



Appeal Decision

Site visit made on 29 October 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/R3705/W/24/3343182

Northwood House, Norton Hill, Austrey, Warwickshire CV9 3ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Dave Collingwood against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2023/0029.
 - The development proposed is demolition of existing agricultural/ storage building and construction of new dwelling on similar footprint, plus detached garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline with all matters reserved except for access. Notwithstanding this, the description of development refers to the construction of a new dwelling on a similar footprint as the existing agricultural/ storage building. However, the appellant's appeal statement indicates that the proposed dwelling would be sited in the rear part of the appeal site adjacent to Northwood House. Given that a revised description was not agreed between the Council and the appellant, and the appeal form indicates that the description of development on the application form is still correct, I have determined the appeal on the basis of the description on the application form. I have had regard to the appellant's appeal statement and the drawing entitled 'Proposed Planning Plans and Elevations 928-01' (thereafter known as the indicative plans) which show how the site might be developed but have treated each element of the drawing as indicative, apart from the details of the access, when considering the likely impact of the proposal on the matters set out in the main issues below.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. Those parts of the Framework most relevant to this appeal have not been amended aside from the paragraph numbering. Paragraph 80 is now 84 in the Framework. 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 Issues

4. The main issues are:
 - whether the site is a suitable location for the proposed development having regard to local and national planning policy; and

- the effect of the proposed development on the character and appearance of the area, including the openness of the countryside and landscape character; and
- whether sufficient information has been submitted to assess the effect of the proposed development on the ecology and biodiversity of the site.

Reasons

Suitable Location

5. Policy LP2 of the North Warwickshire Local Plan (September 2021) (the NWLP) seeks to proportionally distribute development in the Borough in accordance with the settlement hierarchy set out in the policy. It indicates that development within the settlement boundaries will be supported in principle and that development directly adjacent to settlement boundaries may also be acceptable, provided it is proportionate in scale to the relevant settlement and otherwise compliant with the NWLP and the National Planning Policy Framework (the Framework).
6. The appellant argues that the appeal site is located on the edge of Austrey, close to a recent development of 14 houses at Applegarth (named Mill View Gardens). Austrey is a Category 4 settlement within the Borough's settlement hierarchy and its boundary is clearly defined in the NWLP, which includes Mill View Gardens. The appeal site is approximately 200 metres from Mill View Gardens, on the south side of Norton Hill. There are large open fields separating the appeal site from the settlement boundary. Consequently, the appeal site is not directly adjacent to the settlement boundary.
7. It is without doubt that the appeal site falls within a Category 5 location of the Borough's settlement hierarchy. Policy LP2 indicates that development in such locations will not generally be acceptable except for in some instances "where development may be appropriately located and would enhance or maintain the vitality of rural communities under this category." The policy goes on to list special circumstances which could justify "isolated homes in the countryside such as rural workers' needs, the optimal viable use of a heritage asset, the re-use of redundant buildings enhancing its immediate setting, the subdivision of an existing residential dwelling, or development of exceptional quality or innovative design or for rural exception sites in line with national planning policy." It is clear from the evidence before me that the proposal would not meet any of those special circumstances. The appellant contends that the site is appropriately located by virtue of it being situated between three existing dwellings and close to Austrey. However, even if the site was considered to be appropriately located, no substantial evidence has been presented as to how the proposal would enhance or maintain the vitality of rural communities. The provision of one dwelling would only be likely to have a limited effect on the vitality of the community.
8. The appellant argues that the proposal would comply with Policy AP10 of the Austrey Neighbourhood Plan 2014-2029 (June 2017) (the NP) which supports windfall development where it would meet the listed policy criteria. While small in scale and within walking distance of the Austrey settlement boundary, the proposal would be unlikely to help businesses create local employment.

9. The appellant has referred to the Framework which promotes sustainable development in rural areas. However, Framework also requires housing in rural areas to be located where it will enhance or maintain the vitality of rural communities.
10. For these reasons, I conclude that the site would not be a suitable location for the proposed development having regard to local and national planning policy. Consequently, it would conflict with Policies LP1 and LP2 of the NWLP which encourage sustainable development and sets out the Borough's settlement hierarchy and spatial strategy. It would also not comply with Policy AP10 of the NP with regard to windfall housing development.

Character and Appearance

11. The appeal site relates to part of the residential curtilage of Northwood House. The site is between that property, Norton Hill Barn and Mount Pleasant. Both Northwood House and Mount Pleasant are large detached two-storey houses. While Northwood House is set back from the access track leading to the site from Norton Hill, Mount Pleasant sits close up to it. Norton Hill Barn has been converted to residential use and is located behind Mount Pleasant. The land inclines from Norton Hill to the appeal site and the access into the site from the track rises gently. The site is bordered by timber fencing on the northern and part of the southern boundary. There is a thick border of hedges and trees in the rear part of the site. A large single storey building constructed of brick and breeze block is situated at the front of the site adjacent to the access track, behind low hedges. The building is currently used for storage purposes in association with Northwood House. The remainder of the site comprises largely of a grassed area and driveway.
12. The character of the surrounding area is distinctly rural with extensive fields enveloping the site to the east and west. The appellant contends that the appeal site is contiguous with three existing buildings and would represent a logical piece of infill development. While the appeal site sits between two large properties, it is prominently sited on rising ground overlooking open rolling countryside to the west. The site makes a positive contribution to the openness of the surrounding area due to its location and relationship with the land to the west. Furthermore, nearby dwellings do not justify further encroachment into the open countryside.
13. The indicative plans submitted with the application show a large detached two-storey house at the front of the site and a detached triple garage block in the rearmost section of the site. However, the appellant's appeal statement says that the dwelling would be sited in the rear part of the site. In either scenario, the proposal would introduce additional built form through the detached garage block. The increased extent of built form would harm the spatial and visual openness of the site and surrounding area, and consequently its rural character and appearance.
14. The appeal site falls within Landscape Character Area 1: No Man's Heath Warton Lowlands, as defined within the North Warwickshire Landscape Character Assessment 2010 (LCA). This describes the area as a well-ordered agricultural landscape, with scattered farmsteads and nucleated hilltop villages. It is distinctly rural and visually open with gently undulating low rounded hills. The landscape management strategy for this area includes conserving and strengthening the rural character and reinforcing the existing

settlement pattern of the rural villages. The proposal would not reinforce the existing settlement pattern due to its divorced location from the boundary of Austrey village. It would also erode the visual openness and rural character of the area.

15. The appellant contends that the demolition of the unsightly agricultural/storage building, and erection of a purpose designed dwelling would visually enhance the area. While the existing building is not of high quality, the appeal proposal would introduce further built form on the site to the extent that would harm the spacious, countryside character of the area.
16. For these reasons, I conclude that the proposed development would harm the character and appearance of the area due to loss of openness of the countryside and adverse effects on the landscape character of the area. Hence, it would conflict with Policies LP1, LP2, LP14, LP29 and LP30 of the NWLP insofar as they encourage sustainable development, set out the Borough's settlement hierarchy, seek to conserve and enhance landscape character, protect and enhance the natural environment and require development to reflect existing character and appearance. It would also not comply with Policy AP3 of the NP which requires that views of Austrey and the surrounding countryside are not compromised by development.

Ecology and Biodiversity

17. Policy LP16 of the NWLP seeks to minimise impacts on biodiversity and, where possible, provide net gains for biodiversity. It requires all development applications to provide "sufficient information and an assessment of those proposals on the natural asset(s)."
18. As suggested by the indicative plans, a significant number of trees and hedgerows at the appeal site could require removal. Insufficient information has been submitted of the proposal's effect on the natural assets of the site and no evidence has been submitted to demonstrate that net gains for biodiversity have been explored and can be achieved.
19. For these reasons, I conclude that insufficient information has been submitted to assess the effect of the proposed development on the ecology and biodiversity of the site. Accordingly, this would conflict with Policy LP16 of the NWLP which seeks to protect and enhance the natural environment and provide net gains for biodiversity.

Other Matters

20. The appellant suggests that the proposal would help to meet the need for self-build plots as supported by Policy LP7 of the NWLP. The Self-Build and Custom Housebuilding Act 2015 (the Act) requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding. The Housing and Planning Act of 2016 added a duty on local planning authorities to give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.
21. However, the application form indicates the dwelling would be for market housing. Furthermore, a site-specific planning obligation to secure the proposed dwelling for this specific purpose has not been provided. This would

be the appropriate mechanism to ensure the development of the proposed dwelling would meet the legal definition of the Act and that the initial owners of the home would have primary input in its final design and layout. Such a planning obligation is not before me. Consequently, I cannot be certain that the proposal would provide self-build or custom housebuilding.

22. The appellant indicates that if the appeal is dismissed, the appellant would convert the existing agricultural/ storage building to residential use under Class Q of the Use Classes Order 1995 (as amended). However, there is no substantive evidence to indicate that there is more than a merely theoretical prospect that would occur should this appeal be dismissed. Furthermore, the appellant's planning and design statement indicates that the existing agricultural/ storage building is not structurally suitable for conversion.
23. The appellant has drawn my attention to, what is argued, are similar developments to the appeal proposal. However, there are clear material differences between these examples and the proposal in question. Most of the referenced developments primarily involve the conversion or change of use of an existing buildings, rather than the demolition of an existing building and the construction of a new one. These include Norton Hill Barn¹, Doug Stables², Lodge Farm³, Orchard House Reeves⁴ and Mill House⁵. Grendon House Farm⁶ relates to a permission for the retention of a replacement agricultural building and Warton Lane relates to a site that was proposed for gypsy and traveller use. Applegarth⁷ relates to the erection of 14 dwellings which falls within the Austrey settlement boundary. The construction of two houses at The Croft⁸ was considered to be within the Austrey settlement boundary. In any event, I have considered and determined the appeal proposal on its own individual merits.
24. Contrary to the appellant's appeal statement, Austrey Parish Council has objected to the proposal. The absence of objections from local residents does not justify allowing a proposal that does not accord with the development plan.
25. The Council's handling of the planning application has not factored into my decision, and I have determined the appeal only on the planning merits of the case.

Planning Balance and Conclusion

26. The provision of housing is a clear public benefit and would contribute to the Council's housing supply as a windfall site, thereby supporting Policy LP8 of the NWLP. This would support the Government's aim of boosting the supply of homes. However, as the proposal would only deliver one dwelling, its contribution would be limited. As such, this benefit would only attract a moderate amount of weight.

¹ FAP/1999/5685.

² PAP/2023/0010.

³ PAP/2023/0179.

⁴ PAP/2021/0670.

⁵ PAP/2019/0625.

⁶ PAP/2020/0270.

⁷ PAP/2014/0157.

⁸ PAP/2018/0642.

27. The appellant's appeal statement indicates that the proposed dwelling would be a self-build home. However, there is no site-specific planning obligation to secure the dwelling as a self-build home. Therefore, this greatly diminishes the positive weight which I afford to the potential provision of self-build housing.
28. That the site is not within a Conservation Area and there are no listed buildings in the vicinity weighs neither in favour or against the proposal and is considered neutral.
29. In terms of harm, the proposed development would not be in a suitable location having regard to local and national planning policy. It would harm the character and appearance of the area as a result of loss of openness of the countryside and would have adverse effects on the landscape character of the area. Insufficient information has been submitted to assess the effect of the proposed development on the ecology and biodiversity of the site. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that outweigh the benefits identified.
30. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR