



Appeal Decision

Site visit made on 26 March 2025

by **C Billings BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 April 2025

Appeal Ref: APP/E3715/W/25/3358969

Alban House, Coventry Road, Princethorpe, Warwickshire CV23 9QF

- 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 P Shaw of MSC Charity Trust against the decision of Rugby Borough Council.
 - The application Ref is R24/0488.
 - The development proposed is infill development comprising two new dwellings with associated access and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2024. The main parties had opportunity to comment on the revised Framework as part of the appeal process and so, I have had regard to such in reaching my decision.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and relevant development plan policies; and,
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site comprises part of the grounds of Alban House, which has formally been used as a convent, as an occasional conference centre and also as accommodation used by visiting Fathers, either on a short term or long term basis. The site is located along a service road, set back of the main road. There is an access driveway to the Princethorpe College on one side with one dwelling (East Lodge) and school playing fields beyond this. To the opposite side of the site is a row of two-storey dwellings. Even though the site has development either side of it, it is a spacious plot, with open land either side of Alban House, in between the appeal property and the nearby houses.
5. Princethorpe village does not have a defined settlement boundary and is washed over by the Green Belt, like the appeal site. Although, the main built-up part of the

village, with its limited services and facilities, is further away from the appeal site. Additionally, there is intervening agricultural land in between the row of residential properties adjacent to the appeal site and the main built-up part of the village.

6. From my site observations, even though the appeal site is located close to other buildings, including some 9 dwellings, the site and the nearby row of dwellings are not within the village. This is due to the separation distance from the main built-up core of the village and intervening land between. While the proposed dwellings would add to the existing built up frontage of the row of properties, this would not subsequently mean that the appeal site is within the village. As a consequence, even though it would be possible to walk or cycle a relatively short distance from the appeal site to access the main part of the village, including the primary school, the appeal proposal would not be limited infill within a village for the purposes of paragraph 154 e) of the Framework in this instance.
7. The appeal decision example at land adjacent to Thornbury in Bovington Green, Marlow, appeal ref. APP/K0425/W/17/3183403, relates to a new dwelling in the Green Belt where it was found to comprise infill of a small gap in a village. However, this relates to a different site, in a different location and, no substantive information has been provided to allow comparison between this example and the appeal proposal and its site context.
8. In regard to exception g) of paragraph 154 of the Framework and the definition of previously developed land in its glossary, as the previous use of the appeal site was as a residential institution/conference centre, the appeal site would be previously developed land. Furthermore, it could be considered that the proposed development would partly infill this previously developed land, by introducing a new dwelling on either side of the existing building and between the appeal building and other nearby development along the road frontage. However, even if the proposal would be infill development, capable of being an exception under part g) as limited infilling of previously developed land, to meet this exception it would depend on my findings on the openness of the Green Belt.
9. In terms of openness this can have a spatial and visual aspect, as appreciated in the case law examples provided¹. Therefore, despite that parts of the appeal site are not overly visible from certain viewpoints, due to nearby highway verge trees and vegetation screening the development from the main road, this would not consequently mean there would be no harm caused to openness. Whilst there is an existing large building within the central part of the site and a tall wall along much of the front boundary, the majority of the appeal site has an open character, clear of buildings and other structures. This is particularly appreciable in respect of one end of the site, on approach from the north along the road.
10. Even though the new dwellings would be within the defined grounds of Alban House, there is an appreciable gap between Alban House and East Lodge. The proposed dwelling and garage on Plot 1 would be set back into the site, considerably set back of the rear of East Lodge, where the land to the side, beyond the school driveway is open playing fields, free of built form. Furthermore, this part of the appeal site is particularly open in character, with views through railings from the road across the appeal site and over hedgerow beyond to the open fields at the

¹ John Turner v Secretary of State for Communities and Local Government and East Dorset Council [2016] EWCA Civ 466, and Goodman Logistics Developments (UK) Ltd v Secretary of State for Communities and Local Government and Slough Borough Council [2017] EWHC 947 (Admin).

rear of the site. Therefore, currently this part of the site in conjunction with surrounding open land beyond, maintains the wider openness of this part of the Green Belt.

11. Consequently, where Plot 1 is proposed, the site has an appreciable spatial and visual openness, which makes a positive contribution to the openness of the Green Belt. The proposed large, detached dwelling and its large garage on Plot 1 would add considerable built form into this otherwise open part of the appeal site. Furthermore, as this end of the appeal site is not particularly visually well contained, landscape planting and the design of the proposed development would not help reduce the harm that would be caused to its openness.
12. In regard to Plot 3, the site is less spatially open and the proposed dwelling therein would be sited close to the end property in the nearby row of dwellings. This part of the appeal site has a greater sense of enclosure, due to the side gable and boundary wall of the adjacent dwelling to one side and that it is set behind the existing high road frontage wall. Also, there are more limited public views across this part of the site and so, it does not visually contribute to the wider open character of the surrounding area.
13. Even if the land would become completely dis-used, overgrown and unkempt without the development, this would not affect the openness character, as there would be no built form added. Furthermore, paragraph 142 of the Framework sets out 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.
14. Therefore, in spatial and visual terms, the proposal, due to its proposed position and scale, would cause substantial harm to the openness of the Green Belt.
15. In view of the above, the proposal would be inappropriate development in the Green Belt and so, by definition, would cause harm to the Green Belt, and would also cause harm to its openness. Therefore, it would conflict with the Framework and Policy GP2 of the Rugby Borough Council Local Plan 2011-2031 (June 2019) (LP), which sets out that in the Green Belt new development will be resisted and, only where national policy on Green Belt allows will development be permitted.
16. Policies GP1 and SDC1 of the LP were also referred to in the reason for refusal, although they respectively refer to sustainable development and sustainable design matters, which are not main issues in this appeal.

Other Considerations

17. The proposal would provide benefits to the Charity Trust. It would realise financial benefit for their land and buildings, including funding better living accommodation, to meet the health and well-being needs of the Fathers. This would consequently free up space in the college for education purposes and allow the Fathers to remain within the local community. Furthermore, it is asserted that the apartments within the converted Alban House would not be suitable for the elderly requirements of the priests and, the cost of the apartment scheme would not be enough to fund the alternative required accommodation.
18. However, even though build costs may be high and property values flat, no substantive financial or viability information has been provided in support of the

proposal. Whilst charities generally have limited funds and there is a need for alternative accommodation to be found in the local area for the Fathers, it has not been demonstrated that the proposed dwellings are necessary and the only option to realise such benefits. Also, it has not been demonstrated that the proposed development would be of minimum scale necessary to achieve such benefits. Furthermore, there is no proposed mechanism in place to tie the occupation of one of the new dwellings for the Fathers. Therefore, I give limited weight to these financial and health and well-being considerations.

19. The Retreat/Alban House is currently unoccupied and in need of renovation, yet it has planning permission for its conversion to flats. It is asserted that without the proposed dwellings the redevelopment of the Retreat building would not be achievable. Although, no substantive details have been provided to explain or justify such. Therefore, I give limited weight to this consideration.
20. Without the proposed development, the land around Alban House may become abandoned and unkept. Also, it is set out that the proposed refurbishment of Alban House would be essential to safeguard this attractive historic building and allow its future stewardship. Although, it would be likely that the planning permission to convert Alban House would realise some of such benefits, ensuring the maintenance of the building and at least some of the land around it going forward. However, even if it did not, there is nothing in place to tie-in or link the maintenance or uses, and unkept vegetation within the site would not cause harm to the openness of the Green Belt. Therefore, I give limited weight to these considerations.
21. The proposal would be windfall housing, promote more efficient use of land and the additional dwellings would provide some social and economic benefits from their construction and occupation. Although in view of the small scale of the development, I give limited weight to these considerations.
22. The local primary school and other limited facilities in the village nearby may be reasonably accessible from the site, with sustainable travel options possible to local services and facilities. However, even if the proposed development were considered to be in a sustainable, accessible location, this would not overcome the harm caused to the openness of the Green Belt. Therefore, I give limited weight to this consideration.
23. Even though the proposed dwellings would be of quality design, in keeping with the existing residential character in the area, and may enhance the setting of Alban House, these are not main issues in this appeal. Also, the considerable additional built form proposed in the open parts of the site, would have a greater impact on the openness of the Green Belt compared to the existing residential development either side of the site. Accordingly, I give limited weight to these considerations.
24. Despite that chapter 15 of the Framework promotes the conservation and enhancement of the natural environment, the potential future unkept nature of the site would not justify, nor overcome my finding that the proposal would be inappropriate development in the Green Belt. However, the proposal would provide beneficial biodiversity net gain exceeding that required by statute. Although, given the scale of the development, I only give limited weight to this consideration.

25. Having regard to the above, the other considerations do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

26. No concerns have been raised in regard to the effect of the proposal on highway safety. However, this is a neutral factor in relation to the main issues and my findings thereto.

Green Belt Balance and Conclusion

27. I have found that the proposal is inappropriate development in the Green Belt. The development would also harm the openness of the Green Belt. The harm to the Green Belt, by reason of inappropriateness and the loss of openness, attracts substantial weight.
28. While I have had careful regard to the other considerations put forward, the benefits of the appeal proposal, neither individually nor cumulatively, clearly outweigh the totality of the harm arising from inappropriateness in this instance. Therefore, the very special circumstances required to justify the development have not been demonstrated. Accordingly, the proposal does not accord with national policy set out in the Framework and the development plan that protect the Green Belt. For such reasons, the appeal should not succeed.

C Billings

INSPECTOR