



Appeal Decision

Site visit made on 27 August 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th August 2025

Appeal Ref: APP/R3705/W/25/3367282

Tralee Stables, Tamworth Road, Nether Whitacre, Warwickshire B46 2PH

- 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 Nicholas Bevan against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2025/0049.
 - The development proposed is development of 3 detached properties.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has previously granted planning permission for the erection of 3 detached houses on the appeal site (hereafter referred to as the original planning permission). Dwellings have been constructed seemingly in accordance with the approved scheme. However, gardens larger than those permitted have been provided and marked out through the erection of fencing. In effect, this appeal seeks planning permission for the houses already approved and constructed but with the larger garden areas. The fencing is also shown on the appeal plans and so I have taken it into account in my assessment.

Main Issues

3. The main issues are (i) whether the scheme represents inappropriate development in the Green Belt, (ii) its effect on the character and appearance of the area, and (iii) if it is inappropriate development in the Green Belt, whether the harm by reason of inappropriateness and any other harm is clearly outweighed by other factors so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development in the Green Belt.

4. The site lies in designated Green Belt. Policy LP3 of the North Warwickshire Local Plan adopted 2021 (the LP) explains that inappropriate development is by definition harmful to the Green Belt. In these regards, it is generally consistent with the National Planning Policy Framework (the Framework).
5. Paragraph 154 of the Framework states development in the Green Belt is inappropriate unless it accords with specified exceptions. Sub-paragraph 154(g) defines the redevelopment of previously developed land as not inappropriate provided it does not cause substantial harm to the openness of the Green Belt.

6. The 3 houses have been constructed on land that was occupied by stable buildings. The development already allowed lies entirely on previously developed land as it does not extend beyond the eastern boundary of the former stables complex that was previously demarked by an electric fence and a hedge. However, this appeal seeks permission for gardens that extend a significant distance beyond the original eastern boundary onto land that previously formed part of a larger paddock. The appellant has not sought to dispute the Council's claim that the appeal development goes beyond the extent of previously developed land. As such, when considered as a whole, the development does not accord with the exception as set out in sub-paragraph 154(g) of the Framework.
7. The material change in the use of land is not inappropriate development in the Green Belt under the terms of sub-paragraph 154(h)(v) of the Framework. However, this is subject to the provisos that the change of use preserves openness and does not conflict with the purposes of Green Belt policy.
8. From the submitted information, it would seem the former paddock area now incorporated into the gardens was previously free of buildings and other structures. Most of the gardens are open lawn but allowing the appeal is likely to lead to domestic paraphernalia such as play equipment or typical garden items being placed on the land. Also, the close-boarded fencing has resulted in a new sense of enclosure to the former paddock land. The extended garden areas and the fencing are not prominent from the pavement on Tamworth Road due to roadside hedgerows. Also, new woodland planting in the field may provide additional concealment once mature. Nonetheless, the gardens and fencing can currently be appreciated from parts of the pavement over the roadside vegetation. Also, the extended gardens can be seen from private vantage points on the paddock and from the dwellings themselves. Consequently, the change of use of the paddock land to garden has had a harmful effect on openness, albeit at a fairly minor level given the amount of land affected and the visual extent of the gardens and fencing.
9. Furthermore, the extension of the gardens into the field is seen as a form of development encroachment into the countryside. As such, this element of the appeal development would conflict with the purpose of Green Belt as set out at sub-paragraph 143(c) of the Framework. It therefore follows that the appeal development does not accord with sub-paragraph 154(h)(v) of the Framework.
10. The Council considers the appeal site represents grey belt land. Development on such land is not inappropriate subject to compliance with criteria listed under paragraph 155 of the Framework. However, there is no evidence to show there is a demonstrable unmet need for the development. Also, the dwellings are set a significant distance away from any settlement and there is no realistic opportunity for residents to travel between the site and the nearest facilities by means other than the private car. As such, the development is not in a sustainable location when having regard to paragraphs 110 and 115 of the Framework and the aim to ensure sustainable transport modes are prioritised. It follows that the appeal development does not accord with criteria (b) and (c) under paragraph 155 of the Framework.
11. In summary, I find the appeal development when considered as a whole does not fall within any of the exceptions as set out under paragraphs 154 and 155 of the Framework. Also, the extension of the gardens when compared to the scheme allowed under the original planning permission does not accord with any of the

specified exceptions. Therefore, I conclude the scheme represents inappropriate development in the Green Belt.

Effect on the character and appearance of the area.

12. The local area is generally rural in character with fields, trees and roadside hedges being the predominant features. Properties in the area tend to be dispersed and low-key in terms of their visual influence.
13. Most elements of the appeal development are very similar to the scheme allowed under the original planning permission. However, the larger garden areas have had the effect of extending the domestic nature of the development onto land that previously was vegetated or open field. It is likely that any domestic paraphernalia placed on the land would emphasise this change in character. Also, the close-boarded fencing is more typical of features seen in urban areas and so it appears unsympathetic to the countryside setting. The gardens and fencing are not prominent but from where they are visible they are seen as harmful intrusions into a rural landscape. Painting the fence green and the provision of hedging around the gardens would not fully address the detriment caused to the intrinsic nature of the countryside.
14. For these reasons, I conclude the development has a harmful effect on the character and appearance of the area. In these regards, it does not accord with LP policies LP14 and LP30. Amongst other things, these look to ensure development conserves or enhances landscape character and includes boundary treatments that reflect the surrounding area.

Other considerations.

15. A listed building called The Ashes lies to the east of the appeal site. However, it is separated from the development by the adjoining paddock and intervening trees and bushes. As such, the development has no meaningful effect on the setting or the significance of the listed building. Acceptability in these regards is a neutral factor in my assessment.
16. The development allowed under the original planning permission provides a realistic fallback position in the event of this appeal being dismissed. However, the appeal scheme is significantly more harmful than the permitted development for the reasons as outlined above. Therefore, the fallback position attracts little weight in favour of allowing the appeal. Furthermore, the appeal scheme provides no additional houses over and above those allowed under the original planning permission. As such, allowing the appeal would bring no extra benefits in terms of the supply of new homes.
17. I am advised the 3 dwellings are occupied and allowing the appeal would provide residents with larger back gardens. However, the gardens as allowed under the fallback position could be provided in the event of the appeal being dismissed and these would be of a sufficient size to serve the typical needs of occupants for private outdoor space. Therefore, the benefits to living conditions as a result of the appeal development attract very limited weight.
18. The fencing has been provided for security purposes. However, I see no crucial need to secure the borders to the gardens as they do not adjoin any publicly accessible land and there is no obvious way of gaining entry onto the adjacent

paddock from the highway. In any event, there is no reason why boundary treatment that is more appropriate to the rural setting could not serve a similar security purpose. As such, the security advantages of the development attracts only modest weight.

19. Extensive woodland planting has been carried out on a large part of the field adjoining the appeal site. As this matures, it would more than compensate for the hedges and trees loss through the development on the appeal site. The Council has not sought to dispute the appellant's claim the planting would significantly enhance the biodiversity value of the field. However, it is unclear whether the planting is fairly and directly related to the appeal development and so it would be unreasonable to impose a planning condition that requires its retention in the event of this appeal being allowed. Therefore, the benefits of the planting attract limited weight in my assessment.

Green Belt balance.

20. The appeal scheme represents inappropriate development in the Green Belt. Under LP policy LP3 and paragraph 153 of the Framework it should not be approved except in very special circumstances. These only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this balancing exercise, the Framework dictates that substantial weight is to be given to any harm caused to the Green Belt.
21. The development impacts on openness and conflicts with a purpose of Green Belt policy. Also, it is harmful to the character and appearance of the area. The factors in support of the scheme collectively attract no more than moderate weight and they are insufficient to clearly outweigh the total harm caused by the development. Very special circumstances necessary to justify the scheme do not exist and so I conclude it conflicts with LP policy LP3 and the Framework.

Conclusion

22. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR