



Appeal Decision

Site visit made on 23 May 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2023

Appeal Ref: APP/R3705/W/22/3313322

Hill Top Farm, Church Lane, Corley, Warwickshire CV7 8AZ

- 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 Phillip Deakin against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2022/0226, dated 16 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is for three single storey dwellings with three bedrooms and double garage, to replace previous approval (PAP/2019/0344).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy 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 area; and
 - 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.

Reasons

Inappropriate development

3. Paragraph 149 of the National Planning Policy Framework (the Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain criteria. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited infilling in villages or they represent partial or complete redevelopment of previously developed land, which would not have a greater impact on the openness of the Green Belt than the existing development.
4. Policy LP3 of the North Warwickshire Local Plan, 2021 (LP) reflects Paragraph 149 of the Framework in resisting development in the Green Belt except in certain circumstances. The most relevant to the appeal is limited infilling where a site is clearly part of the built form of a settlement, and Policy LP3 defines

this as where there is substantial built development around three or more sides of a site.

5. The appeal site comprises a parcel of land behind Hill Top Farm with access from Church Lane. Hill Top Farm and the adjacent houses, Cartref and Derwent House, front Church Lane. The Corley Gardens development, also known as The Laurels, sits to the side of Hill Top Farm and the appeal site.
6. The Corley Gardens development extends back from Church Lane encompassing the land which was formerly a nursery. To the opposite side of Cartref and the appeal site is a bowling green, club house and village hall. Beyond the appeal site are open fields. The village school lies on the opposite side of Church Lane. Beyond this Corley is a dispersed village set within open countryside and washed over by the Green Belt.
7. The development at Corley Gardens extends to the same depth from the road as the rear of the appeal site. Hill Top Farm and its neighbour, Cartref, sit between the appeal site and the road. However, the appeal site is separated from Hill Top Farm and Cartref by a large open area. Furthermore, the appeal site lies beyond the development at the village hall, bowling green and club house.
8. There would, therefore, be green spaces to three sides of the appeal proposal. Moreover, neither the village hall and club house nor Hill Top Farm and Cartref comprise substantial built development, even if I were to accept that Corley Gardens was considered such. The proposal, therefore, does not represent limited infilling in the village when assessed against Policy LP3 of the LP and Paragraph 149 of the Framework.
9. Although the application form describes the existing use of the land as waste land, unused and previously used for the storage of vehicles and building materials, from my site visit it appeared as unmaintained agricultural land. The area closest to Hill Top Farm, which has evidence of demolished buildings and includes areas of rubble, does not form part of the appeal site. Unlike the previous consent at Hill Top Farm for three dwellings¹ the current appeal site is not previously developed land.
10. The site is overgrown but is still green and open land and currently contributes positively to the openness of the Green Belt. The previous consent was considered, by the Council, to be not inappropriate development. It was approved as complying with paragraph 149(g) of the Framework. The current appeal is not comparable as it is not partial or complete redevelopment of previously developed land.
11. For the reasons given above the proposal would not represent limited infilling in a village, or partial or complete redevelopment of previously developed land. The proposed development would, therefore, comprise inappropriate development in the Green Belt contrary to Policies LP2 and LP3 of the LP which, taken together, seek to ensure that development is distributed in accordance with the Borough's settlement hierarchy and seeks to resist inappropriate development in the Green Belt, except in very special circumstances.
12. The proposal would also be contrary to Paragraph 149 of the Framework. Paragraph 147 and 148 of the Framework state that inappropriate development

¹ Council reference PAP/2019/0344

is, by definition, harmful to the Green Belt and that substantial weight should be given to any harm to the Green Belt.

Openness of the Green Belt

13. The appeal site has the appearance of an overgrown paddock, or small field, which adjoins other fields on two sides. Although the appeal site would sit alongside the houses on Corley Gardens, I consider that it currently forms part of the open countryside. As such the site currently contributes positively to the openness of the Green Belt. The proposal would result in three dwellings, albeit single storey, with associated garages, gardens and other domestic paraphernalia that would lead to encroachment into the countryside, contrary to the aim of the Green Belt of assisting to safeguard the countryside from encroachment.
14. Although the appeal proposal would not be readily seen from public vantage points, it would be seen from the neighbouring properties, including Hill Top Farm. The visual impact of the development would be limited but would still result in a harmful visual impact to the openness of the Green Belt.
15. Openness also has a spatial aspect which is an absence of development, rather than an absence of a view. The appeal proposal would introduce development in a site where there is currently none and would therefore have a significant spatial impact on the openness of the Green Belt. The limited views of the appeal proposal do not alter the spatial impact of the proposal.
16. The appellant asserts that Corley Gardens has a greater impact on the openness of the Green Belt than the appeal before me. However, the evidence before me confirms that the Council determined, in approving Corley Gardens, that there were very special circumstances that justified the harm to the Green Belt. Moreover, that an existing development has impacted the openness of the Green Belt does not justify further harmful impact. Each scheme must, in any case, be considered on its own merits.
17. The appeal site is currently open, has an absence of development and is visible from surrounding properties. As such the proposal would have both a spatial and a visual impact which would result in a significant loss of the openness of the Green Belt contrary to Paragraph 137 of the Framework which identifies the essential characteristics of Green Belts as their openness and their permanence. I give substantial weight to the harm to openness, as set out in the Framework.

Character and appearance

18. The appeal proposal would introduce three dwellings on a large parcel of land, separated from the existing road fronting houses by a large open area. Even though the dwellings would front the proposed new road within the site, and, in this regard, the development would respect the built form of the village in being road fronting houses, the appeal site has a poor relationship with Church Lane due to the separation distance and the intervening green space. Furthermore, the new access, albeit previously approved, would not result in a development functionally or physically connected to any other development.
19. I also acknowledge that the appeal site is no further back from Church Lane than the Corley Gardens development. However, the layout proposed, the separation from Church Lane, and the inclusion of the space between Hill Top Farm, Cartref and the appeal site, introduces a form of development which is

not prevalent in the immediate area. The three dwellings, albeit single storey and adjacent to the Corley Gardens development, would form an island of development surrounded on three sides by open land.

20. I have been made aware of the previous appeal decision at Hill Top Farm², for five dwellings, referred to by both parties and enclosed in the Council's evidence. The Inspector in the previous appeal was clearly aware of the Corley Gardens scheme and acknowledged that it would alter the nature of the nursery site. However, the Inspector commented that the development of Corley Gardens would not change the appeal site at Hill Top Farm, or its relationship with Church Lane or the surrounding fields. The Inspector concluded that the appeal development would unbalance the relationship between the built form and open countryside.
21. The previous appeal relates to a larger scheme of five two-storey houses. As such it is not comparable in scale, however there are some similarities in developing the current appeal site which forms part of the countryside. The appeal before me would introduce development into the countryside in a form which does not respect the character and built form of the surrounding area and would, therefore, represent encroachment into the countryside which would be harmful to the character and appearance of the area.
22. For the reasons given above I conclude that the proposed development would be harmful to the character and appearance of the area contrary to Policy LP1 of the LP which seeks to ensure that development integrates with and positively improves a settlement's character and appearance.
23. Moreover, the development would also be contrary to Section 12 of the Framework and the aims of achieving well-designed places which are sympathetic to local character.

Other considerations

24. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have found that the proposal would comprise inappropriate development in the Green Belt. In addition, there are adverse impacts on the visual and spatial aspect of openness. Substantial weight is given to the harm to the Green Belt and very special circumstances will not exist unless the harm to the Green Belt, and any other harms, including the harm to the character and appearance of the area, are clearly outweighed by other considerations.
25. The proposal would provide three additional houses with renewable heating, EV charging points and rainwater harvesting in an area with some services and facilities. The development would also have associated social and economic benefits both during and post construction. However, given the small scale of the development these benefits would be limited. Nevertheless, these benefits contribute positively and carry limited weight in favour of the proposal.
26. The scheme would also have a neutral effect on biodiversity and trees, no impact on heritage assets, and the access would be the same as approved for the previous permission. However, these matters weigh neither for nor against the proposal.

² APP/R3705/A/14/2222934

27. There is no mechanism before me to secure the revocation of the previous permission³. Except for the access, the built development on the two sites would not overlap and both could be developed if this appeal were to be allowed. As such I am not able to give weight to the proposal being, as described in the banner heading above, a replacement of a previous approval. However, even if there were an appropriate mechanism this would not alter my view on the proposal being inappropriate development in the Green Belt. Neither would it alter my view on the impact of the proposal on the openness of the Green Belt.
28. The proposal has not been put forward as affordable housing, under Paragraph 149(f) of the Framework and as such no housing need survey was submitted by the appellant. I am, therefore, not able to give any additional weight to the scheme meeting any specific identified housing need.
29. I have, also, not been provided with any plans showing the suggested reduction of the garages to single garages as offered by the appellant. Even if such plans were before me, having regard to the 'Wheatcroft Principles'⁴, the Council and interested parties have not had an opportunity to comment on any revised plans. In the interests of natural justice, I have therefore based my decision on the plans which were submitted to and considered by the Council.
30. For the above reasons I find that the other considerations in this case do not clearly outweigh the harm that I have identified to the Green Belt and other matters. Consequently, the very special circumstances necessary to justify the development do not exist.

Other matters

31. I do not have the full details of the Corley Gardens development. However, from the evidence provided, I am aware that it was considered to be inappropriate development, when assessed against the Framework. Significant weight was given to the affordable housing contribution, that it was previously developed land as a former nursery and there was a housing land supply shortfall at the time. The Council concluded that there were very special circumstances which justified the harm to the Green Belt. The Corley Gardens development is therefore not comparable to the appeal proposal as I have not found that very special circumstances exist in this case.
32. I acknowledge the concerns of third parties. However, the layout, design and scale would not cause unacceptable harm to the living conditions of occupiers of neighbouring dwellings or the future occupiers of the proposed dwellings. However, this is a neutral issue and does not weigh in favour of the proposal.

Conclusion

33. The development conflicts with the development plan taken as a whole and the Framework. There are no material considerations to suggest the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

K Townend

INSPECTOR

³ Council reference PAP/2019/0244

⁴ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]