



Appeal Decision

Site visit made on 17 January 2023

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2023

Appeal Ref: APP/J3720/W/22/3307449

**Land off Broad Lane, Aspley Heath, Tanworth-in-Arden Easting: 409390
Northing: 270626**

- 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 P Watson against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/01188/FUL, dated 13 May 2022, was refused by notice dated 6 July 2022.
 - The development proposed is the demolition of garage and construction of bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Tanworth in Arden Neighbourhood Development Plan 2021-2031 (NDP) was formally made on 12 December 2022. This document, which was still emerging at the point the Council issued its decision, now forms part of the development plan and I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies;
 - whether the proposed development would be in a suitable location, having regard to the relevant policies of the development plan which seek to manage the location of new development and access to services;
 - the effect of the proposal on the character and appearance of the area, including its effect on trees; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land

permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 147 of the National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5. The Framework directs that development within the Green Belt is inappropriate, with the exception of the types of developments set out in paragraphs 149 and 150. The appellant refers to the exceptions listed in paragraphs 149 (e) and (g). These relate to limited infilling in villages; and limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), provided it would not have a greater impact on the openness of the Green Belt than the existing development.
6. The appeal site is a parcel of located on the southern side of Broad Lane and comprises a detached concrete garage and an area of hardstanding, with two small free-standing structures situated on a lawned area. The site is within the West Midlands Green Belt. Policy CS.10 of the Stratford-on-Avon District Core Strategy 2011-2031 (adopted July 2016) (CS) sets out that the purposes of the Green Belt will be upheld by resisting inappropriate development within it. It then lists forms of development that are not inappropriate in the Green Belt, which include types of development which largely replicate those listed in paragraph 149 (e) and (g) of the Framework.
7. With regards to paragraph 149 (e), neither 'limited infilling' or 'villages' are defined in the Framework. I have also not been provided with any such definitions from the development plan. These are therefore matters of judgement for the decision maker depending upon the individual circumstances of the case and appeal site.
8. In my view 'limited infilling' would be the filling of a small gap in an otherwise built-up frontage. The appeal site is positioned between two existing dwellings known as Glenfield and Evergreen Cottage. However, the development on the southern side of this part of Broad Lane is loose knit and sporadic with there being a significant distance between Glenfield and Evergreen Cottage. A large proportion of the frontage between these two dwellings is lined with mature trees and hedging which, in addition to screening the small number of residential outbuildings located behind, also contributes to the spacious nature of the site.
9. Due to the distance between Glenfield and Evergreen Cottage, even if the proposed dwelling were to be constructed, there would remain significant gaps in the built form. In particular, there would be a significant gap between the proposed dwelling and Evergreen Cottage. Therefore, whilst the development would be limited in terms of its scale, the proposal would not represent the infilling of a small gap in an otherwise built-up frontage.
10. The Council also contend that as the appeal site does not fall within a 'Local Service Village' as defined by the CS, it cannot be considered to be within a village and instead falls within 'All other settlements'. I note however that there is reference to 'other village' within the CS. Nevertheless, case law has determined that the boundary of a village defined in a local plan may not be determinative when assessing if a site is in a village for the purposes of the Framework. In any case, regardless of whether the site could be considered to

be in a village, for the reasons stated above I do not consider that the proposal would constitute infill. Accordingly, it would therefore not meet the exception under paragraph 149 (e).

11. Turning to paragraph 149 (g), as a site featuring an existing building and an area of hardstanding, the site would fall within the description of PDL as set out in Annex 2 of the Framework. In addition to being PDL, for exception (g) to be complied with the proposal must also not have a greater impact on the openness of the Green Belt than the existing development.
12. The proposed dwelling would have an overall footprint of approximately 118m², compared to the footprint of the existing garage which is around 16m². The Council also state that the existing garage has a volume of around 35 cubic metres whereas the volume of the proposed dwelling would be approximately 535 cubic metres. Additionally, the proposed dwelling would be noticeably taller than the existing garage. Therefore, the significant increase in footprint, volume, and height would have the unavoidable consequence of the proposal having a greater impact on openness than the existing development.
13. Whilst the existing garage is particularly modest in both size and design, the increase in footprint, volume, and height, as well as its domesticated appearance would result in the proposed dwelling having a far greater visual impact on the openness of the Green Belt than the existing garage. Despite the existing boundary treatments and hedging which largely screen the garage from external view, the proposed dwelling would be distinctly more visible when viewed from Broad Lane, which would only serve to exacerbate its impact. The proposed development would therefore not accord with the exception under paragraph 149 (g).
14. For the above reasons I conclude that the proposal would not represent limited infilling in a village would have a greater impact on the openness of the Green Belt than the existing development. From the evidence before me I have also found no reason to believe that it would meet any of the other exception criteria identified in the Framework. Accordingly, the proposal is inappropriate development, which, by its very definition, is harmful to the Green Belt and should not be approved except in very special circumstances. It would therefore fail to accord with paragraph 149 of the Framework and Policy CS.10 of the CS.

Suitable Location

15. Policy CS.15 of the CS relates to the distribution of development in Stratford-on-Avon District based on a pattern of balanced dispersal, in accordance with the distinctive character and function of a wide range of sustainable locations. Policy CS.15 does not identify Aspley Heath as a main town, main rural centre, new settlement, local service village, or large rural brownfield site where residential development is accepted in principle. It therefore falls within the category of 'All other settlements' where part (f) of Policy CS.15 states that development is restricted to small-scale community-led schemes which meet a need identified by the local community. Part (g) of Policy CS.15 also allows local needs schemes within or adjacent to settlements that are community led schemes that meet a need identified by that community.
16. The appellant has referred to the 'Local Housing Needs Survey Report July 2021' by way of demonstrating that the proposal would meet an identified local

- need. Although I have not been provided with the full details of this report, the appellant states that it identifies a need for 2 and 3 bedroom properties, including small bungalows, that would suit the needs of local persons wanting to downsize from their current properties or those looking for their first home.
17. Notwithstanding any need for type of housing proposed, no legal agreement has been submitted as part of the appeal. Without a legal agreement, there is no mechanism available to secure it as a local needs dwelling and it would remain as an open market dwelling. I also note that the Parish Council, local ward member, and nearby residents have objected to the appeal scheme. As such, the proposed development cannot be considered a community led scheme that meets an identified community need, failing to comply with parts (f) and (g) of Policy CS.15 of the CS.
 18. Policy H3 of the NDP states that proposals for new dwellings within the village Built up Area Boundaries (BUABs) of Earlswood, Tanworth-in-Arden, and Wood End will be supported in principle. The appeal site is located outside of these BUABs where proposals for housing will not be supported except for the schemes allocated under Policies H1 and H2 of the NDP, or under the special circumstances allowed under paragraph 149 of the Framework and Policy CS.10 of the CS.
 19. Policies H1 and H2 relate to specific sites in Earlswood and Wood End and are therefore not applicable to the appeal scheme. I have also found that the proposal would fail to accord with paragraph 149 of the Framework and Policy CS.10 of the CS. Accordingly, the proposed development fails to comply with Policy H3 of the NDP.
 20. Furthermore, the Council also refer to Policy AS.10 of the CS within their reasons for refusal. Policy AS.10 lists several forms of developments and uses which are acceptable in principle in the countryside. However, given that the proposal is for a newly constructed open market dwelling that is not of exceptional quality and design, and located outside of a BUAB or physical confines of a local service village, the proposed development would not accord with the forms of development set out within parts (a) to (j) of Policy AS.10.
 21. Whilst I acknowledge that the appeal site would have a similar level of accessibility to services and facilities as the existing housing located nearby, my observations during my site visit were that there were very limited services and facilities within Aspley Heath. The site is within an acceptable distance to nearby bus stops, however insufficient information regarding routes or the frequency of services has been provided. The appellant has stated that future occupiers would have access to the train station in Wood End and the petrol station and shop located on the opposite side of the A435 dual carriageway.
 22. However, access to the petrol station and shop would for most of its length along a single footpath on one side of a main road with no lighting. Access to the train station would also be predominantly via a single footpath on one side with limited lighting, as well as being located significantly further away from the appeal site. I therefore do not consider it would represent a suitably attractive option to walk or cycle to either of these locations, particularly after dark. As such, I find it highly probable that future occupiers would rely on the use of a private motor vehicle to travel to larger settlements in order to find suitable services and facilities to support their day-to-day activities.

23. In view of the above, the proposal would not be a suitable location for housing, having regard to the relevant policies of the development plan and access to services and facilities. It would therefore conflict with Policies CS.15 and AS.10 of the CS, and Policy H3 of the NDP which seek, among other matters, to achieve a sustainable pattern of development, encourage new development to occur within the settlement boundaries of towns and villages, and limit development outside of settlement boundaries to justified exceptions.

Character and Appearance

24. The existing development immediately surrounding the appeal site on the southern side of Broad Lane is relatively loose knit, with generous distances between properties that are commonly occupied by residential gardens. Whilst the existing properties located either side of the appeal site are set back a short distance from the highway and share a relatively consistent building line, the properties opposite the appeal site on the northern side of Broad Lane are generally set deeper in their plots and display a far more inconsistent building line.
25. The proposed dwelling would be set further back from the highway and behind the building line of the existing dwellings on the southern side of Broad Lane. However, it would not be set significantly behind this building line and would be almost parallel with the brick-built outbuilding at neighbouring Glenfield. The lack of uniformity in the building lines of properties in the surrounding area, the generous distances between properties, partial screening afforded by boundary hedges and fencing, and the modest size and scale of the proposed dwelling, would all reduce the impact of the proposal and ensure that it would not have a detrimental effect on local character and the overall pattern of development in the area.
26. Given its set back from the highway, the proposed dwelling would protrude beyond the rear building line of neighbouring dwellings on Broad Lane. Although this would introduce a modest amount of built form beyond the rear boundary of 1 Blind Lane, this would be viewed in context with the surrounding dwellings on Broad Lane and their various outbuildings. The proposed development would also remain within the physical confines of the surrounding plots and particularly given the range of plot sizes in the locality, would not result in any undue harm being caused to the prevailing character or form of development in the area.
27. The existing detached garage and other modest structures on the appeal site are of little architectural quality and their removal would have no negative effect on the character and appearance of the area. The Council accept that the design and appearance of the proposed bungalow would be acceptable and would not cause harm to the wider area. I concur with this view.
28. Whilst I acknowledge that some properties on the southern side of Broad Lane have parking areas located to the side, there are other properties where parking is afforded to both their front and side. Furthermore, the dwellings on the northern side of Broad Lane have their parking areas almost exclusively to their front. The mature hedgerow along the frontage of the appeal site would also largely screen the proposed parking area from external view. Accordingly, I find that the provision of the parking area to the front of the proposed dwelling would not be out of keeping with, or cause harm to, the character and appearance of the area.

29. The Council in their reasons for refusal also cite a lack of information being provided to demonstrate that there would be no long-term effect on the health of mature trees within the site. I observed during my site visit that there were three trees on the site, none of which are covered by a Tree Preservation Order. It is apparent from the submitted plans that two of these trees are proposed to be removed, with the mature beech tree situated towards the rear of the site shown to be retained.
30. The mature beech tree that would be retained as part of the proposal is located away from where the proposed dwelling would be built. Consequently, I find no compelling reason why adequate tree protection measures could not be provided during the construction phase or why its long-term health would be threatened. Any such tree protection measures could be controlled through an appropriate planning condition.
31. With regards to the remaining two trees, whilst they are partially visible within the street scene, I find that they make little contribution to the landscape character of the area and wider public amenity. Consequently, I do not consider that their removal would result in any detrimental impact on the character and appearance of the area.
32. For the reasons outlined above, I conclude that the proposed development would not cause harm to the character and appearance of the area. Consequently, the proposal would accord with Policies CS.5 and CS.9 of the CS and Policy BE1 of the NDP which seek, among other matters, to ensure that developments take account of local character and protect and reflect features that contribute to local distinctiveness.

Other Considerations

33. The proposal would provide economic and social benefits through the construction of the development, the additional contributions of future occupiers to the local economy, and the provision of a dwelling which would be appropriate for either the elderly or first-time buyers. The delivery of one new bungalow would also contribute to the area's housing stock. However, given the scale of the proposed development these contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.

Other Matters

34. The appellant has referred to a planning permission¹ granted by the Council in 2017 for the demolition of an existing dwelling and subsequent erection of two dwellings at a site known as 'Selworthy' on Blind Lane, which is located near to the appeal site. Whilst there are some similarities between the schemes, including both proposing an additional dwelling to be sited in between existing dwellings, each case has to be assessed on its own merits. It is also apparent from the details provided that there are differences between the two schemes, such as the distances between the proposed dwellings and existing neighbouring properties. Accordingly, the presence of the approved scheme does not justify the harm which I have identified that the appeal proposal would cause.

¹ Council Reference: 17/00928/FUL

Conclusion

35. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be supported except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances 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.
36. The other considerations do not clearly outweigh the substantial weight that I have given to the harm that would be caused to the Green Belt, by reason of inappropriateness, including openness, and the harm caused by the unsuitable location of the site for housing that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
37. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

David Jones

INSPECTOR