



Appeal Decision

Site visit made on 18 July 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2024

Appeal Ref: APP/J3720/W/24/3339007

Land adjacent to Meadow Bank, Camp Lane, Henley-in-Arden, B95 5QG

- 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 Andrew Graham against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/02319/FUL.
 - The development proposed is the building of a two-storey house.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The draft Beaudesert & Henley-in-Arden Neighbourhood Development Plan (NDP) is referred to in the Council's reasons for refusal and in the representations. The NDP was 'made' on 8 July 2024. It is therefore adopted and now forms part of the statutory Development Plan for the area.
3. It is common ground that the site lies within the West Midlands Green Belt (GB).

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development within the GB.
 - The effect of the proposal on the openness of the GB and purposes of including land within it.
 - The effect of the proposal on the character and appearance of its surroundings.
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether inappropriate development

5. CS policy CS.10 sets out the circumstances where development within the GB may be regarded as inappropriate or not inappropriate. Generally, the policy reflects the provisions of the Framework¹.
6. Policy H1 of the NDP provides that *'New housing in the Green Belt and countryside will be strictly controlled and resisted in favour of development within the existing Settlement Boundary'*. The settlement boundary is drawn around Henley which is a substantial settlement categorised as a main rural centre in the CS.
7. The Framework establishes that the construction of new buildings in the GB should be regarded as inappropriate unless one of the specified exceptions applies. One such exception is limited infilling in villages², upon which the appellant relies. The appeal therefore turns on whether the site lies within a 'village', and if so, whether it comprises limited infilling.
8. The appeal site is located in Camp Lane, which is a tortuous, verdant lane leading from its junction with Birmingham Road (A3400), a busy main road leading northward from Henley towards the City. The lane on either frontage contains a small number of irregular residential plots with dwellings of varying sizes, forms and appearance. On the opposite side of Camp Lane's junction with the A3400 is Tanworth Lane. This has about half a dozen dwelling built on its northern frontage. A small hotel is also evident. Alongside the A3400 on its western frontage, and north of the small pocket of housing, are a number of commercial enterprises including offices, a coach depot, hauliers and a purveyor of conservatories. A former pub stands at Camp Lane's junction with the A3400.
9. As the appellant says, the term 'village' is not defined in the Framework. In his judgment on Braintree³, to which the appellant refers, Lindblom LJ said:
'Whether, in a particular case, a group of dwellings constitutes a settlement, or a "village", for the purposes of the policy will again be a matter of fact and planning judgment for the decision-maker.'
10. In the Gravesham⁴ judgment, to which the appellant also refers, it was common ground:
'...that whether or not a proposed development constituted limited infilling in a village for the purpose of paragraph 89 was a question of planning judgment for the Inspector and the Inspector's answer to that question would depend upon his assessment of the position on the ground.'
11. The enclave of development within which the appeal site sits is set well apart from the recognisable built-up settlement of Henley, just under a mile or so from it, and is separated from it by countryside. Whilst not decisive, the enclave is not specifically identified as a settlement of any kind in the recently

¹ The National Planning Policy Framework

² The Framework paragraph 154

³ *Braintree District Council v Secretary of State for Communities and Local Government & Ors* [2018] EWCA Civ 610.

⁴ *Julian Wood v SSCLG and Gravesham Borough Council* [2014] EWHC 683 (Admin).

adopted NDP. I am mindful that this was produced by those who know the area well.

12. The enclave of development has no name or formal identity of its own but forms part of the wider Beaudesert Parish, with a Henley postal address. A 'village' with no name would be unique in my experience.
13. The pub is shut and appears to be used for another purpose. There is nothing unusual these days for village pubs to shut for lack of trade, but I do not regard this pub as being a village pub in the traditional sense of the term. Rather it appears to be the type of pub seen throughout the country built alongside busy main roads in the past to service travellers.
14. As to the commercial premises, these appear to me to have developed organically and spasmodically in a form of ribbon along the main road. They struck me as businesses drawing business and employees from a wider area, largely unrelated to the immediate settlement in terms of their function or services provided.
15. About a dozen dwellings stand in a tightly knit geographical area, along parts of two rural lanes. There are no services other than a post box and a bus stop. In my experience a village, even a small village, would have far more houses than this. It would be more appropriate and realistic in my judgment, to describe the settlement as a hamlet rather than a village. In this regard I note that it was this description that was used in the appellant's documentation⁵ accompanying the planning application.
16. Since the site is flanked on three sides by development, I share the appellant's view that the proposal could be appropriately described as limited infilling. However, since the site does not fall within a village, I find on the first main issue that the proposal would be inappropriate development within the Green Belt. This would conflict with CS policy CS.10, NDP policy H1, and the Framework.

Effect on openness

17. Turning to openness, this is capable of having both spatial and visual aspects. The appeal site has a sense of spaciousness and openness that contributes to the rural, verdant setting of development. The site is free from development and the introduction of a dwelling of the proposed scale would have a significant impact on openness, both in spatial and visual terms. The openness of this part of the Green Belt would thus be harmed, conflicting with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.

Purposes

18. I find that the proposal would represent an encroachment onto land designated as countryside and would therefore be contrary to the purpose of including land within the GB. However, given the relatively modest size and width of the appeal site and the presence of neighbouring built forms I attach moderate weight to this harm.

⁵ Amended Green Belt Statement page 2.

Character and Appearance

19. The appeal site lies within the Arden Special Landscape Area (SLA), but the prevailing character and appearance of the immediate area is one of dwellings of different designs and scale set on a variety of plot sizes in a verdant setting. The proposed dwelling, although sited on slightly elevated land, would nevertheless be well screened by a roadside hedge, which would be preserved. There is sufficient room within the plot to augment the current level of planting so as to effectively landscape development on the site. To my mind, the effect in character terms and on the landscape would be minimal.
20. Notwithstanding my findings on openness, given the existing character of the surrounding area there would be no material harm to the landscape or the surroundings generally. The development would not conflict with CS policy CS.12 insofar as it requires the SLA to be protected from development having a harmful effect on its distinctive character and appearance.

Other considerations

21. There is no apparent disagreement as to whether the Council has an adequate supply of self-build plots, albeit little data has been provided. The scheme would provide a dwelling along with some minimal associated social and economic benefits both during and post construction. The proposal is intended as a self-build project and given the Government's commitment to boosting the number of such projects this weighs moderately in favour of it. However, Paragraph 11 of the Framework indicates that in such case permission should be granted unless there are specific policies in the Framework (such as land designated as GB) which indicate that development should be restricted. There are no very special circumstances and the application of policies in the Framework that protect areas of particular importance provides a clear reason for refusing the development.
22. The appellant's reasons for regarding the land as being previously developed are noted. The Government has recently published proposed amendments to the Framework for consultation. These could have a bearing on this aspect should the amendments be adopted in their current form. However, the draft amendments attract little weight as matters stand since they are subject to possible change.
23. I acknowledge that the site is not isolated, and that the public transport service to the nearest centre is well regarded in the NDP. A footway runs alongside the main road all the way to Henley, and I saw people using it when I visited. I am mindful that the Framework advises that all aspects of sustainability should be considered in planning decisions, that local circumstances should be taken into account, and that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Although the site lies in designated countryside it is reasonably well located with regard to access to services.
24. I give no weight to compliance with other normal development management objectives of the development plan and the Framework, given its Green Belt location.

Planning balance and conclusions

25. Although I have not found harm to the character and appearance of the surrounding area, the proposal would be inappropriate development within the Green Belt causing harm to openness and the purposes of the GB. It would conflict with aspects of the development plan as a whole. It is therefore necessary to consider whether there are material considerations which indicate that permission should be granted, notwithstanding this conflict.
26. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
27. The other considerations put forward do not clearly outweigh the substantial weight that I give to the overall harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
28. For the reasons given above, the proposal would conflict with development plan policies as a whole and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Powys Jones

INSPECTOR