

Appeal Decision

Site visit made on 28 August 2024

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/E3715/W/24/3342698

The Holgate, Wolston Grange, Rugby, Warwickshire CV23 9HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Marshall against the decision of Rugby Borough Council.
 - The application Ref is R23/1136.
 - The development proposed is demolition of a timber framed bungalow and the construction of a 2 bedroom cavity construction bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal relates to the site's location within the Green Belt. The appellant has stated their wish to challenge the site's Green Belt designation. However, in the absence of substantive evidence to the contrary, the appeal is determined on the basis of it being located within the Green Belt.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies; and
 - whether any harm by reason of inappropriateness 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

4. Policy GP2 of the Rugby Borough Local Plan 2011-2031 (2019) (Local Plan) sets out the settlement hierarchy. This states that development in the Green Belt will be resisted and only permitted in line with national Green Belt policy.

5. 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 further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions. One such exception at paragraph 154.d) allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The Frameworks does not define 'materially larger', therefore it falls to a matter of planning judgement.
6. In that regard, the main parties agree that the floor area of the existing building amounts to 77sqm. The Council submits that the proposed floor area would be circa 118sqm. Whereas the appellant submits that it would be circa 108sqm. However, even if I was to take the lower of these (108sqm), the proposed floor area would increase by 31sqm. As such, the proposed floor area would be circa 40 percent larger than that of the existing building.
7. Also, the Council submits that the existing building has a cubic volume of circa 250m³ and that the proposed building would have a cubic volume of circa 342m³, amounting to an increase in volume of circa 37 percent. No substantive evidence is before me to indicate otherwise. Due to a sizeable increase in floor space and building volume, I find that the proposal would be materially larger than the one it would replace. As such, the exception to inappropriate development under paragraph 154.d) is not satisfied for this appeal.
8. Paragraph 154.g) of the Framework defines a further exception to inappropriate development. It allows for limited infilling or the partial or complete redevelopment of previously developed land that would not have a greater impact on the openness of the Green Belt than the existing development. In that regard, the increase in floor area and built volume reasoned above would amount to a reduction in Green Belt openness in spatial terms.
9. In visual terms, the proposed building would be set back within the site, increasing the sense of openness at the entrance to the site. However, its larger, L-shaped footprint would extend along the side and rear boundary. Thus, the increase in openness from demolition of the existing building would be more than offset by the reduction in openness at the rear and side of the site. Consequently, the proposal would result in a moderate loss of Green Belt openness in comparison to the existing development. Therefore, it would not comply with the exception to inappropriate development at paragraph 154. g) of the Framework. Accordingly, the proposal would constitute inappropriate development in the Green Belt.

Other Considerations

10. The replacement dwelling would provide more spacious living accommodation. Whereas the existing building is said not to meet Building Regulations, the proposed building would be purpose built, to current standards. In reconfiguring the appeal site, the proposed dwelling would be afforded pleasant views of the surrounding countryside. There would be limited, short term benefits to the local and wider economy associated with construction of the house. Landscaping and other measures could enhance

the biodiversity of the site, albeit no detailed proposals for such improvements are before me.

11. In addition, I note that the Council raised conflict with Local Plan Policy GP3 in their appeal statement. This Policy supports the use of previously developed land subject to consideration of matters comprising the visual impact on the surrounding landscape, the impact on existing services, and on heritage and biodiversity assets. Notwithstanding the Green Belt harm, I am not persuaded that the proposed single storey dwelling would be harmful to the landscape of the surrounding countryside. Therefore, in the absence of substantive evidence to the contrary I find it would comply with this Policy.

Green Belt Balance

12. The proposal would constitute inappropriate development in the Green Belt and would harm Green Belt openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
13. Although the proposal would make use of previously developed land for which there is local and national policy support, the other considerations in this case are limited, and not sufficient to comprise the very special circumstances necessary to justify this development.

Conclusion

14. The development is contrary to the Framework and to the development plan as a whole. Therefore, for the reasons given the appeal should be dismissed.

Rachel Hall

INSPECTOR