



---

## Appeal Decision

Site visit made on 8 April 2025

**by R Gee BA (Hons) Dip TP PGCert UD MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15<sup>th</sup> April 2025**

---

**Appeal Ref: APP/R3705/W/24/3349203**

**Old English, Tamworth Road, Corley, Warwickshire CV7 8BT**

- 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 Adam Broadbent against the decision of North Warwickshire Borough Council.
  - The application Ref is PAP/2023/0382.
  - The development proposed is described as: Proposal to use a large section of the current rear garden at Old English Tamworth Road and create a new eco friendly dwelling. Summary of work:- Create a new drive from the road using the mouth of the existing drive. This new drive will service both Old English and the new bungalow. Backfill current drive. Divide the existing plot to form a drive on the RH side of Old English leading to a 55 metre section of the garden for the new house plot. Build a 3 bedroom bungalow and garage on the plot. Change of use from garden to new dwelling.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council's Decision notice refers to a more concise description of development from that stated on the application form. However, I have not been provided with confirmation from either party that a change to the description of development had been agreed. Accordingly, I have used the original description in my banner heading above.
3. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

### Main Issues

4. The main issues are:
  - i) whether the proposal is inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - ii) the effect of the proposal on the openness of the Green Belt; and
  - iii) whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this

would amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether or not the development would be inappropriate*

5. The appeal site is situated in the Green Belt. 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 being their openness and permanence. The Framework goes on to state that inappropriate development is harmful to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate, and thus should be approved only if very special circumstances exist, unless they fall within one of the categories in the closed list of exceptions as set out in paragraph 154 of the Framework.
6. The appellant submits that the appeal site should be considered as infill development.
7. Policy LP3 of the North Warwickshire Local Plan 2021 (LP) sets out the extent of the Green Belt in the borough and the exceptions where specific development will be granted planning permission in the Green Belt. The appeal site, however, is not within a defined infill boundary and therefore the criterion of LP3 3) does not apply.
8. The Framework does not define infill. However, the development plan refers to sites whereby they are surrounded by substantial development on three or more sides. Having regard to the development plan definition whether the proposal would represent infill is a question of planning judgement based on an assessment of the site and its surroundings.
9. Residential development is continuous along Tamworth Road, until the appeal site, beyond which is open land to the west. The proposal would introduce a dwelling to the rear of the existing property, set back within the site adjacent to the gardens of neighbouring properties, which I observed to have an open and verdant character. Therefore, having regard to the relationship of the appeal site to the open fields, to the west, and existing built development the appeal site would not be limited infilling in the terms set out in criterion 4 of policy LP3.
10. I have also had regard to the criteria under paragraph 154 g) of the Framework which allows for the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, subject to it not having a greater impact on the openness of the Green Belt than the existing development. The definition of PDL in the Framework<sup>1</sup> excludes land in built-up areas such as private residential gardens as is the case here. Even if the appeal site were PDL, the determining factor in assessing the scheme in relation to the exception in the Framework at Paragraph 154 g) is the effect of the proposal on openness, which I discuss later in my decision.
11. Accordingly, I conclude that the proposed development would be inappropriate development in the Green Belt which would, by definition, be harmful to it. Conflict therefore arises with policy LP3 of the LP and provisions of the Framework in respect of Green Belt development.

---

<sup>1</sup> Annex 2 of the Framework

### *Openness*

12. The Framework defines one of the essential characteristics of the Green Belt to be its openness. There is no formal definition of openness but, in the context of the Green Belt, it is generally held to refer to an absence of development. Openness has both a spatial (physical) dimension, and a visual aspect.
13. The land where the dwelling would be located is currently free from development. The introduction of built form, irrespective of its limited height, and the likely accompanying domestic paraphernalia, would inevitably lead to a loss of openness in spatial terms. The plans indicate some excavation works to enable the proposed dwelling to be set within the existing ground levels of the site. Furthermore, as a single storey with a flat roof the proposal would be a low-lying building. However, at approximately 25m in length, the proposed dwelling would be a sizeable structure. In addition, a substantial garage building is included within the proposal. Consequently, in spatial terms the proposed development would lead to a loss of openness.
14. The existing dwelling, known as Old English, and the appeal site are elevated from the highway. Views of the proposed dwelling would be limited from Tamworth Road due to the presence of landscaped boundaries and the limited height of the proposal. The proposed building, and its associated domestic paraphernalia, would likely be visible in part from neighbouring properties and their gardens and from the public footpath which runs to the west of the appeal site. Whilst the visual impact of the proposal would be localised, nevertheless, the proposal would visually harm the openness of the Green Belt.
15. As outlined above, the fundamental aim of national Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness. Although the proposal would not conflict with many of the purposes of the Green Belt, the introduction of the proposed dwelling would fail to keep land permanently open.
16. For the foregoing reasons the proposal would result in a loss of openness, both spatially and visually, which would give rise to moderate harm to the openness of the Green Belt. In that regard, it would conflict with the Framework's fundamental purposes of including land within the Green Belt.

### *Other Considerations*

17. The Framework states that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this regard the appellant has referred me to their fallback position.
18. My attention has been drawn to the planning history of the site, including the Lawful Development Certificate<sup>2</sup> (LDC) for residential outbuildings whereby the appellant submits that they could build a similar sized building on the garden to the proposed dwelling. I have been provided with a copy of the Council's Decision Notice and the drawings which are referenced on the Decision Notice.

---

<sup>2</sup> Application reference PAP/2008/0319 issued 21 July 2008

19. From the evidence before me, the ridge height of the proposed dwelling would be lower than the LDC scheme. However, these outbuildings have a closer positioning to the existing dwelling than the appeal scheme. Furthermore, as the appeal scheme relates to an independent dwelling, rather than ancillary domestic structures, domestication of the appeal site would ensue and include an extended driveway, garage and domestic paraphernalia that would extend across a larger parcel of land that would further impact on openness. Overall, the appeal scheme is not broadly comparable to the LDC scheme, and the fall-back position would not justify the appeal scheme.
20. The proposal would deliver a dwelling, constructed, of high-quality materials, that could be built-out quickly, add to the choice of homes and supporting the government's objective to boost the supply of housing. I also acknowledge that the Framework encourages self and custom build homes. However, in the absence of a mechanism to restrict the property as such, I attribute this limited weight.
21. The appellant states that they have been unable to find a bungalow to meet their needs. Although I have limited details before me, I see no reason to disagree. I appreciate that the appellant wishes to construct the dwelling so that they can continue to reside in the locality where they enjoy their outlook and would be well located for access to work and family. The appellant asserts that the existing dwelling is too large and that the proposed dwelling would be constructed to provide accessible living and provide for a garage to accommodate their hobbies. Whilst I am mindful of the needs of family members, from the evidence before me, it has not been demonstrated that they cannot be met by a less harmful scheme.
22. The appellant advances that the proposal would contain a number of sustainability credentials, including water harvesting, air source heat pump, solar panels and electric car charging points, which are commendable. Achieving a high level of sustainability through design and construction is something the government seeks to encourage. However, there is nothing before me to indicate that its design would include new, or original, methods or be otherwise exceptional or innovative. Consequently, the quality of the design carries limited weight in favour of the proposal.
23. There would be some economic benefits associated with the construction phase. As future occupiers would feed into the local economy there would be some social benefits derived from support to local services and facilities. However, given the scale of the proposal, the contribution would be limited.
24. The appeal submission indicates that there would be enhancements to biodiversity, including a roof structure capable of supporting a sedum or wildflower covering. Whilst such measures are welcomed, given that the scheme relates only to a single new dwelling, the extent to which these factors would be beneficial is limited.
25. The appellant has drawn my attention to an eco-dwelling constructed on Kingswood Avenue which they consider lend support for the appeal scheme. While the full details of this case are not before me, the site differs from the current proposal in a number of ways, including a different site context in terms of its relationship to existing built form, which limits the equivalence of the case to the current proposal. It is also understood that this permission was granted under the provisions of a different LP which did not define infill boundaries. Moreover, the

current appeal proposal has its own circumstances, and I shall determine it on its own merits.

26. The Council do not raise any objection to the proposal in design terms, or in relation to the living conditions of the occupiers of neighbouring properties, and I have no reason to disagree.
27. I note the lack of objection from nearby residents. However, this does not in itself render the scheme acceptable.

### **Green Belt Balance and Conclusion**

28. As established above, the proposal would be inappropriate development in the Green Belt. It would cause moderate harm to the openness of the Green Belt. In these respects, the proposed development would not accord with the development plan policies and the Framework. I attach substantial weight to this harm, as directed by the Framework.
29. I have examined the other considerations advanced by the appellant. However, these circumstances either individually, or cumulatively, would not clearly outweigh the totality of harm by reason of inappropriateness, and other harm that I have identified in this case. Consequently, the very special circumstances necessary to justify the development do not exist.
30. Accordingly, the proposal conflicts with the development plan read as a whole and the material considerations do not indicate a decision otherwise than in accordance with the development plan. The appeal is therefore dismissed.

*R. Gee*

INSPECTOR