



Appeal Decision

Site visit made on 29 November 2022

by Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/T3725/W/22/3303192

Offa House, The Coach House, Village Street, Offchurch, CV33 9AS

- 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 and Mrs J Hartog against the decision of Warwick District Council.
- The application Ref W/21/2185, dated 4 December 2021, was refused by notice dated 29 April 2022.
- The development proposed is the restoration of Offa House including the demolition of C20 extensions, and the construction of two new houses within the site.

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 1 February 2023.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has included revised drawings as part of this appeal. I have considered the revised drawings under the principles established by the Courts in *Wheatcroft*¹, and to consider them would deprive those who should have been consulted on the change, the opportunity of such consideration. I have therefore determined the appeal on the basis of the drawings considered by the Council.

Main Issues

3. The appeal site is within the Green Belt and therefore the main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The effect of the proposal on the character and appearance of the surrounding area, including the historic environment;
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]

Reasons

Whether Inappropriate Development

4. Paragraph 147 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt and 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.
5. Subject to a number of exceptions, as listed in Paragraphs 149 and 150, the Framework makes it clear that the construction of new buildings should be regarded as inappropriate in the Green Belt. The listed exceptions include (e) limited infilling in villages and, (g) the limited infilling or redevelopment of previously developed land subject to it not having a greater impact on the openness of the Green Belt. Paragraph DS18 of the Warwick District Local Plan (the WDLP) relies upon the Framework for considering development within the Green Belt. Although Policy H1 of the WDLP is supportive of residential development within limited infilling villages, the explanatory text and Policy H11 make it clear that the policy still relies upon the exceptions of the national green belt policy. Therefore, in so far as they are relevant to this appeal, these policies are consistent with the Framework.
6. The proposal includes the erection of two dwellings, identified as Properties C and D. Property C is to the rear of the site whilst Property D is to the front and adjacent to Lodge Cottage. A shared drive would go through the gardens of Property D and Offa House in order to access Property C.
7. The appeal site is within the village of Offchurch which is identified in the WDLP as being an "infill village". As noted above, the Council is clear within the WDLP that even under Policy H1 it is expected that developments comply with the Green Belt exceptions set out within the Framework. I therefore consider the status of "infill village" means only that the village is a settlement that is considered a village and therefore suitable for compliance with exception (e) of Paragraph 149 of the Framework.
8. The Framework does not define what is meant by infilling. However, on a plain reading, infilling, for the purpose of exception (e) is the development of an otherwise undeveloped space between buildings. WDLP Policy H11(b) similarly approaches this, requiring that infilling must be of a small gap fronting the public highway between an otherwise largely uninterrupted built up frontage. It is clear that the Property D only has development nearby on only one side, in the form of Lodge Cottage. The other sides are open to the garden of Offa House and a wooded area outside of the appeal site. Therefore, the proposal would not infill a gap and would instead project development into an otherwise open area. Property C is set back significantly from the highway and also only has development close to one side, in this case a garden wall and the Coach House. The other sides of the property adjoin substantial areas of garden, a wooded area and open fields. I find that Property C would therefore also not comprise infilling.

9. Therefore, and whilst the development would be limited development within a village, it would not meet the requirements of exception (e) as set out within the Framework as the development as a whole would not be infilling.
10. The appellant submits that Property C would meet exception (g) as it would comprise redevelopment that would not result in a greater impact on the openness of the Green Belt. I am content that the appeal site is previously developed land as described in the glossary of the Framework. The proposal includes the demolition of two significant extensions to Offa House, I find that given their size they are comparable to Property C. Moreover, I find that the sprawling form of the two extensions would have a greater impact on the openness of the Green Belt than the proposed dwelling which would be fairly contained within the corner of the site against a backdrop of trees on one side. Consequently, I find that Property C would meet the requirements of exception (g).
11. However, the proposal would also include the creation of new gardens separated by boundary treatments, the laying of hardstanding and, as raised above, Property D. It is also likely that the gardens and hardstanding would allow for the proliferation of residential paraphernalia associated with three dwellings. These collectively would significantly exceed the level of development proposed to be removed, eroding the existing level of openness on site.
12. Therefore, although Property C would meet exception (g), as the proposal as a whole would far exceed the level of development to be demolished, the proposal would not meet this exception as there would be a much greater impact on the openness of the Green Belt.
13. In light of the above, the proposal would therefore not comply with either exception (e) or (g) set out under Paragraph 149 of the Framework and would be inappropriate development within the Green Belt. The proposal would therefore result in an unacceptable effect on the spatial and visual aspects of the openness of the Green Belt. Whilst this loss of openness would be limited, relatively to the Green Belt as a whole, harm to the Green Belt would nevertheless occur. This matter therefore carries substantial weight.

Character and Appearance

14. The village of Offchurch is covered by the Offchurch Conservation Area (the OCA). This area is characterised primarily by the loose nature of the village which is formed of small rows of dwellings, covering various ages and styles, interspersed by substantial open spaces. Within the village there are also a number of larger dwellings, including Offa House and farmhouses. Overall, there is a sense of spaciousness and a strongly verdant character to the OCA. I find that the significance of this conservation area stems from the organic growth of the village and the legibility of the historic buildings and their relationship.
15. Offa House is a Grade II listed building, and is referred to as The Retreat House on the listing. It is a double-fronted two-storey building finished in red brick with stone detailing. I understand Offa House to have previously been a rectory for the Church of St Gregory (a Grade II* listed building) with the front elevation of the dwelling facing the church. From the rear elevation are two significant and incongruous single-storey extensions that form a V-shape and

which were built at a much later date. A significant portion of the internals of Offa House have also been stripped back recently. Overall, the listed building is in a somewhat tired state, but I find that its significance is still present and stems from the siting of the building within its spacious grounds, its relationship to the church and the extent to which the external form and appearance of the listed building is still legible.

16. Property D, as noted above, is at the front of the site, and would sit behind the existing tall brick boundary wall. It would follow the fall in land levels providing two-floors within a single-storey height. Given the wall, and the low height of the dwelling, it would be a fairly innocuous feature within the street scene. I find that for these reasons also, it would not be a dominant or overbearing feature in relation to Lodge Cottage. The design and character of the building is fairly simple and would be suggestive of a converted stable building and I consequently find that it would not harm the significance or legibility of Offa House.
17. Property C however, would be a much larger and somewhat grander building, although also evocative of a stable block. Nevertheless, given its location to the rear of the site against a boundary of mature vegetation, it would have only limited visibility in public views. This would be further reduced in views from Village Street given the front boundary treatment and the garden wall to the front of Property C. I also find that its scale and appearance would still be significantly more modest than Offa House and so it would also not harm the historic significance of the listed building.
18. Although both buildings would encroach on the extensive garden serving Offa House, A sizeable area would still be retained so that, although reduced, it would maintain the sense of spaciousness important to the grandeur and importance of the listed building. This would be further enhanced through the removal of the extensive areas of hardstanding and changes to the landscaping on site. Furthermore, the two proposed dwellings, and their associated works, would not affect the historic relationship between Offa House and the church.
19. I am mindful that the works proposed to Offa House itself have been approved by the Council under permission W/21/2186/LB. I have no reason before me to find differently and to this extent, I have exercised my duty as set out under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Moreover, I find that these works would result in enhancements to the listed building that further help to reveal its significance.
20. In light of the above the proposal would not harm the character and appearance of the surrounding area, including the significance and interest of the designated heritage assets outlined above. The proposal would also have the potential to enhance the significance of Offa House. In light of this, the proposal would comply with WDLP Policies H1, BE1 and HE1 which require, amongst other matters, that developments on garden land reinforce and harmonise with the established character and historic distinctiveness of the locality and surrounding buildings. The proposal would also comply with the heritage aims of the Framework set out under section 16.

Other Considerations

21. The appellant has submitted that the proposal before me would enable works to be carried out on the listed building. However, as no mechanism has been submitted with the appeal, it would not be possible to ensure that the works to the listed building are carried out. Consequently, I cannot be certain that the listed building would be restored as a result of the appeal proposal, and therefore, I attach the posited benefits only limited weight.
22. I note there may not have been any new dwellings provided within the settlement for the previous ten years, but it has not been demonstrated that there is any identified need for dwellings within the village or that the Council cannot demonstrate a five year housing land supply. Nevertheless, the proposal would result in two new dwellings and would contribute to an under provision of self-build dwellings and so I would still attach this matter moderate weight.
23. The proposal would have the potential to support the viability and vitality of the village. However, this would only be limited given the scale of the development. Moreover, it has not been demonstrated that the village has any particular economic or social weaknesses. Consequently, I would afford this modest weight.

Green Belt Conclusion

24. The proposal would amount to inappropriate development in the Green Belt, and further harm to the Green Belt would be caused as a result of loss of openness. These matters carry substantial weight. At most, I have attached moderate weight to the considerations in support of the proposal. The very special circumstances necessary to justify inappropriate development in the Green Belt do not exist. The proposal conflicts with Policies DS18, H1 and H11 of the WDLP. The proposal would also conflict with the Green Belt aims of Section 13 of the Framework, and in particular Paragraphs 147 to 149.

Other Matters

25. The appellant has suggested that, should the appeal be dismissed, they could occupy the extension without undertaking renovations to the historic portion of Offa House or, that they could subdivide the dwelling without removing the extensions. It is not clear that the latter option would be possible without the grant of planning permission and no evidence of such a permission has been submitted. I do not find this option to therefore comprise a fallback position. However, as permission has already been granted for Offa House, and the extensions, to be used as a residential dwelling, there is a more than a theoretical potential for the first option to be undertaken.
26. Although neither of these options would result in the potential enhancements to the listed building stemming from the appeal proposal, as noted above, there is no mechanism ensuring that these enhancements would be carried out. Moreover, the proposal would result in harm to the Green Belt, as identified above. Therefore, the proposed fall back options would not justify allowing this appeal.

27. It has also been submitted that the proposal would result in improvements to the energy efficiency of the host dwelling. Although this may be the case, it has not been suitably demonstrated that the scheme before me would be necessary in order to achieve such an improvement.

Conclusion

28. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR