



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: 27 September 2023

Appeal Ref: APP/E3715/W/23/3319990

Sparrow Hall Barn, Combe Fields Road, Coombe Fields, Warwickshire CV7 9JP

- 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 Kieran Haughey against the decision of Rugby Borough Council.
 - The application Ref R22/0847, dated 23 September 2022, was refused by notice dated 25 January 2023.
 - The development proposed is change of use of outbuilding to two holiday lets and the construction (retrospective) of an extension on the south elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the header above is taken from the application form. The Council's decision notice includes a slightly different description but the submissions indicate that this has not been agreed with the appellant. My assessment is based on the original description.
3. On my visit, I saw the subject building has been extended as shown on the plans. In these regards, the appeal development has commenced. As far as I am aware, the building has not yet been used as holiday lets.
4. The Council considers the erection of the outbuilding subject of this appeal to be unauthorised. However, the appellant contends its construction complies with permitted development rights. It is not for me to determine whether the building has been erected lawfully in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. Furthermore, the description of development does not include the erection or retention of the building. For clarity reasons, I confirm that my assessment relates solely to whether planning permission should be granted for the proposed change of use of the building and the construction of an extension as shown on the plans.

Main Issues

5. The main issues are (i) whether the proposed holiday accommodation would be in a suitable location having regard to the policies of Rugby Borough Council Local Plan 2019 (the LP) and the National Planning Policy Framework (the Framework), and (ii) whether the scheme incorporates inappropriate development in the Green Belt.

Reasons

Suitability of location

6. The appeal property is in a small cluster of buildings including a few residences and a hotel with pub and restaurant. Otherwise, the surrounding area consists of fields and is rural in character. The site is set away from the edge of Ansty technology and business park which lies to the south. Further away is Ansty village to the northwest and the edge of Coventry to the west. Given this context, it is reasonable to consider the site as being in the countryside.
7. LP policy GP2 states that new development will be resisted in the countryside and it is only allowed when permitted by national planning policy. Paragraph 84 of the Framework says that planning should enable sustainable rural tourism developments which respect the character of the countryside. There is no contention from the Council that the proposal would be unsympathetic to the rural aspects of the area. Therefore, the development would be supported by the Framework if found to be sustainable.
8. While not mentioned in the refusal reasons, the Council officer's report refers to LP policy HS5. Amongst other things, this seeks to ensure development is located where walking, cycling and public transport use can be optimised. The policy is consistent with paragraph 104(b) of the Framework.
9. The site is beyond the confines of any significant settlement and away from public transport links. Therefore, it is reasonable to expect visitors would travel by car to the holiday lets. Once at the property, guests would be able to walk to the adjacent pub and restaurant and to the technology park. However, it is likely that most trips from the site to facilities at local settlements, recreation and tourist attractions would be by car. Overall, I find the proposed holiday accommodation would not be located so as to optimise non-car modes of travel. In these respects, it would not accord with LP policy HS5.
10. LP policy ED4 allows small-scale visitor accommodation both in and outside of the urban area. Also, LP policy GP3 supports the redevelopment of previously developed land as well as the re-use of existing buildings that meet various criteria. However, the support offered by these policies is subject to compliance with other LP policies. The identified conflict with policy HS5 means the proposal is not supported by LP policies ED4 and GP3. Also, the re-use of the building would not accord with the relevant part of LP policy GP3 as its location would not be suitable due to the identified accessibility issues.
11. As it would be outside any settlement, the proposal gains no support from paragraph 120(c) of the Framework, even if it constitutes previously developed land. Also, the submissions indicate the building is used as domestic storage ancillary to Sparrow Hall Barn and I saw various items inside the building on my visit. As such, the support at paragraph 120(d) of the Framework for the re-use of under-utilised buildings does not apply.
12. Paragraph 85 of the Framework recognises that sites to meet local business and community needs in rural areas may have to be found outside settlements and in locations that are not well-served by public transport. The development would provide a different type of visitor accommodation compared to the adjacent hotel but there is no explanation before me as to how it would address a local business need. I am referred to the Department for Culture,

Media and Sport publication 'Tourism Recovery Plan Update on Delivery' dated March 2023. This includes an aim to distribute tourists away from 'hotspots' to other areas. However, this high level objective does not justify this specific proposal. Without convincing evidence that the proposal would meet a local business need, I find paragraph 85 of the Framework offers no support for the scheme.

13. For the above reasons, I conclude the holiday accommodation would not be in a suitable location in light of LP policies, the Framework and accessibility. In these regards, it would conflict with LP policy HS5. The proposal would not represent a sustainable form of rural tourism development due to the reliance on car travel for access and the lack of opportunities to promote the use of other modes of travel. The scheme would therefore not accord with national planning policy as set out at paragraphs 84 and 104 of the Framework and so it would be contrary to LP policy GP2. The Council's refusal reason refers to LP policy GP1 but this contains no provisions relevant to this particular issue.

Whether inappropriate development in the Green Belt

14. LP policy GP2 resists new development in the Green Belt unless it is permissible under national planning policy. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be allowed except in very special circumstances. At paragraphs 149 and 150 the Framework sets out the types of development that are not inappropriate.
15. The subject building has brick walls with a tile roof and it is clearly of permanent and substantial construction. As such, under the terms of paragraph 150(d) of the Framework the change of use would not be inappropriate development provided it preserves openness and does not conflict with the purposes of Green Belt policy.
16. The use of the building for holiday let purposes would have no effect on the openness of the external parts of the site. The use would generate parking immediately to the front of the building but the application form indicates that these 4 spaces already exist. Also, parking associated with the holiday let use would be transitory and only seen from private land in the immediate context of the building. As such, the proposed change of use and associated parking would preserve the openness of the Green Belt. Furthermore, there would be no conflict with any of the purposes of Green Belt policy as set out at paragraph 138 of the Framework.
17. The extension is very modest in size, particularly in comparison with the rest of the building. As such, it is not a disproportionate addition. Consequently, it falls under the exception at paragraph 149(c) of the Framework.
18. The Council's concerns in terms of openness relate primarily to the erection of the main part of the building itself. However, as explained above, the construction of the building does not form part of the appeal development. Therefore, for the above reasons, I conclude the proposal as a whole would not include inappropriate development in the Green Belt. In these regards, it would accord with LP policy GP2 and be acceptable under the terms of the Framework's Green Belt policy. Acceptability in these respects is a neutral factor in my assessment.

Other matters and planning balance

19. No concern is raised by the Council's environmental health officer over the proposal's effect on air quality or noise impacts. Also, the Council raises no objections to the scheme on the basis of highway safety or effects on the living conditions at nearby residences. The accommodation would be made accessible to those with mobility impairments. Acceptability in all of these regards is a neutral factor in my consideration.
20. The Council raises concern that the proposal would conflict with LP policy ED4 due to the lack of evidence on the need for the holiday accommodation and its effect on existing local tourist facilities. However, there is no requirement under LP policy ED4 for a need to be demonstrated and so the Council's objections in these regards are unfounded.
21. It is likely that visitors to the holiday accommodation would support the local pub and restaurant and other facilities and attractions in the area. However, the economic benefits would be modest given the small scale of the proposal and the limited scope for the scheme to accommodate visitors.
22. For the reasons set out under the first main issue, the proposal would not accord with LP policies when considered as a whole. The benefits and other considerations are modest and of insufficient weight to justify allowing the appeal contrary to the development plan.

Conclusion

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

Jonathan Edwards

INSPECTOR