



Appeal Decision

Site visit made on 11 February 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/R3705/W/24/3356485

Land to rear of 1 - 3 Birmingham Road, Ansley, Warwickshire CV10 9PS

- 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 Mr Green against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2023/0449.
 - The development proposed is erection of 9 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice and the appeal form describe the development as follows: 'Outline application for erection of 9 dwellings with associated access and biodiversity area. Access, layout and scale being considered with all other matters reserved.' The first sentence is a more accurate description of the proposed development than that used on the application form, and I have determined the appeal on this basis.
3. The planning application was submitted in outline with all matters reserved except for access, layout and scale. I have had regard to submitted plans which show how the site might be developed but have treated each element of the drawings as indicative, apart from the details of the access, layout and scale when considering the likely impact of the proposal on the matters set out in the main issues below.
4. Comments were sought from the main parties as to the relevance of the National Planning Policy Framework (the Framework) which was revised in December 2024 and again in February 2025. I have had regard to the latest version of the Framework, and I have taken the comments received from the main parties into account in my consideration of the appeal.
5. A signed Unilateral Undertaking was submitted with the appeal to provide affordable housing obligations and a sum towards the cost of enhancement of local amenity, open space and recreational space. I have reflected this as appropriate throughout my Decision.

Main Issues

6. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the settlement and the surrounding area including its landscape character;

- whether or not the proposal would enhance or maintain the vitality of rural communities having regard to the development plan;
- whether the proposed development would make efficient use of land; and
- the effect of the proposed development on agricultural land having regard to the Framework.

Reasons

Character and Appearance

7. The appeal site relates to a triangular piece of agricultural land which forms part of a large agricultural field located behind residential properties on the east side of the B4112 Birmingham Road. The site is bound to the north, west and south by existing residential properties and lies adjacent to, but outside, the north east fringe of Ansley Village settlement boundary.
8. Modern housing development has extended the built-up area of the village eastwards and increased its depth, particularly on the east side of Birmingham Road, thereby diminishing the village's original linear form. In addition, the proposed development would be adjacent to existing housing development and not extend as far east as recent larger scale housing developments¹.
9. A relatively long access road lined with trees on its eastern side would be located immediately to the rear gardens of dwellings fronting Birmingham Road. The access road would have no development directly overlooking it for the majority of its length. The access road would be uncharacteristic and anomalous within the pattern of development in the village where existing roads are generally overlooked and framed by buildings, contributing to a sense of place and identity.
10. The proposed houses would be located in the south west corner of the site towards the end of the long access road. In addition, the scheme would create an inward-looking enclave by virtue of its insular layout and limited permeability to the established village streets. Together these factors would result in a visually and spatially isolated cluster of development that would lack integration with the surrounding area. As a result, there would be a sense of seclusion and disconnection from the village.
11. While the submitted plans indicate that the proposed houses would be subservient in height, scale and massing to the surrounding buildings in line with Policy LP30 of the North Warwickshire Local Plan (September 2021) (NWLP), and even if the detailed design of the dwellings were deemed acceptable at reserved matters stage, this would not alter or overcome my fundamental concerns on this main issue. This because the scheme would nevertheless result in an uncharacteristic and insular form of development which would not integrate well with or positively contribute to the character and appearance of the surrounding area.
12. The appeal site is located in Character Area 7: Church End to Corley – Arden Hills and Valleys of the North Warwickshire Landscape Character Assessment 2010 (LCA). Policy LP14 of the NWLP requires development to conserve and enhance landscape character within the landscape character areas as defined in the LCA.

¹ Ref. PAP/2015/0370 and PAP/2017/0352.

While the LCA is dated 2010, there is no substantive evidence before me to indicate that it is not up-to-date or relevant.

13. The LCA describes the landscape character of the area and Ansley is noted as a settlement that has been subject to modern expansion. The overall objective of the landscape management strategy for this area is to conserve and restore the typical rural Arden landscape character through a range of measures/ 'strategies' set out on page 48 of the LCA.
14. The appellant has submitted a Landscape and Visual Appraisal (dated July 2023) (LVA) which assesses the potential landscape and visual effects of the proposed development. The LVA judges the character of the site as having a medium susceptibility to change and a low landscape value. While I agree that the site has a low landscape value and is small in scale compared to the larger field within which it sits, the green, open nature of the site nevertheless contributes to the rural character of the area and the setting of the village, particularly given its prominent location near the northern entrance of Ansley. The scheme would introduce built form where none currently exists, urbanising part of the open field and eroding its rural character. The conversion of part of the arable land to native grassland and woodland would not sufficiently mitigate for the proposal's urbanising effects and the erosion of the openness and tranquillity of the site.
15. In terms of visual effects, the LVA identifies the sensitive residential receptors (the dwellings on the northern edge of Galley View and the properties on the eastern side of Birmingham Road) as having a medium to high magnitude of change. While a combination of reserved matters and planning conditions relating to landscaping could help to reduce the effect of the proposal on the sensitive residential receptors, planting cannot be relied upon to provide an instant and permanent buffer to views. This is not least because the effect of the proposal on these sensitive receptors would remain high while boundary vegetation is maturing and would also be dependent upon continual maintenance to retain a consistent form. The proposed development would diminish the verdant and open nature of the site through the introduction of built form and hard surfacing which would be appreciable from the identified sensitive residential receptors even after the proposed landscaping has matured.
16. Based on the evidence on my own observations, I accept that sensitive views of the proposal from public rights of way are more limited due to their distance from the site, and as a result, form a small part of wider views. The proposed development would also be read against the backdrop of existing development. Therefore, the proposal's visual impact on public views would be limited in this respect.
17. The LVA concludes that the proposal would comply with three out of the four relevant landscape management 'strategies' for the area as set out in the LCA. However, the LVA does not explicitly state which of the 'strategies' would and would not be complied with or describe the resultant effect of the proposal in terms of the 'strategy' not complied with. In my assessment of the proposal against the LCA, the scheme would meet the most relevant of the 'strategies' by enhancing tree cover within and around the settlement, the introduction of new native hedge planting and retention of the irregular outline of the village. However, the proposal would not conserve the rural character of the site and the surrounding area by changing the use of the rural land to suburban style housing.

18. Although the appeal site is not designated as open space and nor does it lie within a conservation area, the proposal would nevertheless have a significantly harmful effect on the character and appearance of the surrounding area, including its landscape character, as outlined above. There is therefore conflict with Policies LP1, LP14 and LP30 of the NWLP which require, among other matters, that development improve the individual settlement's character, conserve and enhance landscape character, protect and enhance the natural environment and respect and reflect the existing pattern, character, and appearance of its setting. Further, I note that the appellant raises that the site is not located in Green Belt. However, Green Belt is a spatial designation, not related to landscape character, so does not weigh in consideration on this main issue.

Efficient Use of Land

19. Policy LP7 of the NWLP expects housing development to be built at a net density of no less than 30 dwellings per hectare (dph) without compromising the quality of the environment. The NWLP does not define 'net density' or how it should be calculated. The appellant has indicated that the net density of the scheme would be 31.84 dph, based on the area highlighted by the red line in the Proposed Site Plan 1:500. However, the area highlighted in the plan does not include the full length of the access road and no justification has been provided for excluding the road from the developable area. The submitted plans indicate that the access road would specifically serve the proposed houses and no other houses. As such, it should form part of the net developable area of the site. Inclusion of the full access road in the net developable area would likely result in a density below 30 dph.
20. While the edge-of-village-location of the appeal site and inclusion of bungalows in the scheme could be argued to warrant lower densities, the land take for the overly long access road would not represent an efficient use of land.
21. For the reasons given, the proposed development would not make efficient use of land and therefore conflicts with Policy LP7 of the NWLP.

Agricultural Land

22. The Council's second reason for refusal associates the density of development with the loss of agricultural land. However, as the matters raised by the Council specifically relate to compliance of the proposal with the residential density standard set out in Policy LP7 of the NWLP, I have dealt with the density of development as a separate main issue to the loss of agricultural which is considered primarily against the Framework.
23. According to the Council's Officer Report the appeal site comprises best and most versatile agricultural land (the BMV). Ansley Parish Council has referred to the 'A Green Future: Our 25 Year Plan to Improve the Environment' (published 2018) which seeks to protect our best agricultural land. However, Paragraph 187 of the Framework does not set a blanket presumption against developing on agricultural land. Rather, it highlights the economic and other benefits of BMV. The 25 Year Plan document is therefore inconsistent with the Framework, and I place limited weight on it.
24. The proposal would lead to the loss of BMV across the whole site. However, given the relatively small size of the site and the limited information submitted regarding

its agricultural grade, the associated economic and other benefits of the BMV in this case would be limited.

25. The Council's Officer Report refers to recent Secretary of State decisions relating to the importance of retaining BMV. However, I do not have such decisions before me.
26. For the reasons given, while the proposed development would result in the loss of BMV, the harm to the associated economic and other benefits would be limited.

Other Matters

27. Ansley is identified as a Category 4 settlement within Policy LP2 of the NWLP. The appeal site is directly adjacent to the defined Ansley Village settlement boundary. In such circumstances, the proposed scheme of 9 dwellings is proportionate in scale to the settlement. While the Council contends that 9 additional dwellings would be unlikely to have a material impact on service infrastructure, the proposal could nevertheless support the village shop, post office and other local facilities in the area, as well as increase public transport patronage. Therefore, the proposal would have potential, albeit in a limited way, to enhance or maintain the vitality of rural communities and thereby accord with Policy LP2.

Planning Balance and Conclusion

28. The proposal would deliver 9 dwellings, including bungalows which have been encouraged by the Council's housing officer, contributing to the overall housing mix and supply in the area. This would support the Government's objective of significantly boosting the supply of homes. The site is accessible to local services and facilities, including public transport links which are within easy walking distance. The proposal would deliver a large gain in biodiversity and provide an open space contribution. The provision of 40% affordable housing would be above the local plan requirement. The significant weight I give to the collective benefits of the scheme however is tempered by the relatively small scale of the proposal. Therefore, the benefits stated above would be modest and carry moderate cumulative weight in favour of the proposal.
29. Compliance with the development plan in relation to highway safety, flood risk and housing mix are expectations for all development that weigh neither for nor against the proposal and is considered neutral in the planning balance. The absence of objections from the Council relating to archaeology, flood risk and environmental health, as well as the absence of objections from statutory consultees are matters which also weigh neutrally in the planning balance.
30. The proposal would significantly harm the character and appearance of the settlement and the surrounding area including its landscape character. Furthermore, the proposal would not make efficient use of land. These harms cumulatively carry significant weight. The appeal scheme would not accord with the development plan, when considered as a whole.
31. North Warwickshire has evidenced a housing land supply of 5.1 years.² While there is ongoing dispute between the main parties regarding the latest Housing Delivery Test (HDT) measurement, the published HDT information to date indicates that North Warwickshire achieved a total housing delivery of 81% against

² Annual Monitoring Report up to 31 March 2024.

the required number of homes over the rolling three-year period. As delivery was below 85% of the housing requirement, the supply of specific and deliverable sites for the Borough should include a 20% buffer moved forward from later in the plan period³. However, even if the housing supply were below the level required and paragraph 11d) of the Framework were engaged, 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.

32. Accordingly, the moderate benefits of the proposal do not outweigh the significant collective harms that I have identified. Material considerations, including the stated benefits and the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. For the reasons given, the appeal should be dismissed

U P Han

INSPECTOR

³ Paragraph 78(b) of the National Planning Policy Framework (2024).