



Appeal Decision

Site visit made on 19 September 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/E3715/W/23/3319783

**New Barn Stables, Burnthurst Lane, Princethorpe, Warwickshire
CV23 9QA**

- 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 Roger Sammons against the decision of Rugby Borough Council.
 - The application Ref R22/0988, dated 14 October 2022, was refused by notice dated 22 December 2022.
 - The development proposed is conversion of existing stables to a dwellinghouse.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided a phase 1 bat survey report as part of the appeal. This was not submitted before the planning application was determined but the Council has provided comments on it through the appeal process. The survey does not alter the proposal and so I am satisfied no injustice would be caused to any party by taking it into account.

Main Issue

3. The bat survey found no evidence of bats or nesting birds in the building subject of this appeal. The Warwickshire County Council ecologist has confidence in the survey findings and so it seems the Council's second refusal reason has been overcome. Acceptability in these regards is a neutral factor in my assessment.
4. Therefore, the main issue is whether the development would be in a suitable location having regard to the policies of the Rugby Borough Council Local Plan 2019 (the LP), the National Planning Policy Framework (the Framework) and accessibility.

Reasons

5. The site lies off a narrow lane in a small cluster of residences that is referred to as Burnthurst on local signposts. The area surrounding these properties comprises fields and woodland and so the locality has a strong rural feel.
6. I have not been made aware of any services within Burnthurst. The nearest village with facilities is Princethorpe. Stretton-on-Dunsmore is a larger village than Princethorpe but it is further away from the site.

7. LP policy GP2 sets out a settlement hierarchy which looks to direct most development to Rugby and identified main rural settlements. Under this policy, new development is resisted in the countryside and only allowed when in accordance with national planning policy. The appellant has not sought to dispute the Council's claim that the site lies outside any defined settlement. I also consider it appropriate to treat the site as lying in the countryside as it is away from any settlement identified in the LP.
8. Burnthurst contains no services and so the proposal would make no meaningful contribution to the vitality of the immediate area. Princethorpe College is an independent school on the Leamington Road and there is a primary school and a pub in Princethorpe itself. However, the village contains no shop, state-funded secondary school or medical practices and so the range of services is limited. Furthermore, these facilities would not be within a reasonable walking distance from the proposed house and the routes are largely unlit and without roadside pavements in significant parts. Stretton-on-Dunsmore contains a broader range of services including a small shop and a surgery but it is likely that trips from the dwelling to these facilities would need to be by car given the separation distances.
9. Therefore, the proposal would not provide good access to local shops, employment opportunities, schools and community services and so it would not be supported by LP policy HS1. It is likely that occupants would be encouraged to travel to the broader range of facilities at Coventry and Rugby rather than utilise more local services. Such trips would be made by car as the nearest bus services would not be convenient to reach by foot from the dwelling.
10. Consequently, I find the proposal would not be located so as to make a meaningful contribution towards the vitality of any rural community. In these respects, it would be contrary to the Framework's paragraph 79. The reliance on the private car would also go against the aim to promote sustainable transport opportunities as set out at paragraph 104 of the Framework. The inclusion of charging points would not guarantee the use of electric vehicles and they would not encourage walking, cycling or public transport use.
11. While it would be away from Princethorpe and other villages, the dwelling would not be isolated given the nearby cluster of properties. Therefore, it would accord with the aim to avoid isolated homes in the countryside set out at paragraph 80 of the Framework. Acceptability in these regards does not address the identified conflict with other parts of the Framework.
12. The subject building has been used as part of a livery business but this closed down over 10 years ago. More recently it was utilised privately to keep horses, although this ceased 4 years ago and since then the building has been empty. Given this context, I am uncertain whether the previous uses of the building would resume if the appeal is dismissed. Also, there is little evidence to demonstrate that an equestrian use of the building would generate more car trips to and from the site compared to the proposed residential use. In any event, paragraph 85 of the Framework recognises that sites to meet rural business needs may need to be away from settlements. This is clearly different to the provisions of paragraph 79 of the Framework on rural housing. For these reasons, the potential fallback position of the resumption of an equestrian use would not be as contrary to the Framework as the proposed residential use. Accordingly, the fallback position attracts little weight in my assessment.

13. In June 2016, the Council granted planning permission for the demolition of a barn at the appeal property and the erection of a new dwelling. This followed an earlier permission for the conversion of the barn to a house and demolition of a store. The appellant suggests these permissions indicate an acceptance by the Council that the site is suitable for new residences. However, the submissions provide no explanation as to why the Council granted these permissions. Also, I am mindful the decisions were made before the adoption of the LP and so they would have been determined under a different planning policy context. Therefore, the previous permissions do not significantly influence my deliberations on this appeal.
14. For the above reasons, I conclude the development would not be in a suitable location having regard to the Framework and accessibility. In addition, it would be contrary to LP policies GD2 and HS1. LP policy GP1 is referred to in the Council's refusal reason but it contains no provisions relevant to this issue.

Other Matters and Planning Balance

15. The site is in designated Green Belt. It is common ground between the parties that the proposal would preserve the openness of the Green Belt and would not conflict with the purposes of Green Belt policy. I find no reason to disagree with this consensus. Accordingly, the proposal would not be inappropriate development in the Green Belt under the terms of paragraph 150(d) of the Framework. Acceptability in these regards is a neutral factor rather than a benefit that attracts positive weight in my assessment.
16. The site contains a non-agricultural building and so it represents previously developed land. The redevelopment of such sites is supported under paragraph 120(c) of the Framework but only when within settlements. Therefore, the proposal does not benefit from such support. Also, LP policy GP3 states that the redevelopment of previously developed land will only be supported when in accordance with other LP policies. I have already found the scheme would conflict with LP policies GP2 and HS1 and so it does not benefit from the LP policy GP3 support.
17. The proposal would also represent the development of an under-utilised building and so it is promoted under paragraph 120(d) of the Framework. However, there is no evidence the scheme would meet a local housing need and the Council is able to demonstrate a supply in excess of 5 years' worth of housing land as required under the Framework. As such, the benefit of reusing the building as proposed attracts only moderate weight in my assessment.
18. Permitted development rights (PDRs) allow the conversion of some buildings to residential uses. However, this attracts little weight in favour of the appeal scheme as the appellant accepts the same PDRs do not apply to the existing stables, as they have been used for equestrian purposes and not agriculture.
19. LP policy GP3 also says proposals for the re-use of existing buildings in rural areas will be permitted subject to various criteria. These include a proviso that the location of the building makes it suitable for the re-use. For the reasons given, I have found the proposed dwelling would not be in a suitable location and so the proposal would not benefit from the support of LP policy GP3.

20. Notwithstanding the housing land supply position, the development would add to the housing stock. However, this would be a limited contribution as only a single new dwelling is proposed.
21. I am referred to 3 appeal decisions, which the appellant claims support the case for the appeal. Decisions reference number APP/W3520/W/21/3274979 (Baylham in Suffolk) and APP/P0240/W/3249635 (Flitton in Bedfordshire) relate to sites elsewhere in the country and where different development plan policies apply. Also, there is no reference in the Baylham appeal decision to paragraph 79 of the Framework. The Inspector with the Flitton decision found the proposal would conflict with development plan policies on the location of housing but that a fallback position provided by permitted PDRs justified allowing the appeal. No such PDRs exist for the building subject of this appeal. As such, these decisions are not so similar to the current proposal to set a precedent that I am bound to follow in the determination of this appeal.
22. I have not been provided with the decision notice for the third referred to appeal, reference number APP/W0530/W/16/3152125. From the information provided, it would seem the Inspector found the benefits associated with the scheme outweighed harm caused through the reliance on the car.
23. The circumstances surrounding that appeal are not the same as the current proposal. In this case, the benefits and other circumstances would not outweigh the harm caused by the conflict with development plan policies on the location of housing development. The scheme would not accord with LP policies when read as a whole and other considerations do not justify granting planning permission contrary to the development plan.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR