



Appeal Decision

Site visit made on 22 April 2025

by N Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/T3725/W/24/3355196

Old Barn, Mountford Farm, Church Lane, Lapworth, Solihull B94 5NU

- 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 Natalia Vedernikova against the decision of Warwick District Council.
 - The application Ref is W/24/1137.
 - The development proposed is erection of 2no infill dwellings.
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Decision

1. The appeal is allowed and permission in principle is granted for the erection of 2no infill dwellings at Old Barn, Mountford Farm, Church Lane, Lapworth, Solihull B94 5NU in accordance with the terms of the application, Ref W/24/1137.

Preliminary Matters

2. A revision to the National Planning Policy Framework (the Framework) was published on 12 December 2024. The main parties were given an opportunity to comment on the effect of these changes. This decision is based on the current Framework and has taken account of the representations made on this.
3. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) (PiP) establishes whether a site is suitable in-principle, and the second (technical details consent) (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for PiP is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent TDC application if PiP is granted. I have determined the appeal accordingly.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

Location

6. The appeal site lies within the Green Belt. In the Green Belt, Warwick District Local Plan (2017) (LP) Policy DS18 states that national policies will apply. The

Framework at Paragraph 153, states 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 should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions as set out in Paragraph 154 of the Framework. One such exception, of pertinence to this appeal, is limited infilling in villages, as established at Paragraph 154e.

7. The Framework does not define what is meant by infilling. LP Policy H11 sets out that limited infill housing development in the Green Belt will be permitted within Limited Infill Villages subject to specified criteria being met which require that: (a) the development is for no more than 2 dwellings, (b) the development comprises infilling of a small gap fronting the public highway between an otherwise largely uninterrupted built-up frontage, which is visible as part of the street scene, and (c) the site does not form an important part of the integrity of the village, the loss of which would have a harmful impact upon the local character and distinctiveness of the area. The appeal site is located in Lapworth which is listed on the LP policies map as a Limited Infill Village.
8. Dwellings on the west side of Church Lane typically comprise large properties set back from the highway within spacious plots, many of which are largely screened in street scene views by mature vegetation, resulting in a verdant and spacious character and appearance to the area. The appeal site is bordered by vegetation to the site frontage and contributes positively to the established character of the area.
9. It is proposed to erect 2 dwellings on a small parcel of land which fronts a public highway in the gap between 2 properties which form part of an otherwise uninterrupted ribbon of development within the village boundary. The site is bordered by vegetation but is nonetheless visible as part of the street scene. Whilst noting that the site contributes positively to the spacious character of the area, the site appears to have the capacity to be developed in a manner which retains much of the boundary vegetation, consistent with the established character of the area. This provides sufficient comfort that the site could be developed without harmfully impacting upon the local character and distinctiveness of the area or the integrity of the village, the details of which could be adequately managed at the TDC stage. Given this I consider that the proposal would be infill development of a limited scale as defined by LP Policy H11.
10. In light of the above I find that the proposal would represent limited infilling in a village and thus would not be inappropriate development in the Green Belt. A finding of the acceptability of the proposal on the openness of the Green Belt and the purposes of including land within it is implicit in a finding of it not being inappropriate development. I am not therefore required to consider this matter further.
11. Routes through Lapworth include an unlit lane. However, there is no evidence that it would be unsuitable for journeys on foot or by cycle. Concerns regarding a lack of gas supply are noted, as are comments that the development would require additional telegraph poles and underground cables, however I see no reason to conclude that these matters would render the location of the development unacceptable in planning terms.
12. Drawing on the above, I find the proposed location to be acceptable.

Land use and amount

13. As a proposal for housing which would be located adjacent to other residential properties, there is little reason in principle to anticipate a conflict in land uses. The site is big enough to accommodate 2 dwellings of a size commensurate with those nearby. Therefore, I find the proposed land use and amount acceptable.

Conclusions on site suitability

14. For the reasons set out above, including my findings in relation to whether the proposal would comprise inappropriate development in the Green Belt, I conclude that the site would be suitable for the residential development proposed having regard to the location, land use and amount. I therefore find that the proposal accords with those aims of LP Policies DS18 and H11 which seek strict control to be exercised over inappropriate development within the Green Belt. I also find no conflict with Chapter 13 of the Framework.

Other Matters

15. Details of matters including ecology, drainage, tree protection, access and the effect of the proposal on the surrounding highway network would all need to be considered and approved at TDC stage, including consideration of the amount of vegetation to be removed from the site frontage and the effect of the proposal on the surrounding landscape and the character and appearance of the area including the setting of the nearby Canal Conservation Area. The TDC stage would also need to consider the design and siting of the proposed dwellings and the effect on the living conditions of the occupiers of neighbouring dwellings. However, I have been presented with no evidence which would lead me to conclude that acceptable arrangements could not be implemented.
16. I note comments that the majority landowner of the site does not wish to see the land developed as proposed. However, I am tasked with considering the merits of the appeal proposal and this matter has no bearing on the outcome of this appeal.

Conditions

17. The PPG makes it clear that it is not possible for conditions to be attached to a grant of PIP, whose terms may only include the site location, type and amount of development.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be allowed.

N Robinson

INSPECTOR