



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: 1st September 2025

Appeal Ref: APP/E3715/W/25/3366797

Fouracres, Lutterworth Road, Wolvey, Warwickshire LE10 3HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mrs Dalvinder Mount against the decision of Rugby Borough Council.
 - The application Ref is R24/0890.
 - The development proposed is described as “retrospective application for use of existing access for visitors to the Virtual Flight Experience business, to include creation of a track and car parking area.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The right to lodge an appeal under section 78 of the Act only extends to the person who submitted the corresponding planning application. The appellant named in the header above is the same as that on the planning application form, although I note that they have authorised their husband to deal with the appeal. I am satisfied the appeal has been lodged by an appropriate person.
3. The submitted block plan indicates a 4 m wide entrance gate off Gipsy Lane leading to an access track that runs along the edge of a field to a car parking area near to buildings at the appeal property. A 2m depth wildflower grass bund is shown to the side of the access track. On my visit I saw the appeal development has already been carried out.
4. Within their appeal statement, the appellant states they are willing to relocate the access off Gipsy Lane to a position further to the south than that shown on the appeal drawings. Moreover, the appellant indicates a willingness to remove the bund feature and they state it should not be treated as a material component of the appeal development. The appeal process should not be used to evolve a scheme and it is important that the development considered under this appeal is essentially the same as that determined by the Council. Injustice may be caused to interested parties if I were to base my decision on the suggested amendments. Therefore, my assessment is based on the details as shown on the submitted plans.
5. The appellant has provided a transport note (the TN) that was not with the Council at the time it determined the planning application leading to this appeal. However, the Council has had the opportunity to comment on the TN through the appeal process and it does not fundamentally alter the development. No injustice would be caused by having regard to the TN in my assessment.

Main Issues

6. As part of its response to the appeal, the Council has provided a list of suggested conditions for me to consider in the event I determine the appeal should be allowed. This is standard practice. It would seem from their final comments that the appellant has assumed the submission of the suggested conditions means the Council no longer opposes the appeal development. However, I find no statement within the Council's submissions that confirms any such change in its stance. In any event, the appellant has had the opportunity to respond to the Council's stated objections.
7. Therefore, with reference to the Council's refusal reasons set out on its decision notice, I consider 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, (iii) the effect on highway safety, and (iv) if the scheme constitutes 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

The appeal property.

8. Fouracres consists of a dwelling with a gated access off Lutterworth Road leading onto a gravel drive and parking area. A separate building set slightly away from the house is shown as being owned by the appellant and it is used by a virtual flight experience business. The parking area subject of this appeal is on the other side of the flight experience building to the dwelling. The parking area, access drive and bund have been constructed on land that forms part of a larger field to the rear of Fouracres. From the information before me it would appear the land affected by the development was vacant of buildings prior to the development being carried out. There is an access from Gipsy Lane onto the field and the track that forms part of the appeal development. Prior to the construction of the development, residents of Fouracres as well as visitors to the house and the flight experience business all used the Lutterworth Road entrance.

Whether the scheme is inappropriate development in the Green Belt

9. The site lies in designated Green Belt. Policy GP2 of the Rugby Borough Local Plan June 2019 (the LP) states that development in Green Belt will only be allowed where permitted by national policy. Paragraph 154 of the National Planning Policy Framework (the Framework) explains that development in the Green Belt is inappropriate unless it accords with specified exceptions.
10. Under sub-paragraph 154(h)(ii) of the Framework, engineering operations are classed as not inappropriate provided they preserve openness and do not conflict with the purposes of Green Belt policy. To my mind, the creation of the track, car parking area and the associated bund represent engineering operations.
11. The access drive and car park area have been constructed through the removal of a layer of soil and the laying of a stone surfacing. As a result, the drive and car park are at a similar level to the adjacent land within the field. Also, the track runs alongside field boundary features and the parking area is next to buildings. Moreover, the bund I saw on my visit only just protrudes above the level of the

drive and the parking area. For these reasons, the construction of these elements has not affected the openness of the land.

12. However, vehicles on the parking area and travelling along the access drive have the effect of reducing the spatial openness of the site. This effect is likely to be transient and not readily visible from any public vantage point due to the screening effect of field boundary features. Also, parked vehicles are seen against the adjacent buildings. Nonetheless, vehicular use of the appeal development fails to preserve openness.
13. Furthermore, the development has introduced man-made surfacing and parking onto land that previously was undeveloped field. As such, the access drive and parking area represent a form of development encroachment into the countryside, contrary to the purpose of Green Belt policy as set out in sub-paragraph 143(c) of the Framework. The bund avoids being seen as development encroachment due to it being close to the ground and planted.
14. The erection of the gate and fence at the Gypsy Lane access point represents the construction of new structures or buildings rather than engineering operations. As such, sub-paragraph 154(h)(ii) of the Framework is not relevant to this element of the development. The appellant has not sought to claim the construction of the gate and fence fall within any of the other categories of development as set out under paragraphs 154 or 155 of the Framework. Therefore, these works constitute inappropriate development in the Green Belt. Moreover, the gate and fence are solid and by obstructing views they reduce the openness of the access. The gate and part of the fence are seen from Gypsy Lane although it is set back from the edge of the carriageway. The features at the access have caused a minor loss of spatial and visual openness.
15. In summary, I find the bund element of the scheme accords with sub-paragraph 154(h)(ii) of the Framework as its construction is an engineering operation that preserves openness and does not conflict with the purposes of Green Belt. However, I conclude the construction of the track and parking area conflicts with the purpose of Green Belt policy to safeguard the countryside from encroachment. Moreover, vehicular use of the car park and access drive does not preserve openness. Therefore, I find these elements of the scheme are inappropriate development in the Green Belt. Also, I conclude the erection of the access gate and fence do not fall within any of the categories set out under paragraphs 154 and 155 of the Framework and so these works are inappropriate development in the Green Belt. The development as a whole would have a minor effect on openness.

Effect on character and appearance of the area.

16. When travelling along Lutterworth Road and Gypsy Lane the predominant features are roadside hedgerows and trees with views of adjacent fields. The appeal property adjoins a public house that lies on a roundabout. Opposite the pub is a depot and commercial building. Otherwise, residences in the surrounding area tend to be fairly dispersed. Despite the presence of buildings at Fouracres and nearby, the locality generally has a rural character and an agricultural feel.
17. Submitted photographs indicate that previously a typical field gate was at the access off Gypsy Lane. The taller and solid gate that has been erected as well as the adjacent fence are more obvious despite being set back slightly from the road.

These features look unusual within the context of a hedgerow boundary and they do not reflect a typical field access or the rural location. I note that other similar gates exist nearby, including that at the Lutterworth Road access to the appeal property as well as at the depot premises on the roundabout. However, these other gates are clearly associated with properties rather than at accesses onto fields.

18. The access track and bund are not seen from any highway due to the screening effect of the hedgerow along Gipsy Lane. The drive is of a significant length as it follows the edge of the field. However, its route next to boundary features ensures it is not unduly prominent and means the central part of the field is unaffected. The track and bund are low level and planting as indicated on the submitted plans would ensure they avoid any unacceptable harm to the appearance of the area. The track has introduced hard surfacing on land that previously formed part of a grass field but such features are often found on agricultural land.
19. The car park area is next to the virtual flight experience building and it is not readily visible from public vantage points. From where they are visible, parked vehicles are seen against and alongside existing buildings and so they do not stand out as being visually intrusive.
20. Therefore, I find the access drive, the bund and car park elements of the scheme avoid unacceptable visual effects. However, I conclude the gate and fence at the entrance are harmful to the character and appearance of the area. In these regards, this part of the development does not accord with LP policies SDC1 and NE3 as well as policy S2 of the Wolvey Neighbourhood Plan made 2022. Amongst other things, these seek to ensure development reinforces the character of an area and positively contributes to the landscape. LP policies SDC2 and ED4 are referred to in the Council's refusal reasons but these contain no provisions relevant to the assessment of the appeal development on this main issue.

Effect on highway safety.

21. It is fair to assume the development has resulted in a greater vehicular use of the Gipsy Lane access compared to the previous situation when it only served a field. Gipsy Lane is a straight road and drivers leaving the access have good visibility towards the roundabout and also in the opposite direction along the highway. The TN sets out the result of traffic surveys along Gipsy Lane and explains how appropriate visibility splays in both directions can be achieved when having regard to recorded speeds. The TN takes account of the rise in the level of Gipsy Lane to the north of the access and shows that this does not unduly restrict visibility.
22. The Council has not sought to dispute the findings of the TN's conclusion that the Gipsy Lane access does not pose a highway safety risk. Therefore, I conclude the development has an acceptable effect on highway safety and in these respects it accords with LP policy D1. Acceptability in these regards is a neutral factor in my overall assessment.

Other considerations.

23. The appellant has advanced a number of points in support of the development. I am advised that planning permission has been granted recently for the expansion of the adjacent pub. However, limited details have been provided on the factors considered by the Council in allowing that development. The scheme before me

has specific effects and benefits that need to be assessed on their own merits. I am not bound to allow the appeal simply on the basis of the Council's decision to permit development at the pub. Moreover, support from the local parish council for the development does not negate the need to assess the scheme against planning policies.

24. The appellant raises concern over how the Council officers have handled and processed the planning application leading to this appeal. However, such factors can have no influence on my assessment of this development.
25. I am advised the occupiers of Fouracres have felt vulnerable following incidences of trespass onto the adjoining field. The existing gate and fence at the Gipsy Lane access provide a greater deterrent to unauthorised entry compared to the previous field gate. However, I am unconvinced that the gate and fence are the only methods of providing sufficient security. Indeed, on my visit I saw cameras in use on the site that in themselves could deter trespass. The security benefits of the development therefore attract limited weight in support of allowing the appeal.
26. The development has allowed staff and visitors associated with the virtual flight experience business to come and go using the Gipsy Lane access. The gate allows a degree of management over entry and egress, particularly as there is an intercom and the gate can be remotely opened and closed. However, in these respects, I see little additional benefit of the Gipsy Lane access as the Lutterworth Road access is also gated and served by an intercom system.
27. The development negates the need for business visitors to use the access off Lutterworth Road. The separation of business vehicular movements and those associated with the house helps to reduce disruption to residents, particularly in terms of reducing obstructive parking and the noise associated with the manoeuvring of cars. I understand the flight experience business has grown since initially established and so it now attracts more visitors. As a consequence, the ill-effects on living conditions has also increased over time. However, the scale of the car park suggests that the number of car trips associated with the business is fairly modest, despite the increase in activity. As such, I attach moderate weight to the benefits of the scheme in terms of enhancing living conditions at the dwelling.
28. The appellant suggests there are safety concerns associated with the Lutterworth Road access. However, no details of the referred to road accidents have been provided and so I am unable to conclude they are due to inadequacies of the highway or the access. From my observations I saw no obvious deficiencies with the road or access, particularly as Lutterworth Road is fairly straight and allows good forward visibility. As such, I attach only modest weight to any safety benefits that may occur through a reduction in vehicular use of the Lutterworth Road entrance.
29. The growth of the business and increase in visitors results in a demand for more parking. The development helps address this need and so it supports a rural leisure business to adapt and expand. The appellant states the business would be forced to close if the appeal is not allowed as there is no workable alternatives to the constructed access and parking facilities. I am unconvinced by this contention as there is a fallback position of visitors to the business using the Lutterworth Road access if the appeal is dismissed. Also, there appears to be scope for additional parking on open land owned by the appellant in front of the business building.

Even so, I attach significant weight to the benefits of the development in terms of supporting the operation of the business and the associated advantages to the local economy.

Green Belt balance.

30. For the reasons as stated above, the appeal scheme when considered as a whole constitutes inappropriate development in the Green Belt. Under the terms of paragraph 153 of the Framework, planning permission 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.
31. Elements of the development have resulted in a minor loss of openness and a conflict with a purpose of Green Belt policy. The gate and fence at the access cause harm to the character and appearance of the area. The factors in support of the scheme collectively attract significant weight. However, 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 GP2 and the Framework.

Conclusion

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

Jonathan Edwards

INSPECTOR