



Appeal Decision

Site visit made on 6 February 2024

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/T3725/W/23/3320052

Highlands Farm, Long Itchington Road, Offchurch, Warwickshire CV33 9AT

- 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 Collins against the decision of Warwick District Council.
 - The application Ref W/22/0198, dated 3 February 2022, was refused by notice dated 7 October 2022.
 - The development proposed was originally described as "Self-build 3 bedroom NPPF Paragraph 80 dwelling".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. However, as any policies in the Framework that are material to this decision have not fundamentally changed, apart from paragraph numbers, I am satisfied that this has not prejudiced any party. I have had regard to the latest version in reaching my decision.
3. The description of development above is taken from the application form as it more accurately describes the proposal, which the appellant's planning statement and appeal statement defend. The Council's decision notice describes the development just as "Erection of 1no. 3 bed dwelling" which the appellant then uses on the appeal form indicating the description has not change, which is clearly not the case.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - The effect on the openness of the Green Belt and purposes of including land within it;
 - Whether the appeal site would be a suitable location for housing with regard to local and national policies;
 - Whether the proposal would preserve or enhance the character or appearance of Offchurch Conservation Area;
 - The effect of the proposal on the landscape character of the area, and
 - If the proposed development constitutes inappropriate development in the Green Belt, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so

as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

5. The Government attaches great importance to Green Belts. The Framework identifies that the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
6. The Framework regards the construction of new buildings as inappropriate development in the Green Belt, subject to a number of exceptions set out in paragraph 154 a to g (formerly paragraph 149).
7. Policy DS18 of the Warwick District Local Plan (the 'Local Plan') seeks to protect Green Belt and states that the Council will apply national planning policy to proposals within the Green Belt. It includes links to other Local Plan policies that expand upon the meanings of the Framework exceptions. I am satisfied that Policy DS18 is broadly consistent with the Framework.
8. The proposal is for the erection of a new dwelling on a field in the countryside. As such it does not fall within any of the exceptions listed in Framework paragraph 154. Consequently, the proposal constitutes inappropriate development in the Green Belt.

The effect on the openness of the Green Belt

9. The Framework describes that the essential characteristics of Green Belts are their openness and their permanence. The courts have established that openness has both a spatial and a visual aspect. Hence, a development is still capable of affecting openness notwithstanding the degree of visibility of the land or development in question. It can also be the case that a particular development that may harm openness could be acceptable visually, and vice versa. I will deal with the effect on the wider landscape later.
10. There is no definition of openness in the Framework or the development plan. Different factors are capable of being relevant to openness depending on the particular facts of a specific case. Hence the effect on openness is a matter of planning judgement.
11. The appeal site is an approximately 2.5 hectare field of rough semi-improved grassland interspersed with groups of trees and is free of buildings, apart from an agricultural-looking building¹ in the southwest corner by the site entrance and included within the red-line. The land is flat but occupies a slightly elevated position above the road and sits on a broad ridge that affords extensive vistas southwards across undulating countryside. There is open land adjacent and fields beyond such that the openness of the Green Belt is clearly evident, and the appeal site contributes to the openness.

¹ The erection of an agricultural building was granted planning permission in 2006 (LPA ref: W/06/1100). The building was later granted planning permission in 2018 (LPA ref: W/18/1165) for a change of use to storage of survey equipment (use class B8).

12. The proposal would involve erecting a sizeable building, approximately in the middle of the grassed site. The proposed dwelling would have a large footprint and would physically occupy a significant area on the ground which is currently free of built development and structures. The proposed dwelling would be substantial in construction and be a permanent built form in an open field. Whilst the proposed dwelling would be single-storey and flat roofed and would be located close to an existing group of trees, it would nonetheless have height, mass, bulk and volume, resulting in a substantial three-dimensional presence. Consequently, the building itself would result in a significant loss of spatial and visual openness of the Green Belt.
13. There would also be permanent areas of hardstanding for patios and paths that would further erode openness, as would the resulting domestication of part of the site with the likely presence of domestic paraphernalia around the property. The plans show the building would be orientated to face towards the rolling countryside in order to benefit from the expansive views. Indeed, I could see the location of the site and the adjacent agricultural-looking building from across the valley from the Fosse Way, some distance away. Light would emanate from inside the dwelling from the full height and wide glazed openings that would face out of the site towards the open countryside, particularly at night. This would further reduce visual openness.
14. Proposed additional landscaping and using the existing group of trees as a backdrop may well help reduce the dwelling's visibility in the wider landscape setting. However, this would not mitigate the loss of openness arising from the dwelling's physical presence on a site currently free of buildings. For the reasons above, the proposed dwelling would result in a significant loss of openness of the Green Belt.

Conclusion on inappropriate development in the Green Belt

15. The proposed dwelling does not fall within any of the Green Belt exceptions set out in paragraph 154 of the Framework. I have found the proposal would result in a significant reduction in openness. Furthermore, the proposal would not keep the land permanently open and hence would conflict with one of the fundamental aims of Green Belt policy (paragraph 142). The erection of a dwelling outside the village in a field would also fail to safeguard the countryside from encroachment, in conflict with one of the purposes of including land within the Green Belt (paragraph 143). Accordingly, the proposal would constitute inappropriate development in the Green Belt for the purposes of the Framework and Local Plan Policy DS18.

Location of housing

16. Local Plan Policy H1 sets out the Council's development strategy for where new housing is to be directed as part of the settlement hierarchy to promote sustainable patterns of development. Most housing development is to be directed to Urban Areas such as Leamington Spa and Warwick. Some new housing will be permitted within the boundaries of Growth Villages and Limited Infill Villages, and development in the countryside will be restricted. Policy H1 is in broad conformity with the Framework's aim of promoting sustainable patterns of development and identifying opportunities for villages and other settlements to grow, and in rural areas where it will enhance or maintain the vitality of communities.

17. Table 3 of Policy H1 identifies Offchurch as a 'Limited Infill Village', where limited infill development is allowed, in principle, within the village boundaries in order to help deliver a wider choice of housing and help support services in nearby Growth Villages. However, for villages within the Green Belt the type and scale of development will be further restricted in line with national Green Belt policy described above.
18. There is no dispute between the parties that the appeal site lies outside the boundary of Offchurch, which is tightly drawn around existing built development. According to the appellant this does not afford many opportunities for new infill housing.
19. Policy H1 goes on to define areas lying outside built-up areas and Limited Infill Villages as 'countryside' for policy purposes, where new housing will be restricted. As the appeal site is not adjacent to the boundary of an urban area or a Growth Village, the proposal falls to be considered under criterion e) i-v of Policy H1.
20. The proposal would not be for rural affordable housing or for a rural worker, nor would it be an optimal viable use for a heritage asset or involve the re-use of redundant or disused buildings. However, the parties have considered the proposal under criterion v) of Policy H1 for being a dwelling design of "*very exceptional quality or innovative nature*".
21. Criteria v) broadly follows paragraph 84 of the Framework (formerly paragraph 80). This lists various circumstances or exceptions to avoid "isolated homes" in the countryside and consequently requires dwelling design to be "*truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural area, and would significantly enhance its immediate setting and be sensitive to the defining characteristic of the local area.*"
22. However, by the appellant's own admission the appeal site is on the "edge of the small village of Offchurch....in proximity to neighbouring properties.... and bounded by private houses to the north and Offchurch Poultry to the northeast". The site, therefore, cannot be described as 'isolated' and hence paragraph 84 of the Framework does not apply in this instance.
23. Nonetheless the Framework promotes good design and the creation of high quality, beautiful and sustainable buildings. It encourages local planning authorities to ensure they have access to and make appropriate use of tools and processes for assessing and improving design, including any recommendations made by design review panels (paragraph 138). Whether the design of the dwelling would be of a "*very exceptional quality or innovative nature*" for the purposes of Policy H1 is a matter of judgement and the cause of dispute between the parties.
24. The Design Midlands Review Panel (the Review Panel) considered a draft proposal and made comments for improvement that were taken on board and presented for a second assessment, which forms the comments in the Review Panel's letter of December 2021. The Review Panel found the dwelling to now be 'quietly confident, minimalist and settled within the landscape context'. It thought that, subject to consideration of a number of other factors mainly focussing on improving the connection with the landscape setting and trees, the dwelling could meet the criteria in Framework paragraph 84.

25. The proposed dwelling is a simple, modern and functional dwelling that has been well designed for its locality, with careful thought given to the palette of materials and the wider landscape setting. The Review Panel's comments add weight to this. I have no reason to doubt that the building would be built to a high standard and use quality materials.
26. However, in my view the overall design of the proposed dwelling is not out of the ordinary to take it to the next level to be of a very exceptional quality or innovative nature. My attention has not been drawn to any particular features or design elements that would make the dwelling exceptional. The use of passive solar gain, ground source heat pump connected to underfloor heating, charred timber cladding that will require less long-term maintenance, and enhanced insulation are laudable, but are not particularly innovative or cutting-edge.
27. Overall I find the design of the proposed dwelling would not be of a very exceptional quality or innovative nature to warrant approval in a countryside location where housing would not normally be allowed. Accordingly, the proposal would be contrary to Local Plan Policy H1, whose aims are outlined above.

Effect on the Conservation Area

28. The appeal site lies within the Offchurch Conservation Area (the CA) adjacent to its southern boundary that runs along Long Itchington Road. The Conservation Area Appraisal (the CAA) describes Offchurch as an old settlement with possibly Roman origins, although it gained historic significance under Anglo Saxon rule - the Mercian King Offa died there and is buried in the church. I saw there were a mix of house types, designs and styles, including timber-framed and thatched cottages. I saw there were a number of large open spaces and fields interspersed with housing. Even if not public or highly visible, the CAA describes these open spaces as being characteristic of the CA and some offer long views out to the surrounding open countryside, indicative of the settlement's past association as an agricultural community. I saw that the gaps, views and trees give the CA a verdant and spacious character and appearance.
29. From the evidence before me and my observations during my visit, the heritage significance of the CA, insofar as it relates to this appeal, is primarily associated with its historic and architectural interest reflecting the evolution of the settlement and incorporating the relationship between the built form and open space.
30. I am advised that the appeal site once formed part of the grounds of Offchurch House until the land was sold off. The specimen tree planting on site is a reminder of its former connection. Moreover, the appeal site and its lack of built form is one of the characteristic green open spaces in the village that positively contributes to the character and appearance of the CA and its significance, offering views out towards the surrounding countryside and rural association.
31. Erecting a large dwelling in the middle of the appeal site would materially reduce one of the open spaces that is a characteristic feature of the CA. While a number of trees would remain to provide screening, the dwelling would still occupy part of the site and be visible from the road glimpsed through the

hedgerow, particularly at night when light would emanate from the large areas of glazing designed to take advantage of the long ranging views.

32. As a result, the contribution the appeal site makes to the CA and its significance would be diminished by the proposal. It therefore follows that the proposal would neither preserve nor enhance the character or appearance of the CA as a whole, as is required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
33. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. The harm caused to the significance of the CA as a whole would be less than substantial and thus paragraph 208 of the Framework requires the harm to be weighed against the public benefits of the proposal. Under Framework paragraph 205, great weight should be given to the conservation of a heritage asset and to the harm that would be caused to it.
34. Balanced against this there would be some public benefits. The provision of a single dwelling would make a small contribution to the Council's housing supply. A single self-build dwelling would make a modest contribution towards helping the Council address the district-wide shortfall of such dwellings and would help provide a mix of housing types and tenures advocated by the Framework. There would also be some socio-economic benefits arising from construction and additional spend of future residents, but these benefits would be limited given that only one dwelling is proposed. There would also be some biodiversity net gain from the planting of a native hedge along the site boundary and other planting.
35. The appellant's desire to build and live in his own house surrounded by nature, to look after his animals and live close to his business building are private benefits. However, some reduction in commuting to work can be a public benefit in terms of sustainability, but as the application form reveals the appellant only lives a short distance away in the next village this would be limited.
36. I am of the view that, taken together, the public benefits do not outweigh the harm that would be caused to the heritage asset. Hence the proposal fails the statutory tests and would be contrary to the Framework guidance. Accordingly, the proposal would be contrary to Local Plan Policy BE1, which seeks to ensure that development that causes less than substantial harm is only allowed if public benefits outweigh the harm or meets a number of listed criteria.

Landscape character

37. The appellant has submitted a Landscape and Visual Impact Assessment² (the LVIA). The site lies within Natural England's National Character Area 96 '*Dunsmore and Feldon*'. This is a predominantly rural agricultural landscape whose key characteristics include a "*predominantly quiet, gently undulating rural landscape...of low hills, heathland plateau and clay vales separated by the occasional upstanding escarpment...Generally low woodland cover although there are some areas with a well-wooded character and ancient woodlands linked with landscaped parklands and hedgerow trees...and mainly large fields with regular or rectilinear shapes, although some smaller fields also feature*".

² Prepared by ND Landscape Architects February 2022

38. It also forms part of the *Dunsmore* character area of Warwickshire County Council Warwickshire Landscape Guidelines (1993) that comprises low ridges and valleys located between Leamington Spa, Coventry and Rugby. These are further subdivided, with the site being within the *Plateau Fringe*, whose characteristics include an undulating topography of low rounded hills and narrow meandering valleys, large arable fields and pockets of permanent pasture, with nucleated settlements and isolated farmsteads.
39. I saw that the appeal site is a large, flat grassland field interspersed with groups of trees. It occupies a slightly elevated position above the road that affords long-ranging views southwards across the undulating countryside and fields as part of a wider agricultural landscape, broken up with areas of woodland.
40. The site is bounded by timber post and rail fencing. On the other side of the fencing on the north, east and west boundaries there is a mixture of laurel and manicured evergreen hedge and mixed woodland and gaps that afford views into adjacent plots. These boundaries border other residential properties and 'visually' enclose the site limiting views in and out. To the south, the site has a more open aspect with a managed hedge that forms the boundary alongside Long Itchington Road but with views beyond.
41. The proposal would be partially screened from short-range views by the existing boundary screening, the existing trees on site and to some extent by the roadside hedge, which would provide greater seasonal screening when in leaf. The existing agricultural business building is clearly visible from the Fosse Way to the south. The proposed dwelling would also potentially be visible, especially at night with light spillage from the large windows.
42. However, the dwelling is single storey and flat roofed and is designed to sit low on the site. Its irregular footprint attempts to break up the bulk and massing of the building. Furthermore, the retention of existing mature trees as a backdrop, with additional native tree and shrub planting to help screen and filter views and the use of a dark palette of materials, including charred timber cladding, would help it blend in. Indeed, the Review Panel praised the building's integration with its landscape setting. Hard surfacing and parking areas would be limited. Light spillage could be reduced by the use of automated shutters and tinted glass that could be conditioned should the appeal be allowed.
43. The LVIA concludes that there would be no significant landscape or visual effects, and the significance of any adverse landscape effects would be moderate to slight, reducing to slight over time. From the submitted evidence and my own observations I am satisfied that the design of the building and its setting within the site and wider landscape would not have a significantly adverse effect on the surrounding landscape character.
44. Accordingly the proposal would not conflict with Local Plan Policy NE4, which seeks, amongst other things, to ensure new development considers its landscape context and topography, and any likely visual impacts on the local landscape are reduced.

Other Considerations

45. The appellant advances a number of 'other considerations' to support their appeal. The proposal would be a self-build dwelling for the appellant and his

family, who want to live where they can love nature and the outdoors whilst enhancing the environment around them, in a dwelling designed by them for them on land which they own.

46. The appellant also wants to live close to look after their animals. I have not been presented with any substantive evidence that the appellant has other animals to look after other than the Alpacas on the site, or that the keeping of Alpacas requires someone to live on site.
47. The appellant also runs a business from the existing agricultural-business building on the southwest corner of the site and so the proposal would offer live/work benefits of reducing the need to travel, as well as living close to a village to support existing services and facilities. The existing agricultural-business building had a change of use in 2018 for the appellant's survey equipment business and I have not been advised that the nature of the business in the intervening years now requires someone to live on site, apart from the appellant's personal desire to do so.
48. These factors are personal circumstances or preferences, which are presented as aspirational rather than as a necessity and therefore attract little weight in favour of the proposal.
49. The proposal would contribute to the Council's housing land supply. It would also be a self-build dwelling. Under the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) and Regulations, local planning authorities have a duty to grant a sufficient number of suitable permissions to meet the demand for SBCH within their area. Local planning authorities must also keep a Register of individuals and associations of individuals who are seeking to acquire serviced plots of land in their area and publish it.
50. Whilst the Council can demonstrate it has a 5-year housing land supply, the Council has a district-wide shortfall of some 66 SBCH plots that would need to be provided by October 2022. The appellant is not on the Register, so his requirement is not allocated as part of the demand. Nonetheless, the shortfall of SBCH plots indicates the Council is not fulfilling its duty. This is a material consideration of great weight in favour of the proposal. That said, there is no signed or duly executed planning obligation to secure the SBCH tenure. This therefore reduces the weight that can be given to the self-build nature of the proposal to moderate.
51. The proposal would deliver some 11% of Biodiversity Net Gain with the additional planting. However, the additional tree and shrub planting, as well as the planting of a wildflower meadow, allowing the margins of the field to grow longer and planting screening around the existing agricultural-building, could all be undertaken by the appellant at any time without the need to build a dwelling on the site.
52. The proposal would incorporate various environmental, renewable and energy saving and sustainability measures. Laudable as these are, they are not uncommon measures in housebuilding nowadays and could apply to any dwelling. But being only for a single dwelling this attracts limited weight. There would also be some economic benefits associated with the construction of the

dwelling and long-term spend of future occupants. However, given the scale of development for a single dwelling this is also of limited weight.

Green Belt Balance and Conclusion

53. The proposed development would constitute inappropriate development in the Green Belt which is, by definition, harmful. I have also found there would be significant loss of openness of the Green Belt. There would also be conflict with the fundamental aim of Green Belt policy and with one of the purposes of including land within it. The government places great importance on the Green Belt and the seriousness of any harm to it. Framework paragraph 153 requires that substantial weight is given to *any* harm [my emphasis].
54. Furthermore, the proposed dwelling would be outside a limited infill village in the countryside, contrary to development plan policies. To allow the dwelling would undermine the Council's development strategy and settlement hierarchy when the Council has more than a 5-year housing land supply. I have also found there would be harm to Offchurch Conservation Area, a designated heritage asset to which great weight should be given. As already set out above, the public benefits of the proposal would not outweigh the heritage harm. These are serious planning objections.
55. Inappropriate development should therefore not be approved except in very special circumstances, which will not exist unless the harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
56. Taken as whole I find the 'other considerations' I outline above do not clearly outweigh the totality of the harm identified to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. Accordingly, the proposed development would conflict with Local Plan Policies DS18, H1, HE1 and NE4. There are no other considerations which outweigh this finding.
57. For the reasons given, the appeal should not succeed.

K Stephens
INSPECTOR