



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: 2 December 2024

Appeal Ref: APP/T3725/W/24/3347746

Chenac, Nunhold Road, Pinley Green, Warwick CV35 8NA

- 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 S Dallow against the decision of Warwick District Council.
 - The application Ref is W/23/1749.
 - The development proposed is conversion of former workshop into a 1-bed residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted a 'Biodiversity Net Gain Metric Headline', a 'Site Plan Showing Area of BNG Enhancement' and a 'Bat Survey' with the appeal. These documents provide additional information, but the scheme is essentially the same as that considered by the Council and interested parties at the application stage. The Council considered these documents before submitting its appeal statement. I am therefore satisfied no party would be prejudiced by my taking them into account in my decision.
3. The appeal site is within the West Midlands Green Belt, however, there is no dispute between the main parties that the proposal is not inappropriate development in the Green Belt. As such, I find no reason to disagree.

Background and Main Issue

4. The second reason for refusal in the Council's Decision Notice relates to insufficient information having been provided to adequately demonstrate that the proposal would not adversely affect protected or endangered species, specifically bats.
5. The Council accepts that the Bat Survey submitted to the appeal adequately demonstrates that the development would not have an adverse impact on bats. Consequently, the Council does not wish to contest the second reason for refusal.
6. The main issue is whether the proposed development would be in a suitable location and enhance the appeal building's immediate setting having regard to the development plan and national policy.

Reasons

7. Policy H1 of the Warwick District Local Plan (September 2017) (the LP) seeks to direct new housing development towards urban areas, allocated sites, Growth Villages and Limited Infill Villages. Elsewhere, within open countryside, housing development will only be permitted in certain circumstances. This includes where it would re-use redundant or disused buildings in accordance with Policy BE4 and lead to an enhancement to its immediate setting (criterion e) iv). Criterion e) iv) of Policy H1 broadly conforms to paragraph 84 of the National Planning Policy Framework (the Framework) which seeks to avoid the development of isolated homes in the countryside unless one or more of the five listed exceptions apply.
8. The Council's Officer Report states that the proposal would comply with parts (a), (b), (c) and (d) of Policy BE4 of the LP. Criterion (b) refers to the location of the building, making it suitable for re-use or adaption. However, the Council's appeal statement and Decision Notice clearly indicate that the proposed development would result in an isolated dwelling in the countryside and would be in an unsuitable and unsustainable location for an additional dwelling.
9. Pinley Green comprises a small cluster of residential properties and a few commercial businesses such as a dog home and a renovation company. However, there are no day-to-day services and facilities or public transport links within easy reach. The appellant contends that the site is not isolated due to its location 1.6 miles from Hatton Train Station. However, they cede that accessibility to the station by foot would be difficult although feasible by bicycle. While this distance is cyclable, it would require future occupiers of the proposed dwelling to travel along narrow, predominantly unlit, roads making it less attractive to cycle. Future occupiers would, therefore, most likely rely on the use of private car to access everyday services, community facilities and employment. Consequently, while the appeal site is within a group of residential properties, the location of the site is such that it is not well connected or easily accessible to local services, facilities and public transport links. On this basis, I consider that the proposal would represent an isolated home in the countryside.
10. The parties agree that the proposal would constitute the re-use of a redundant or disused building but dispute whether it would enhance its immediate setting. The building is a former workshop, set well back from Nunhold Road with its own access drive. The single storey building is finished in a combination of brick, blockwork and timber cladding, with a tiled roof and a small greenhouse attached to the side. The site contains paraphernalia associated with its previous use as a workshop, plus various garden items.
11. The appellant contends that the proposal would enhance the immediate setting of the appeal building through the removal of an area of old footings/ despoiled land measuring around 97 sq. m and replacement with a combination of grass, native shrub beds and flowers which would provide 45% 'biodiversity net gain'. However, the proposed area of planting would be around 5 metres from the appeal building in land that is not within the appeal site. Given its physical separation from the appeal site and its siting within a separate plot of land, the proposed planting area is not within the immediate setting of the appeal building.

12. The appellant contends that the proposal would enhance the setting of the building because the building would fall into a state of disrepair if the scheme were not allowed. However, this is insufficient reason to justify the proposal, and in any case the upkeep of the building is the responsibility of the landowner.
13. The appellant argues that the proposal would enhance the appeal site by the removal of commercial material from the site, as well as noise and disturbance associated with commercial activity. However, the appellant's appeal statement indicates that the building is redundant and no longer used as a commercial workshop. In any event, the absence of commercial activity and the removal of commercial material from the site would not represent an enhancement of the building's setting.
14. For the reasons given, I conclude that the proposal would result in an isolated home in the countryside without enhancement of its immediate setting. As such, it would conflict with Policies H1 and BE4 of the LP. It would also not comply with paragraph 84 of the Framework.

Other Matters

15. On 30 July 2024 the Government published a consultation on proposed reforms to the Framework and other changes to the planning system. Also, on 30 July the Secretary of State made a written ministerial statement entitled "Building the homes we need". The appellant refers to the Government's proposals relating to 'Grey Belt' and contends that the proposed development would comply with the proposed changes and the written ministerial statement. However, the consultation and proposed changes to the Framework do not constitute Government policy and guidance and therefore carries limited weight. The written ministerial statement is an expression of Government policy and therefore a relevant material consideration.
16. The definition of 'Grey Belt' land as set out in Annex 2 of the proposed revised Framework is dependent on it being in a sustainable location. In this case, for the reasons given, the site is not in a sustainable location for new housing and would therefore not accord with the exception in paragraph 152(a) of the proposed revised Framework.
17. Paragraph 82 of the proposed revised Framework repeats the wording of paragraph 84 of the current Framework so there is no proposed change to its content.

Planning Balance

18. The proposal would result in the development of an isolated home in the countryside without enhancement of its immediate setting which brings it into conflict with the development plan.
19. The Council is unable to demonstrate a five-year housing land supply with 4.01 years. Consequently, paragraph 11(d) of the Framework applies, and permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The Council consider that Policy H1 is out of date by virtue of the absence of a 5-year land supply. Policy H1 directs new housing development to certain locations. Nevertheless, the approach specifically set out in criterion e) iv) of Policy H1 and Policy BE4 in relation to

the re-use of redundant and disused buildings is consistent with that of paragraph 84 of the Framework. I, therefore, give significant weight to the conflict with the policy.

20. The proposal would deliver one additional house, contributing to meeting the district's housing shortfall. The proposal would make use of 'brownfield' land and provide economic benefits during construction and in subsequent occupation. According to the appellant's calculations, the proposal would also provide 45% biodiversity net gain. These are positive benefits, however, given the small scale of the development these benefits would be modest and carry moderate weight in favour of the proposal.
21. The appellant indicates that they need to downsize and desire to remain in the area. However, little weight can be attached to such personal circumstances.
22. The appellant has referred to the benefit of freeing up a family home and the lack of smaller suitable homes in the area. However, there is no substantive evidence before me in relation to housing size needs or housing mix supply of the local area.
23. The appellant suggests that the proposal would provide an affordable home by reason of its small size. However, this would not meet the definition of affordable housing as set out in the Framework.
24. In conclusion, the proposal would result in an isolated home in the countryside, without enhancement of its immediate setting. As such it would conflict with Policies H1 and BE4 of the LP. The benefits of the scheme collectively attract moderate weight; however, for the reasons stated, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development, as set out at paragraph 11(d) of the Framework, does not apply.

Conclusion

25. 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