



Appeal Decision

Site visit made on 28 January 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2025

Appeal Ref: APP/T3725/W/24/3352462

Chenac, Nunhold Road, Pinley Green, Warwick, Warwickshire 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/24/0922.
 - 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. Planning appeal decision reference number APP/T3725/W/24/3347746 (hereafter referred to as the previous appeal) was issued on 2 December 2024. This relates to the appeal site and to a similar proposal to convert the former workshop into a dwelling. The Council has referred to the previous appeal and the appellant has been provided the opportunity to respond although no comments have been submitted. I have had regard to the previous appeal decision in my assessment.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council's decision. I find no need to invite comments from the main parties on the revised document as the parts of the Framework most pertinent to the appeal remain largely unaltered.

Main Issue

4. The main issue is whether the proposed residence would be in a suitable location having regard to the relevant policies of the Warwick District Local Plan 2017 (the LP) and the Framework.

Reasons

5. Policy H1 of the LP is not referred to in the Council's refusal reasons but it is relied upon by the Inspector for the previous appeal in reaching their decision. It sets out the circumstances when housing development will be permitted and so it is relevant to my assessment of the appeal proposal. LP policy BE4 is referred to under LP policy H1 and is also relevant.
6. The appeal site contains an existing single storey building that the application forms states was a former workshop. It falls outside any defined urban area or village and so under the terms of the LP it lies in open countryside. Moreover, while there are nearby houses, the site is a significant distance from the nearest village. Given this separation and the lack of realistic alternative means of travel,

occupiers of the development would be highly reliant on the private car for trips between the house and services and facilities. Therefore, the proposal would represent an isolated new home in the countryside.

7. Under part (e) of LP policy H1, new housing is only permissible within open countryside in certain circumstances. The re-use of redundant buildings to form new dwellings is allowed, provided it enhances the immediate setting of the building. LP policy BE4 allows the re-use of rural buildings subject to various criteria, including that the location of a building makes it suitable for the proposed development.
8. The appellant suggests the scheme would enhance the setting of the former workshop through replacing building debris on an identified area of land with new planting. However, this area is set away from the building and it is outside the defined appeal site. Therefore, any improvement that may be secured through such planting would not represent an enhancement to the immediate setting of the outbuilding.
9. It is also suggested that enhancement would occur through the cessation of the workshop use with a reduction in noise and the removal of stored commercial material. However, there is little evidence before me to show how the previous use of the building has detracted from its setting or indeed that a workshop use would be reintroduced in the event of this appeal being dismissed. Moreover, there is little to indicate the building as it stands is in a poor condition or that it would be allowed to fall into disrepair should this appeal be dismissed. Therefore, I find the setting of the building would not be enhanced in these regards.
10. The Framework generally seeks to avoid the development of isolated homes in the countryside although these are allowed under certain circumstances as set out at paragraph 84. These include development through the re-use of disused buildings but only where it leads to an enhancement to the immediate setting of the building. As such, there is a strong consistency between LP policy H1 and the Framework.
11. At paragraph 83, the Framework seeks to ensure housing in rural areas is located where it would enhance or maintain the vitality of rural communities. In this case, the proposed dwelling would be isolated from services and facilities in the nearest settlements and its remote location would deter rather than encourage future occupants from visiting and contributing towards any rural community.
12. For the above reasons, I conclude the proposal would not result in an enhancement of the setting to the former workshop and it would not be in a suitable location for new housing. As such, it would be contrary to LP policies H1 and BE4. Also, it would not accord with the Framework's policies on the location of rural housing and when isolated new homes in the countryside are permissible.

Other Matters and Planning Balance

13. The identified conflict with LP policies means the proposal would not accord with the development plan when read as a whole. It follows to consider whether any other factors justify granting planning permission contrary to the development plan.
14. According to the previous appeal decision, the Council is only able to demonstrate 4.01 years' worth supply of housing land and so it is unable to demonstrate a 5 year housing land supply as required under the terms of the Framework.

Therefore, footnote 8 of the Framework indicates that paragraph 11(d) is applicable.

15. The site is in the Green Belt. However, the proposal would be acceptable when considered against Green Belt policy as the Framework defines the re-use of buildings as being not inappropriate development in the Green Belt. Therefore, none of the policies of the Framework that protect areas of particular importance provide strong reason for refusing the proposed development. Sub-paragraph 11(d)(i) of the Framework does not apply. Given the provisions of sub-paragraph 11(d)(ii), it follows to consider the benefits of the proposal against the adverse impacts of allowing the appeal.
16. A bat survey report concludes the proposal would avoid harm to bats as the former workshop is not being used as a roost. Also, the development would cause no significant harm to the character and appearance of the local area as it would not be easily seen from any public vantage points. Acceptability in both of these regards is a neutral factor in my overall assessment.
17. It is stated that the development would represent a self-build property to be occupied by the appellant. However, there is no planning obligation before me that requires the appellant to live in the proposed dwelling and a planning condition to that effect would be unreasonable. Moreover, while the proposed house would be small, there is no planning obligation that would require it to be provided as an affordable dwelling in line with the relevant definition as set out in the Framework. As such, these factors attract little weight in my consideration of the appeal.
18. Even so, the proposal would make a modest contribution to addressing the recognised shortage of housing supply. It would allow the re-use of an existing building on previously developed land. The scheme would create construction employment and biodiversity net gain would be secured through the imposition of a planning condition. The benefits overall attract moderate weight given the scale of the development.
19. However, the proposal would not accord with the Framework's provisions on directing development to sustainable locations. The harm that would be caused in these respects is the overriding factor and the adverse effects significantly and demonstrably outweigh the benefits of the proposal. The circumstances as set out in sub-paragraph 11(d)(ii) of the Framework exist and so the presumption in favour of sustainable development does not apply.

Conclusion

20. 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. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR