



Appeal Decision

Site visit made on 2 August 2024 by R Parker BSc (Hons)

Decision by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/U4610/D/24/3339414

Rose Green House, Tamworth Road Coventry CV7 8JJ

- 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 John Ryan against the decision of Coventry City Council.
 - The application Ref is PL/2023/0002246/HHA.
 - The development proposed is wall and gates.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. This appeal is retrospective and appears to have been built in accordance with the submitted plans. I have considered the appeal on this basis.
4. I have amended the description of the proposed works as detailed in the application form to omit the term 'retention', which does not constitute an act of development.

Main Issues

5. The main issues in this case are:
 - whether the proposal constitutes inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and Development Plan Policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on highway safety;
 - the effect of the proposal on the character and appearance of the area; and
 - if found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons for the Recommendation

6. The appeal site is part of a ribbon development of detached residential properties set well back from one side of Tamworth Road. Dwellings of varying, but harmonious, design are spaciouly situated behind large driveways, many of which have an in-out arrangement with open access or visually permeable boundary treatments. These driveways are interspersed with grassed verge.
7. The area has a verdant, semi-rural, feel due to its open character, with mature trees, hedges, and planting a common sight. The opposite side of the road remains largely undeveloped and occupied by woods and mixed vegetation, with a line of very mature trees and hedges bordering Tamworth Road. Where a glimpse of a view through the trees is possible, it is generally of quite some distance of uninterrupted open countryside.
8. The appeal property is a 2-storey dwelling which appears to have been previously extended, and the combination of its height, materials, and unbroken roof line results in a rather dominating form, introducing a sense of restriction to the plot. Other nearby dwellings of a similar size, or similar degree of plot occupation have no, low, or permeable boundary treatments, which help to mitigate circumscription in these instances.

Inappropriate development

9. Policy GB1 of the Coventry City Council Local Plan (Adopted December 2017) (Local Plan) states that inappropriate development will not be permitted in the Coventry Green Belt unless very special circumstances exist. It requires the use of national planning policy for the assessment of development proposals within the Green Belt.
10. The Framework (paragraphs 152 to 154) makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction of new buildings within the Green Belt should be regarded as inappropriate, with limited exceptions. According to section 336(1) of the Town and Country Planning Act 1990, 'building' is defined as including any structure or erection, and none of the Framework's exceptions apply in this case.

Openness of the Green Belt

11. The Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 142).
12. The excessive height and visual restriction of the appeal scheme is in jarring contrast to the spacious nature of surrounding development, particularly the prevailing pattern of visual permeability. The erection of a solid barrier further harms the spatial openness of the area by physically severing the appeal site from its surroundings. The overall reduction in the openness of the appeal site consequently causes harm to the openness of the Green Belt within which it is situated, both in visual and spatial terms.

Highway Safety

13. The Council considers the development to have been erected on the highway. The appellant has provided a Land Registry Title demonstrating that their ownership extends to the disputed 'inlets'. Whilst it is likely that the verge adjacent to Tamworth Road forms part of the highway, the available evidence does not demonstrate that the wall and gates have been constructed within land not owned by the appellant.
14. As there is a continuous footway on the opposite side of the road, pedestrians are less likely to use the side of the appeal site, and this was reflected in the usage patterns I observed on site. It seems unlikely to me, therefore, that a vehicle waiting before closed gates would present a likely or frequent danger to pedestrians. Given that there is no clear evidence demonstrating that the development has been built on the highway, I do not consider it to cause an obstruction. Furthermore, the layout of the driveway in question allows vehicles to leave the site in a forward gear, while the grass verge provides good visibility, ensuring that the development does not compromise highway safety.
15. Accordingly, the development does not conflict with Policy AC2 of the Local Plan, which notably seeks to prevent development proposals having a negative impact on the safety of the highway network.

Character and Appearance of the Area

16. The appeal proposal is constructed using visually impermeable brick and a plastic-like material. These materials, combined with their excessive height relative to those at surrounding properties, contribute to a closed appearance. Furthermore, the quality and style of the materials used contrast harmfully with those used in boundary treatments at other properties. In combination, these factors render this development incongruous and harmful to the character and appearance of the area.
17. Therefore, the appeal scheme conflicts with Policy DE1 of the Local Plan, and Principle 9 (Boundary Treatments) of the Householder Design Guide Supplementary Planning Document 2023, which require development proposals to respect and enhance their surroundings, and positively contribute to the local identity and character of an area.

Other Considerations

18. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 adds that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this instance, the appellant has referred to a number of other considerations.
19. The appellant has cited the set back of the scheme and retained grass verge as protective of openness. However, in my view the juxtaposition of verge and solid nature of the wall and gates only serves to highlight the severance caused by the scheme, and thus exacerbates the harm caused to the Green Belt.
20. The appellant has also drawn my attention to the Local Plan's inclusion of the land opposite the host dwelling as an allocated site for residential development.

However, allocation does not guarantee development, and at present the land remains open. No evidence of forthcoming changes to this state has been presented. While a small estate has been built further down Tamworth Road, its spacious and well-set back design retains the open feel of the general locality. Furthermore, it is some distance from the appeal scheme and therefore not directly relevant here. Accordingly, the adjacent Local Plan site allocation holds minimal weight for the purposes of this appeal.

Planning Balance

21. The proposed development constitutes inappropriate development in the Green Belt and harms its openness, to which I ascribe substantial harm, in accordance with paragraph 153 of the Framework. In addition, it causes harm to the character and appearance of the area, to which I ascribe moderate weight. I have not seen sufficient evidence to demonstrate harm to highway safety, although the absence of harm on these grounds does not weigh in favour of the appeal development. Other considerations presented do not outweigh the overall harm caused, and therefore the very special circumstances required to justify this development do not exist. The development is therefore contrary to Policy GB1 of the Local Plan and Section 13 of the Framework.

Conclusion and Recommendation

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Parker

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

S Edwards

INSPECTOR