



Appeal Decision

Site visit made on 15 June 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/K3415/W/22/3313314

The Woodlands Drayton Lane, Drayton Bassett, Tamworth, Staffordshire B78 3TS

- 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 M Kenny of Lavinium Holdings Ltd against the decision of Lichfield District Council.
 - The application Ref 22/01176/OUT, dated 3 August 2022, was refused by notice dated 18 November 2022.
 - The development proposed is 'outline application for erection of 2no. dwellings with all matters reserved except for access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters reserved except access. I have therefore taken any indication of reserved matters shown on the submitted drawings, other than access, to be illustrative.
3. The proposal relates to two separate plots within the grounds of the existing house, The Woodlands. For simplicity I refer to the plots as the appeal site, singular, within this decision.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies; and
 - whether the site is a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities.

Reasons

Whether inappropriate development

5. Paragraph 149 of the National Planning Policy Framework (Framework) sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. New buildings within the Green Belt are inappropriate unless, amongst other things, they represent limited

- infilling in villages (paragraph 149 e)). Policy NR2 of the Lichfield District Local Plan Strategy 2008-2029 (February 2015) (Local Plan) also establishes that the development of new buildings in the Green Belt is considered inappropriate development unless it is for one of the exceptions defined in the Framework.
6. Specifically in relation to limited infilling in villages, Policy NR2 advises that infill boundaries will be determined through the Local Plan Allocations document. With reference to an appeal decision at 176 Birmingham Road (Ref APP/K4315/W/20/3261115 and 3261119), the appellant submits that infill boundaries were not defined within the Local Plan Allocations document. In the absence of definitive evidence to the contrary, for the purposes of this main issue I concur that it is a matter of planning judgement as to whether or not the appeal site can be considered to fall within a village.
 7. Moreover, in the Court of Appeal case in *Julian Wood v SSCLG, Gravesham Borough Council* [2015] EWCA Civ 195 it was common ground that for the purposes of this Green Belt exception the boundary of a village as defined in a local plan may not be determinative of whether a proposal is in a village. Further, that whether or not a proposal is within a village should be based on circumstances on the ground. I have determined the appeal on that basis.
 8. The appeal site is outside the settlement boundary as defined in the Local Plan. That boundary contains the more densely populated area of Drayton Bassett. Whereas, in the vicinity of the appeal site, Drayton Lane (the Lane) comprises wider spaced housing situated on one side of a relatively narrow road, with an field opposite. This represents a change in the density of development with houses in the vicinity of the appeal site situated within substantial plots.
 9. Nevertheless, these houses generally front on to the Lane and are positioned sufficiently close to it that they are highly visible from it. There is also some regularity to their spacing along the Lane and houses are close enough to each other that one house is generally visible from the next, when travelling along the Lane. This gives the impression of being part of a settlement rather than ad hoc houses in the countryside. Whilst the density of development is notably lower than within the village boundary, that is often the case away from a village centre. I note also that there is a "Drayton Bassett please drive carefully" sign on a bend in Drayton Lane, well beyond the appeal site and further from the village centre. For these reasons, the appeal site retains the sense of being within the village. Therefore, for the purposes of this main issue alone I consider the appeal site to be within the village.
 10. National guidance does not define when infilling in villages is to be regarded as limited. It is therefore to be determined as a matter of fact and degree. The proposed dwellings would be positioned to either side of the existing house. The boundaries of those plots would not extend as far back as the rear boundary of the existing house, such that the garden of the existing house would wrap around the proposed rear gardens. The proposed plots would be contained by existing houses to either side of The Woodlands. They would consequently infill gaps in the existing frontage that exists due to the considerable width of The Woodlands plot.
 11. Matters of scale and layout are reserved for future consideration. However proposed layout and elevation plans have been provided. These show the proposed dwellings being of a comparable scale, design and layout to the existing house but with a reasonably large gap in built form retained to either

side of The Woodlands. Whilst individually relatively substantial homes, the scale and form of the proposed dwellings appears consistent with that of the existing house. Therefore in the particular circumstances of this site I am satisfied that a single dwelling to either side of the existing house would amount to limited infilling.

12. Therefore, the proposal would not comprise inappropriate development in the Green Belt. The proposal meets the exception to inappropriate development in accordance with Policy NR2 of the Local Plan and paragraph 149.e) of the Framework. Accordingly, it is not necessary for me to consider the effect of the proposal on Green Belt openness or evidence of very special circumstances.

Location of development

13. Core Policy 1 (CP1) of the Local Plan sets out the settlement hierarchy and directs growth to the most sustainable settlements. Accordingly it seeks to direct new rural housing to the key rural settlements, including Fazeley. Drayton Bassett is not defined as a key rural settlement and is instead a smaller village, or other rural settlement. CP1 advises that some housing growth will be accepted in such locations, mainly within village boundaries, and where it meets a local need. As a site outside the defined settlement boundary and in the absence of robust evidence of a local need for housing here, the proposal would conflict with the development strategy outlined in CP1.
14. Core Policy 6 (CP6) of the Local Plan similarly establishes the strategy of focusing housing on key urban and rural settlements. It further sets out criteria to be satisfied for residential development in the remaining rural areas. Notwithstanding my reasoning in respect of the Green Belt, the proposal is not infill development within the Local Plan settlement boundary for Drayton Bassett. It is not affordable housing, a change of use or conversion. It is not submitted as a small scale development supported by the local community and is not for agricultural, forestry or other occupational worker dwellings. Therefore the proposal does not satisfy any of these criteria for rural housing.
15. Given the scale of the proposal, future occupants could provide a small degree of support to the limited services and facilities in Drayton Bassett, as well as those in the key rural settlement of Fazeley and surrounding neighbourhoods. A limited range of facilities would be accessible on foot within Drayton Bassett, albeit requiring future residents to walk a short stretch on the lane that is without pavements or street lighting. It would be physically possible to cycle to other services and facilities in Fazeley and surroundings settlements. However, given the mix of rural lanes and main roads, many of which are unlit, and the absence of dedicated cycle ways, evidence that local routes would be sufficiently cycle friendly to result in people regularly choosing to cycle rather than drive, is not sufficiently persuasive.
16. It is therefore reasonably likely that future occupants would be reliant on travel by car for day to day needs. As such it would not meet the policy expectation for delivering sustainable communities. Accordingly, and for the above reasons, the location of the proposal would conflict with CP6 as a whole.
17. Policy Rural 1 of the Local Plan establishes that housing growth in smaller villages will only be to accommodate local needs, with circa 500 dwellings to be provided within their village boundaries. Given the site's location outside of the defined settlement boundary, and in the absence of robust evidence of a local

need for housing here, the proposal would conflict with Policy Rural 1. Policy Rural 2 of the Local Plan also relates to rural settlements such as Drayton Bassett. It similarly provides support for small scale development to meet local needs, where the need is robustly demonstrated. For the reasons given, the proposal would also conflict with Policy Rural 2.

18. Therefore, the site is not a suitable location for the proposed development having regard to the development strategy for the area and accessibility to services and facilities. As such, it would conflict with CP1, CP6, Policy Rural 1 and Policy Rural 2 of the Local Plan. In addition, given the constraints to sustainable transport it would also conflict with Policy CP3 of the Local Plan relating to delivering sustainable development. Whilst acknowledging that opportunities for sustainable transport will vary between urban and rural areas, given the limited facilities in walking distance and constraints to cycle movements, it would fail to meet the Framework's approach of giving priority to pedestrian and cycle movements, and so far as possible, facilitating access to public transport.

Other Matters

19. Although not a reason for refusal the Council's officer report found that the proposal would harm the rural character and appearance of the appeal site and its surroundings. However, based on the submitted plans I am satisfied that the proposal could be suitably designed to assimilate appropriately with the street scene, maintaining the existing building line and with adequate spacing around the buildings such that it would appear in keeping with the lower density of development here. Therefore it could be designed to avoid unacceptable harm to the surrounding countryside. In any event, this is a neutral consideration in the planning balance. Moreover, the current absence of development on the appeal site is also not harmful to the surroundings. The absence of harm in relation to matters such as highway safety and residential amenity are also neutral considerations.
20. Although the Council refers to a housing land supply of nine years, the proposal would provide two dwellings that would contribute to the supply of housing in the district and the Government's objective to boost housing supply. Small sites can make an important contribution to housing supply and can be built out relatively quickly. The Framework also offers support for windfall sites. Furthermore, the construction of the dwelling would provide short term benefits to the local and wider economy; and the occupants would be likely to stimulate consumer spending, boost local labour supply and help to support local services, which would all constitute modest benefits in social and economic terms.
21. Although I have found that the proposal would not constitute inappropriate development in the Green Belt, and would not comprise isolated dwellings, it would nevertheless be contrary to the development plan strategy of focusing new housing on the most sustainable settlements. Moreover, given the limited facilities in the locality and constraints to travel by sustainable transport modes here, there would be enduring harm from future occupants' likely reliance on travel by private car.

Conclusion

22. Therefore, having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. Consequently, the appeal should be dismissed.

Rachel Hall

INSPECTOR