



Appeal Decision

Site visit made on 10 January 2024

by N Bromley BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/R3705/W/23/3323438

Fishing Pool, Main Road, Baxterley CV9 2LW

- 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 D Vernon against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2022/0180, dated 25 March 2022, was refused by notice dated 4 January 2023.
 - The development proposed is described as "*Change of use of building to form residential dwelling (C3) and associated private garden area land adjacent the fishing pool Main Road, Baxterley, CV9 2LW and single storey extension (December 2021).*"
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

3. The main issue is whether or not the site is suitable for the development, having regard to local and national policy for the supply of housing.

Reasons

4. The appeal site is occupied by a small, disused timber building that overlooks a fishing lake, located in the open countryside. The building is accessed from Main Road by a long, narrow unmade track. The wider surrounding area, with open fields, agricultural and equine buildings, is remote and rural in character. Dwellings of varying design are also apparent within the wider landscape, but they are generally sporadic, and many relate to farms. Given such, and with due regard to the cited judgment¹, the site is within an isolated countryside location.
5. The proposed development seeks the conversion and extension of the building to provide a dwelling. The area around the fishing lake would provide outdoor space for future occupiers. Policy LP2 of the North Warwickshire Local Plan

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

2021 (Local Plan) directs development, including new housing, to specified main towns and settlements, categorised from 1 to 4, and category 5 being "All other locations". The site falls within the latter. Consistent, with the Framework, Policy LP2 also sets out that the re-use of redundant buildings, which enhance the immediate setting, may be a justification for a new isolated home in the countryside.

6. The appearance of the building is similar to other timber stable buildings in the locality and its re-use, along with a small extension, would have a neutral visual effect on the landscape. Nonetheless, the proposed development would not lead to an enhancement to its immediate setting, even if future permitted development rights were removed by a suitably worded planning condition. The scheme would therefore conflict with Policy LP2.
7. For proposals to reuse existing rural buildings, Policy LE13 of the Local Plan further imposes a number of criteria which must be satisfied. The parties are in agreement that the existing building is of a sound and permanent construction and the conversion and extension of the building would not amount to major or complete re-building, alteration or extension.
8. The nearest village to the appeal site is Hurley, a category 4 settlement. However, the village is approximately 2 miles away. The nearest bus stop is approximately 1.3 kilometres away and I have limited evidence before me of the frequency of a bus service and to what extent it could support the day to day needs of the future occupiers.
9. Additionally, the surrounding roads have a rural character with no pavements or street lighting. The occupiers would also need to travel down the long, narrow, unmade track to access the roads. For these reasons, future occupiers would be discouraged from walking and cycling to access services and public transport opportunities, particularly during hours of darkness. For similar reasons and variable ground conditions, public footpaths are not reliable routes either.
10. The Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Even so, I consider the site to be highly inaccessible and physically remote from the nearest settlements. In the terms of Policy LE13, it follows that the building is not readily accessible to the nearest settlements via a range of modes of transport.
11. For the above reasons and on the evidence before me, the site is not suitable for the development, having regard to local and national policy for the supply of housing. It would thereby conflict with Policies LP1, LP2 and LE13 of the Local Plan which together, amongst other things, seek to restrict development outside development boundaries and limit the re-use of existing rural buildings to locations which have access to a range of services and facilities via a range of modes of transport. There would also be conflict with the Framework insofar as it states that planning decisions should avoid isolated homes in the countryside.

Planning Balance and Conclusion

12. The Framework states that the planning system should be genuinely plan led. The development plan is the starting point for decision making and I must make my decision in accordance with it unless other considerations indicate

otherwise. In this case, the conflict with local policy for the supply of housing draws the scheme into conflict with the development plan read as a whole.

13. The re-use of the site and its permanent occupation may deter crime, anti-social behaviour and prevent any further deterioration of the building and site generally but I only attach limited weight to these matters. The building is an established feature within the landscape and the proposed conversion works would not harm the appearance of the landscape. I attach limited weight to these matters.
14. I acknowledge that the current use of the site, as a recreational fishing pool already generates vehicle movements and would continue to do so. However, a residential dwelling is likely to generate daily vehicle trips to access services and amenities. EV charging points could be installed to encourage the use of low emission vehicles. Overall, and in the absence of detailed evidence, I find that vehicle use associated with the appeal proposal would in this instance be relatively balanced compared to the existing leisure use.
15. The proposal would contribute to boosting the supply of new housing on previously developed land, as referenced in the Framework, and provide the associated social, economic, and environmental benefits. There would also be social and economic benefits to local services during the construction and occupancy phases without conflict with neighbouring land uses. However, these benefits would be limited by virtue of the proposal only adding one additional dwelling to the housing supply in the area.
16. Moreover, whilst the appellant considers the single level building to appeal to certain demographics, such as the elderly or people with disabilities, I do not share the view that people within these demographics would necessarily wish to gravitate to a dwelling in such a remote location, devoid of adequate access to day-to-day services. The dwelling may be occupied by a local resident, or it may not, and there is also no mechanism before me to ensure that the dwelling would meet a local housing need.
17. In conclusion, the other considerations before me do not indicate that I should make a decision other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

N Bromley

INSPECTOR