



Appeal Decision

Site visit made on 25 October 2023

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/E3715/W/23/3318817

Two Hoots, Lutterworth Road, Bramcote CV11 6RA

- 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 Mrs Patricia Bee against the decision of Rugby Borough Council.
 - The application Ref R22/0818, dated 5 August 2022, was refused by notice dated 18 November 2022.
 - The development proposed is conversion of buildings to two residential dwellings, including removal of mobile home and toilet block, construction of a link and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of buildings to two residential dwellings, including removal of mobile home and toilet block, construction of a link and associated works at Two Hoots, Lutterworth Road, Bramcote CV11 6RA in accordance with the terms of the application, Ref R22/0818, dated 5 August 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have had regard to the provisions of the revised National Planning Policy Framework (the Framework) published in December 2023. References to the Framework in this decision are to the new paragraph numbers, which, insofar as they are relevant to the matters at hand in this appeal, are consistent with the previous iteration.
3. The appeal site is located within the Green Belt. Paragraph 155 of the Framework sets out certain forms of development that are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. This includes development comprising the re-use of buildings provided that the buildings are of permanent and substantial construction (paragraph 155.d)).
4. In the particular circumstances of this case, I am satisfied that the proposed conversion of the existing buildings would preserve Green Belt openness and the Green Belt purposes. As such, it would satisfy the exception at paragraph 155.d) and the proposal would not be inappropriate development in the Green Belt. I note that the main parties also reached this view. Therefore, I do not discuss it further within this decision.

Main Issue

5. The main issue is whether the appeal proposal would constitute an acceptable form of development, with particular regard to the provisions of local and national policy in respect of the location of the development, the re-use of redundant or disused buildings, and the character and appearance of the countryside.

Reasons

Location of development

6. Given its location in the countryside, outside of a settlement and away from services and facilities, the development would be isolated. Notwithstanding limited bus services from the bus stop on Bazzard Road, I accept that opportunities for travel by sustainable transport modes are limited here. Consequently, future occupants of the appeal scheme would be largely reliant on travel by private car. As such, it would not usually amount to a suitable location for residential use and would not accord with Policy GP1 of the Rugby Borough Council Local Plan 2011-2031 (June 2019) (Local Plan). This seeks to ensure proposals reflect the presumption in favour of sustainable development set out in the Framework.
7. Policy GP2 of the Local Plan similarly resists new development in such locations unless it complies with national policy in countryside. In that regard, paragraph 84.c) of the Framework permits the development of isolated dwellings in the countryside where there are special circumstances. One such circumstance is where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. These are matters to which I now turn.

Re-use of redundant or disused buildings

8. During my site visit, whilst appearing generally well maintained I observed that the appeal buildings were empty. Furthermore, although a horse was grazing in the field to the rear of the appeal site, any horses kept on that land are said to be wholly outside and not housed within the appeal buildings. No substantive evidence is before me to indicate otherwise. Moreover, I note the Council's letter from April 2022 advising that there was no evidence of stabling and equestrian use of the barn on their site visit in early April 2022.
9. Therefore, whilst the buildings may have previously been in use as garaging, storage and a workshop, it appears reasonably likely that those uses have now ceased. Furthermore, no substantive evidence is before me to indicate that in the event that the appeal was unsuccessful, any former use would resume. Consequently, I am satisfied that the buildings are disused and therefore comply with that requirement of paragraph 84.c) of the Framework.

Character and appearance

10. With respect to their immediate setting, the appeal buildings have a simplicity of form, being low rise agricultural buildings with simple pitched roofs. They are comprised of a mix of block work, corrugated sheeting and buff brick with some limited openings for doors and few windows. They are positioned around an area of hardstanding. Consequently, although modest in scale and set back from the road, they have a somewhat stark appearance.

11. The proposals would retain the simplicity of form of the existing buildings. However, their appearance would be softened by the addition of timber cladding, and some areas of render. A number of floor to ceiling windows are proposed. These would be reminiscent of large openings typical on agricultural buildings and would help to break up the existing blank elevations, softening their appearance without looking overly domesticated or fussy. This would be visible in glimpsed views from the road and on entering the site.
12. Therefore, whether or not the removal of the existing mobile home would improve the appearance of the site, the proposed conversion of the barns would not harm the character and appearance of the site and would enhance its immediate setting.

Conclusion on main issue

13. The proposal would amount to re-use of disused buildings and would enhance its immediate setting. It would thus accord with paragraph 84.c) of the Framework which allows the development of isolated homes in the countryside under such circumstances. Accordingly, in the particular circumstances of this case the location of the development is also acceptable.
14. Given its compliance with this national policy on development in the countryside, the proposal would comply with Policy GP2 of the Local Plan. It would also comply with Policy GP3 of the Local Plan, which permits the re-use of existing rural buildings subject to certain criteria which are satisfied here. This includes that the proposal protects and where possible enhances the character and appearance of the countryside.

Other Matters

15. The Location Plan (Ref 9921-HBA-DR-A-P100) refers to access being provided in line with an earlier application (Ref R10/0385). It is unclear whether that previously approved layout has been fully implemented. However, details of the agreed layout and its installation could reasonably be secured by a condition. This would need to be completed prior to commencement of development to ensure safe access to the site. The appellant's agreement to such a condition was confirmed in writing. The Council also raised no objection.
16. The Proposed Site Layout Plan (Ref 9921-HBA-DR-A-P105) shows a former access to the appeal site which is labelled as disused. Given the proximity of that access to Burton Lane on the opposite side of Lutterworth Road, its future use would present potential highway safety concerns. However, in the interests of certainty and highway safety, a condition could reasonably be imposed to require details of its closure to be agreed, implemented and retained for the lifetime of the development.
17. Concerns were raised by local residents in respect of the proximity of the appeal site access to a blind bend on Lutterworth Road. In particular, due to vehicles exiting the bend potentially having to stop to allow for those turning into the site. However, the topography of the road and the presence of grass verges is such that there is reasonable visibility of the appeal site access from both directions. In addition, the site access is located on a straight section of the Lutterworth Road.
18. Moreover, the junction with Burton Lane is closer to the bend than the site access. Consequently, vehicles exiting the bend on Lutterworth Road are

already likely to need to slow to allow for cars entering and exiting Burton Lane and the Cadena housing development there. Furthermore, for a two dwelling scheme the increase in vehicles accessing the appeal site is likely to be relatively limited. Accordingly, the proposal would not have an unacceptable impact on highway safety. As such, the suggested condition to require additional signage prior to the bend would not meet the test of necessity required by paragraph 56 of the Framework.

Conditions

19. In addition to the standard time limit condition and those conditions already referred to, a condition is imposed specifying the approved plans in the interests of certainty. A condition requiring approval of a final landscaping scheme is required in the interests of biodiversity and achieving good design.

Conclusion

20. For the above reasons, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Rachel Hall

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 9921-HBA-DR-A-P100; 9921-HBA-DR-A-P105; 9921-HBA-DR-A-P106; 9921-HBA-DR-A-P107; 9921-HBA-DR-A-P108.
- 3) The development hereby permitted shall not take place until details of the vehicular site access from Lutterworth Road shall have been submitted to and approved in writing by the Local Planning Authority, and that access has been constructed in accordance with the approved details. The access shall thereafter be retained.
- 4) The development hereby permitted shall not be occupied until a scheme for the closure of the "former access disused" identified on drawing Ref 9921-HBA-DR-A-P105 has been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. That access shall thereafter remain closed.
- 5) Notwithstanding condition 2, the development hereby permitted shall not be occupied until a scheme of landscaping shall have been submitted to and approved in writing by the local planning authority. The scheme shall include a native species planting plan, and species specific enhancements including provision of bird and bat boxes. Such species-specific enhancements shall be implemented prior to first occupation of the dwellings hereby permitted. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.