects of the development in relation to public open space, off-site recreation, and biodiversity. I acknowledge that the LAP would attract users from nearby existing residential development, however, given the site's lack of integration with the wider settlement, I ascribe limited weight in favour of the scheme to the provision of the on-site public open space.
18. Framework Paragraph 174 requires that planning policies and decisions should contribute to and enhance the local environment in a number of ways, including through the provision of net gain for biodiversity. The Government's Planning Practice Guidance (PPG) defines biodiversity net gain as works which deliver 'measurable improvements for biodiversity by creating or enhancing habitats in association with development.'⁴ I acknowledge that, given the outline stage of the proposal, many of the details that may affect the final biodiversity value of the site (and any receptor site) would be confirmed at a later stage. However, without this information, I ascribe only limited weight to the overall net gains in biodiversity that would result from the scheme.
19. I acknowledge that the proposal would contribute towards the Government's objective of significantly boosting the supply of housing and that the proposal would provide up to 9 modern homes in a location with adequate access to services. I also note that the Council requires 4 of the dwellings to be secured as affordable housing and that the appellant is willing to accept a condition to that effect. Given the limited scale of the proposal, and the Council's housing land supply position of deliverable sites in excess of 5 years, the provision of the additional housing, including the affordable housing, attracts only limited weight. The scheme would also lead to a time-limited economic benefit during the construction phase and would contribute to the vitality of the rural community. These economic and social benefits would be minor given the limited scale of the proposal.
20. Weighing against these benefits is the harm to the character and appearance of the area, and the consequent conflict with the relevant local and national policies, identified above. Whilst the level of harm is only moderate due to the relatively localised effects, the benefits of the scheme would not outweigh the harm. This decision is consistent with the previous Inspector's decision in 2018 that found the adverse effects on the character and appearance of the area

⁴ Paragraph 022, Reference ID: 8-022-20190721

resulting from the development of the site with up to 14 dwellings, whilst not considerable, would significantly and demonstrably outweigh the benefits of the development.

21. 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. Furthermore, paragraph 12 of the Framework states that proposed development that conflicts with an up-to-date local plan should be refused unless other material considerations indicate otherwise. The proposal would conflict with the development plan when read as a whole and there are no other considerations that outweigh that identified conflict.

Conclusion

22. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR