

General Development Applications

(5/e) Application No: PAP/2019/0679

Land Opposite Delves Field Stables, Boulters Lane, Wood End, CV9 2QF

Outline application for erection of up to 9 dwellings, for

Introduction

Members will be aware that this application was referred to the Board in September, but a determination was deferred in light of the applicant requesting a change in the proposal from 14 to 9 dwellings. Re-consultation has now concluded on that change and the matter is brought back to the Board.

The previous report is attached at Appendix A.

The Site

The area of land within the application remains the same at 0.9 hectares. It is a rectangular piece of flat agricultural land being the northern half of a larger field lying to the north of a frontage of residential property along Boulters Lane. Access to the site is via an existing access which leads to the farm further to the north. There is also established residential property further to the west.

A site plan is attached in the report at Appendix A.

The Proposals

This is an outline application for nine houses with access via an improved existing access off Boulters Lane undertaken following other recent housing development here.

No other detail is submitted although the applicant has requested that the option of having all single storey dwellings on the site should be considered.

The applicant considers that there is a change in circumstance since a recent November 2018 appeal decision on the same site – namely it is said that the Council does not have a five-year housing supply; that the National Planning Policy Framework supports smaller house builders, that the financial contributions are of significant weight and that the recent appeal decision should be given a different interpretation.

The applicant has indicated that the development could provide a mix of dwelling sizes to meet the requirements of policy LP7. There is also the option that the proposal could be single storey only too.

This appeal decision letter is in Appendix A as is the applicant's case.

Background

A frontage development of 12 houses along Boulters Lane has been completed and this addressed the access arrangements referred to above. A further fourteen houses were allowed at appeal behind half of these frontage houses.

An appeal on the current application site – for fourteen houses – which is at the rear of the fourteen referred to above was dismissed in November 2018.

The current application is therefore a resubmission following that dismissal.

Representations

Nineteen letters of objection have been received referring to:

- Parking in Boulters Lane
- Not in keeping
- Recent appeal decision refused permission here
- No affordable housing
- There is congestion at the local shop
- Pressure of services and facilities
- Potential for the removal of trees and hedgerows
- Increased surface water issues
- Loss of privacy

Consultations

WCC (Flooding) – It requires further information.

WCC (Highways) - It requires the improvements to the access onto Boulters Lane to be constructed in accordance with highway specifications.

WCC (Rights of Way) – No objection.

Warwickshire Fire Services – No objection subject to a standard condition.

Environmental Health Officer – No objection subject to conditions.

Draft Section 106 Contributions

The following contributions would be sought from a Section 106

Agreement: Bio-diversity offsetting - £66,751

Off-Site Recreation improvements – up to £48,645

Development Plan

The North Warwickshire Local Plan 2021 - LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP7 (Housing Development), LP9 (Affordable Housing Provision), LP14 (Landscape), LP29 (Development Considerations), LP30 (Built Form) and LP37 (Housing Allocations)

Other Material Planning Considerations

The National Planning Policy Framework 2021– (the “NPPF”)

The “Wood End” appeal decision – APP/R3705/W/18/3207348

The “Islington Farm” appeal decision –

APP/R3705/W/19/3234056

The North Warwickshire Five Year Housing Land Supply as at 31 March 2019

The Information Note on Housing Trajectory – NWBC32 – February 2021

The North Warwickshire Landscape Character Assessment 2010

Observations

a) Introduction

The site is outside of the development boundary for the village as defined by the Development Plan, where development will not generally be acceptable – Policy LP2 of the 2021 Local Plan. However, it may be in some instances when it is appropriately located and would enhance or maintain the vitality of rural communities. The site is also not directly adjacent to, but is close to the village development boundary as defined in the Development Plan. In these circumstances development again may be acceptable in respect of some settlements – including Wood End – having regard to other policies in the adopted Plan and including that which would enhance or maintain the vitality of rural communities provided that it is proportionate in scale to the relevant settlement – usually on sites of no more than ten units. As a consequence, it is necessary in this case to assess whether there are demonstrable and significant harms caused by the proposal such that it would not be acceptable in respect of other policies in the Plan and whether it would enhance or maintain the vitality of the village and be proportionate in scale. Whilst the representations that have been made saying that the proposal should be refused because it is outside of the development

boundary are understandable, that is not the key “test” here for the reasons outlined above.

Policy LP2 states that development directly adjacent to a development boundary “may be acceptable” for a Category Four settlement such as Wood End. The site is not directly adjacent to the development boundary but there is development between it and that boundary. However for completeness, it still worth looking at the “tests” as if it were directly adjacent. The “tests” are whether the development satisfies other policies in the adopted Plan; it would enhance or maintain the vitality of the village, be proportionate in scale to the village and would cater for windfall sites usually of no more than ten units depending on viability, services and infrastructure deliverability. The report below therefore looks at these matters. Weight will be ascribed to any such harm. In looking at these weights, Members are reminded that there is a need to identify the evidence that supports any harm. It will then be necessary to identify the other side of the planning balance and ascribe a weight to the benefits of the case as put forward by the applicant or as identified in the NPPF. Again, these benefits have to be evidenced. The Board will then have to make an assessment of that final planning balance.

a) Harms

There is concern that the proposal does not accord with Policies LP1, LP14 and LP30 of the Local Plan. Indeed, it is this non-compliance that was given significant weight by the Inspector in the Wood End appeal decision. There has been no change in circumstances surrounding the conclusion on this since the date of that decision. The site is exactly the same; there has been no review commenced of the Landscape Character Appraisal that provided the demonstrable evidence to support that decision and the landscape has not altered its character or appearance. Work may well have started on the fourteen houses to the south, but the existence of a planning permission for this was also known at the time the Inspector considered the appeal in late November 2018. The Inspector found that the development, “would be detached from the dwellings fronting Boulters Lane, more so than any development on the adjacent site, and would conflict with the generally linear pattern of development locally.” The proposal would therefore “conflict with the character and appearance of the area not according with policy NW12 of the Core Strategy which aims to ensure that development positively improves a settlement’s character.” In other words, there would be a material change in the character of Wood End by the development not improving its character. This conclusion is not materially affected by adoption of the Local Plan or the new NPPF. Indeed, it is strengthened by both. The equivalent policy to NW12 in the now adopted plan is LP1 which repeated the content of NW12. It wholly accords too with Sections 2 and 12 of the new NPPF. Additionally, Policy LP14 of the adopted Plan explicitly refers to the 2010 Landscape Character Assessment in the assessment of whether a proposal conserves, enhances or restores landscape character.

The applicant suggests that the strength of this argument has changed in that he will be developing this site in conjunction with the recent development to the south. That however does still not overcome the conclusion that this site in combination with the other will still be, in the terms described by the Wood End appeal Inspector, “back land development”; “incongruous” and “unrelated to the village and its strongly linear form in the vicinity of the site”. It would be perceived visually and spatially as an

“appendage”, unrelated, unconnected and isolated from existing built form. As a consequence, the position in respect of NW12 remains as updated under LP1, LP14 and LP30. The proposal does not accord with these policies and there is demonstrable evidence to support the harm caused.

The applicant has suggested as an option that the nine dwellings could be of varying size to allow for a better mix rather than to have all large executive properties. He has also indicated the option that the dwellings could be single storey. However, the overriding issue here is that new development would still occur under these options and thus the principal issue remains – it would still be seen as “back land development”; “incongruous” and “unrelated to the village and its strongly linear form in the vicinity of the site”.

There is another harm here and one that was explored in the appeal. This development will lead to an isolated community with no connections to the existing community and divorced from the settlement. There is no planning here for a “place” or a “community”. Even if there were connections to the site to the south, the combined area would still not connect to the village community visually, physically or spatially. The principles of the new NPPF are not followed – those set out in Sections 2 and 12. These matters add weight to the non-compliance with Policy LP1, LP14 and LP30 of the adopted Local Plan by not proposing good quality development.

The amended numbers of scheme to up nine dwellings means that the development is no longer a ‘major’ development (10 dwellings or more or 1 hectare). The implications of this in terms of infrastructure negate the requirement under Policy LP9 for affordable housing provision.

There are no adverse heritage or ecological impacts. Indeed, the appeal Inspector in the Wood End appeal referred to above, neither found evidence of significant harm arising from these matters.

In respect of the highway matters, then these can be dealt with by a pre-commencement condition in the event of an approval. Similarly, the detail required by the Lead Local Flood Authority can be dealt with that way. The appeal Inspector dealing with the previous case for the fourteen houses took this approach too.

As a consequence, it is considered that there is significant demonstrable harm caused here and that the presumption to grant planning permission is not satisfied. The issue therefore now becomes one of whether the harm caused is of sufficient weight to override any benefits that the development would accrue. This assessment now needs to be undertaken.

b) The Applicant’s Case

The applicant as indicated above does not share the conclusion under the policy issues. Members will need to consider what weight should be given to his case.

The applicant makes three arguments which he considers outweigh the recent appeal decision and thus add weight to the request for approval. The first is that the Council does not have a five-year housing supply; the second is that the NPPF indicates that small local builders should be supported and that this application will carry that

benefit, and the third is that the proposal will provide additional contributions, as recorded above in draft Heads of Terms for an Agreement. Finally, that the development could provide a mix of sizes and scale to reduce harm.

Cumulatively he considers that these arguments carry significant weight.

c) Planning Balance

It is not agreed that these considerations carry significant weight. There are several reasons for this conclusion.

Firstly, the Council has a five-year supply of housing land including an appropriate buffer. The 2019 Annual Report shows a 6.29 year supply; another very recent Wood End appeal decision at Islington Farm confirms this conclusion and the Council in updating the 2019 position for the Examination Inspector found there to be a 6.2 year supply. Paragraph 11 (d) of the NPPF is therefore not engaged on this issue.

Secondly, the proposal would support a small local house builder and promote a smaller site, an objective which is set out in the NPPF. However, that cannot be overriding when the site is not appropriate. The applicant already is operating in the Borough and there is no evidence that the Council is preventing him from continuing in the Borough on appropriate sites. Moreover, the land supply report does show there being a number of small and medium sites being available. The Council is meeting this objective.

Thirdly, there is no policy requirement to provide affordable housing either on-site or off-site.

Fourthly, the size and scale of dwellings would not significantly reduce the harm.

As a consequence, the combined weight of the applicant's considerations, carry only moderate weight.

The harm side is still of greater weight – there have been two appeal decisions both concluding that development in this location in Wood End is not appropriate and that it would not improve the quality of the settlement's character. There is evidence to support this position. Moreover, the development cannot satisfy the requirements of the now adopted Local Plan and the NPPF in promoting good quality development through well designed places.

Recommendation

That planning permission be **REFUSED** for the following reason:

1. "The proposal is not considered to accord with Policies LP1, LP14 and LP30 of The North Warwickshire 2021 and the relevant sections of the National Planning Policy Framework 2021 – particularly Sections 2 and 12. This is because significant and demonstrable harm will be caused to the character and appearance of the settlement and its surrounding area which is not outweighed by the benefits of allowing the development".

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through making a decision and engaging with the applicant in order to overcome technical matters.

General Development Applications

(/b) Application No: PAP/2019/0679

Land Opposite Delves Field Stables, Boulters Lane, Wood End, CV9 2QF

Outline application for erection of 14 dwellings, for

Mr Glover - Glover Properties Ltd

Introduction

This application is referred to the Board because of a proposed Section 106 Undertaking.

The Site

This is a rectangular piece of flat agricultural land of around a hectare being the northern half of a larger field lying to the north of a frontage of residential property along Boulters Lane. Access to the site is via an existing access which leads to the farm further to the north. There is also established residential property further to the west.

A site plan is attached at Appendix A.

The Proposals

This is an outline application for fourteen houses with access via an improved existing access off Boulters Lane undertaken following other recent housing development here.

No other detail is submitted.

The applicant considers that there is a change in circumstance since a recent November 2018 appeal decision on the same site – namely it is said that the Council does not have a five-year housing supply; that the National Planning Policy Framework supports smaller house builders, that the financial contributions are of significant weight and that the recent appeal decision should be given a different interpretation.

This appeal decision letter is at Appendix B and the applicant's case is set out in Appendix C.

Background

A frontage development of 12 houses along Boulters Lane has been completed and this addressed the access arrangements referred to above. A further fourteen houses were allowed at appeal behind half of these frontage houses.

An appeal on the current application site – also for fourteen houses – which is at the rear of the fourteen referred to above was dismissed in November 2018.

The current application is therefore a resubmission following that dismissal.

Representations

Five letters of objection have been received referring to:

- Parking in Boulders Lane
- Not in keeping
- Recent appeal decision refused permission here
- No affordable housing
- There is congestion at the local shop
- Pressure of services and facilities
- Potential for the removal of trees and hedgerows
- Increased surface water issues
- Loss of privacy

Consultations

WCC (Flooding) – It requires further information.

WCC (Highways) - It requires the improvements to the access onto Boulders Lane to be constructed in accordance with highway specifications.

WCC (Rights of Way) – No objection.

Warwickshire Fire Services – No objection subject to a standard condition.

Environmental Health Officer – No objection subject to conditions.

Draft Section 106 Contributions

The following contributions would be sought from a Section 106 Agreement:

Bio-diversity offsetting - £66,751

Rights of Way contribution - £1111

Off-Site Recreation improvements - £54,908

George Eliot NHS Trust – £11,595.

Affordable Housing Off-Site Contribution – £131,653.05.

Development Plan

The Core Strategy 2014 – NW1 (Sustainable Development); NW2 (Settlement Hierarchy), NW5 (Amount of Housing), NW6 (Affordable Housing Provision), NW10 (Development Considerations) and NW12 (Quality of Development).

Other Material Planning Considerations

The National Planning Policy Framework 2021– (the “NPPF”)

The Submitted Regulation 19 Local Plan as proposed to be Modified 2021 – MM21 (in respect of Sustainable Development); MM24 (in respect of the Settlement Hierarchy), MM50 (in respect of Affordable Housing Provision), MM58 (in respect of Landscape), MM74 (in respect of Development Considerations), MM75 (in respect of Built Form) and MM87 (in respect of Housing Allocations)

The “Wood End” appeal decision – APP/R3705/W/18/3207348

The “Islington Farm” appeal decision – APP/R3705/W/19/3234056

The “Daw Mill” appeal decision – APP/R3705/W/16/3149827

The North Warwickshire Five Year Housing Land Supply as at 31 March 2019

The Information Note on Housing Trajectory – NWBC32 – February 2021

The North Warwickshire Landscape Character Assessment 2010

Observations

a) Introduction

The Council submitted its Regulation 19 Plan as a review of its Development Plan in 2018. The Examination Inspector has now found it to be “sound” subject to Main Modifications. At the time of reporting this application to the Board, that Plan has not yet been adopted. However, because it is now in the final stage before adoption it is considered that it carries significant weight in its modified form by virtue of para 48 of the 2021 NPPF. In these circumstances, the Modified Policies may be considered to carry greater weight than their equivalent in the Development Plan. The report below will indicate the position in respect of the most important policies relevant to the determination of this application.

b) The Approach to be taken

The site is outside of the development boundary for the village as defined by the Development Plan. As such that Plan says that new development is restricted to community based affordable housing or to that which is required within a rural area. Neither applies in this case. The proposal would therefore appear to be contrary to the provisions of Policy NW2. However, as Members are aware the development

boundaries of the Development Plan have been found to be out of date as set out in the Daw Mill appeal decision. Matters have now advanced because Policy LP2 of the Emerging Plan as proposed to be modified by MM24, now carries significant weight and is considered to outweigh Policy NW2. It says that development directly adjacent to development boundaries may be acceptable in respect of some settlements – including Wood End – having regard to other policies in the Emerging Plan and including that which would enhance or maintain the vitality of rural communities provided that it is proportionate in scale to the relevant settlement – usually on sites of no more than ten units. As a consequence, it is necessary in this case to assess whether there are demonstrable and significant harms caused by the proposal such that it would not be acceptable in respect of other policies in the Plan and whether it would enhance or maintain the vitality of the village and be proportionate in scale. Whilst the representations that have been made saying that the proposal should be refused because it is outside of the development boundary are understandable, that is not the key “test” here for the reasons outlined above.

The consequence of this commentary is considered to be that Policy LP2 of the Emerging Local Plan as proposed to be modified by MM24, carries more weight than Core Strategy Policy NW2. It says that development directly adjacent to a development boundary “may be acceptable” for a Category Four settlement such as Wood End. The “tests” are whether the development satisfies other policies in the Emerging Plan; it would enhance or maintain the vitality of the village, be proportionate in scale to the village and would cater for windfall sites usually of no more than ten units depending on viability, services and infrastructure deliverability. The report below therefore looks at these matters. Weight will be ascribed to any such harm. In looking at these weights, Members are reminded that there is a need to identify the evidence that supports any harm. It will then be necessary to identify the other side of the planning balance and ascribe a weight to the benefits of the case as put forward by the applicant or as identified in the NPPF. Again, these benefits have to be evidenced. The Board will then have to make an assessment of that final planning balance.

c) Harms

There is concern that the proposal does not accord with Policy NW12 of the Core Strategy. Indeed, it is this non-compliance that was given significant weight by the Inspector in the Wood End appeal decision. There has been no change in circumstances surrounding the conclusion on this since the date of that decision. The site is exactly the same; there has been no review commenced of the Landscape Character Appraisal that provided the demonstrable evidence to support that decision and the landscape has not altered its character or appearance. Work may well have started on the fourteen houses to the south, but the existence of a planning permission for this was also known at the time the Inspector considered the appeal in late November 2018. The Inspector found that the development, “would be detached from the dwellings fronting Boulters Lane, more so than any development on the adjacent site, and would conflict with the generally linear pattern of development locally.” The proposal would therefore “conflict with the character and appearance of the area not according with policy NW12 of the Core Strategy which aims to ensure that development positively improves a settlement’s character.” In other words, there would be a material change in the character of Wood End by the development not improving its character.

This conclusion is not materially affected by the Inspector's Modifications to the Emerging Plan or the new NPPF. Indeed, it is strengthened by both. The equivalent policy to NW12 in that Plan is LP1 as proposed to be modified by MM21. This Modification repeats the content of NW12. It wholly accords too with Sections 2 and 12 of the new NPPF. Additionally, Policy LP14 of the Emerging Plan as to be modified by MM58, now explicitly refers to the 2010 Landscape Character Assessment in the assessment of whether a proposal conserves, enhances or restores landscape character. It too wholly accords with Section 12 of the NPPF. As a consequence, NW12 is not out of date and it carries full weight.

The applicant suggests that the strength of this argument has changed in that he will be developing this site in conjunction with the recent development to the south. That however does still not overcome the conclusion that this site in combination with the other will still be, in the terms described by the Wood End appeal Inspector, "back land development"; "incongruous" and "unrelated to the village and its strongly linear form in the vicinity of the site". It would be perceived visually and spatially as an "appendage", unrelated, unconnected and isolated from existing built form. As a consequence, the position in respect of NW12 remains. The proposal does not accord with it and there is demonstrable evidence to support the harm caused.

There is another harm here and one that was explored in the appeal. This development will lead to an isolated community with no connections to the existing community and divorced from the settlement. There is no planning here for a "place" or a "community". Even if there were connections to the site to the south, the combined area would still not connect to the village community visually, physically or spatially. The principles of the new NPPF are not followed – those set out in Sections 2 and 12. These matters add weight to the non-compliance with Policy NW12 of the Core Strategy by not proposing good quality development.

There are no adverse heritage or ecological impacts. Indeed, the appeal Inspector in the Wood End appeal referred to above, neither found evidence of significant harm arising from these matters.

In respect of the highway matters, then these can be dealt with by a pre-commencement condition in the event of an approval. Similarly, the detail required by the Lead Local Flood Authority can be dealt with that way. The appeal Inspector dealing with the previous case for the fourteen houses took this approach too.

As a consequence, it is considered that there is significant demonstrable harm caused here and that the presumption to grant planning permission is not satisfied. The issue therefore now becomes one of whether the harm caused is of sufficient weight to override any benefits that the development would accrue. This assessment now needs to be undertaken.

d) The Applicant's Case

The applicant as indicated above does not share the conclusion under the NW12 issue. Members will need to consider what weight should be given to his case.

The applicant makes three arguments which he considers outweigh the recent appeal decision and thus add weight to the request for approval. The first is that the Council does not have a five-year housing supply and this adds weight to the out of date argument; the second is that the NPPF indicates that small local builders should be supported and that this application will thus carry that benefit, and the third is that the proposal will provide an off-site affordable housing contribution together with additional contributions, as recorded above in draft Heads of Terms for an Agreement.

Cumulatively he considers that these arguments carry significant weight.

e) Planning Balance

It is not agreed that these considerations do carry significant weight. There are several reasons for this conclusion.

Firstly, the Council has a five-year supply of housing land including an appropriate buffer. The 2019 Annual Report shows a 6.29year supply; another very recent Wood End appeal decision at Islington Farm confirms this conclusion and the Council in updating the 2019 position for the Examination Inspector found there to be a 6.2year supply. Paragraph 11 (d) of the NPPF is therefore not engaged on this issue.

Secondly, the proposal would support a small local house builder and promote a smaller site, an objective which is set out in the NPPF. However, that cannot be overriding when the site is not appropriate. The applicant already is operating in the Borough and there is no evidence that the Council is preventing him from continuing in the Borough on appropriate sites. Moreover, the land supply report does show there being a number of small and medium sites being available. The Council is meeting this objective.

Thirdly, it is agreed that an affordable housing contribution is welcome, but it is not considered to be of overriding weight. It is for off-site provision. It may well not benefit Wood End and its value would not be a material or fatal loss in restricting the Council's ability to deliver affordable housing.

As a consequence, the combined weight of the applicant's considerations, carry only moderate weight.

The harm side is still of greater weight – there have been two appeal decisions both concluding that development in this location in Wood End is not appropriate and that it would not improve the quality of the settlement's character. There is evidence to support this position. Moreover, the development cannot satisfy the requirements of the Emerging Local Plan and the NPPF in promoting good quality development through well designed places.

Recommendation

That planning permission be **REFUSED** for the following reason:

1. "The proposal is not considered to accord with Policy NW12 of the North Warwickshire Core Strategy 2014; Policies LP1 and LP14 as Modified in the Submitted Regulation 19 Local Plan for North Warwickshire 2021 and the relevant sections of the National Planning Policy Framework 2021 – particularly Sections 2 and 12. This is because significant and demonstrable harm will be caused to the character and appearance of the settlement and its surrounding area which is not out-weighed by the benefits of allowing the development".

Notes:

1. The Local Planning Authority has met the requirements of the NPPF in this case through making a decision and engaging with the applicant in order to overcome technical matters.

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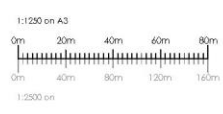


NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

09/12/2019

PLANNING & DEVELOPMENT
DIVISION



Client	Mr A Glover	Scale	1:1250	Dwg No	19/037-01
Date	Nov 2019				
Job	proposed residential development of land at Delves Farm, Boulter's Lane WOOD END	MPI DESIGN ASSOCIATES Ltd 4 CHURCH STREET BARBICROUGH CHESTERFIELD S43 4EP			
Title	Location Plan	Tel: 01246 819259 mob: 07841 353141 mpi@mpidesign.co.uk			



Appeal Decision

Site visit made on 23 October 2018

by **Andrew Owen BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th November 2018

Appeal Ref: APP/R3705/W/18/3207348
Delves Farm, Boulters Lane, Wood End CV9 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ken Simmons against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2017/0599, dated 9 November 2017, was refused by notice dated 13 February 2018.
 - The development proposed is erection of up to 14 dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline form with all matters except access reserved for later consideration. I have determined the appeal on the same basis.
3. During the appeal process it was brought to my attention that one of the owners of the appeal site had not been formally notified of the application and the appeal. The appellant has now formally notified that owner and they have had the opportunity to comment on the proposals. I was also alerted to the fact that this landowner is not a signatory to the submitted unilateral undertaking and I have considered the effect of that below.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether it is necessary to provide contributions to affordable housing and healthcare facilities and if so whether an appropriate mechanism for securing these has been provided.

Reasons

Character and appearance

5. The appeal site forms the northern half of a field used for grazing. The southern half has outline planning permission, granted on appeal¹, for 14

¹ Ref APP/R3705/W/17/3171093

houses. In that case the Inspector found that the development would harm the character and appearance of the area but that this did not significantly and demonstrably outweigh the benefits of the development. The conclusion he reached on character and appearance was consistent with an Inspector's view on that specific issue on a previous appeal² for 14 dwellings on that same site.

6. Though the site in this case is different to that adjacent site, it is very similar in terms of its visibility in the wider context. The development would be visible from Boulters Lane along the access road, from the rear of the houses fronting Boulters Lane and, albeit from a greater distance, from those dwellings fronting Tamworth Road to the west. A limited view, through hedgerows, would be possible from public footpaths AE67 and AE68 to the east.
7. Furthermore, the development would be detached from the dwellings fronting Boulters Lane, more so than any development on the adjacent site, and would conflict with the generally linear pattern of development locally. Indeed it is not certain that aforementioned outline planning permission would be implemented, leaving the development on this site surrounded by fields.
8. The proposal would therefore conflict with the character and appearance of the area and would fail to accord with policy NW12 of the North Warwickshire Core Strategy (NWCS) which aims to ensure that development positively improves a settlement's character.

Planning obligation

9. A unilateral undertaking has been provided which includes an obligation to make a financial contribution to the provision of affordable housing elsewhere within the borough. I consider this contribution is necessary, is directly related to the development and is reasonably related in kind and scale to the development and so would meet the tests in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations and paragraph 56 of the National Planning Policy Framework (the 'Framework').
10. The undertaking also includes an obligation to make a financial contribution towards additional healthcare facilities by the George Eliot Hospital NHS trust. I am satisfied that this contribution would also meet the tests in Regulation 122 and paragraph 56. Regulation 123 states that, where a CIL charging schedule is not in place, only five contributions to each project can be collected. In this case, as the contribution would relate to the running costs of the Trust, not an infrastructure project, it is not limited by this pooling restriction.
11. However, as referred to in paragraph 3 above, an owner of the land on which there would be a deed relating to financial obligations is not a party to that deed. This gives me concerns in respect of its execution and enforceability and therefore I am not satisfied that the Council could rely on it to secure the contributions. I have therefore not taken the undertaking into account in my decision.
12. Without these contributions the proposal would fail to accord with policy NW6 of the NWCS which seeks to secure appropriate levels of affordable housing through development, and NWCS policy NW22 which generally seeks contributions to infrastructure.

² Ref APP/R3705/W/16/3150188

13. The Council's comments on the undertaking are set out in their letter of 10 October 2018. However this only relates to the justification for the obligations and confirms that they do not object to the content of the undertaking. It does not demonstrate that the Council consider the document to be valid and enforceable. Moreover the Council's letter of 1 November 2018 also does not comment on the validity of the undertaking, and the emails from the Council in April 2018 pre-date by some months the revelations regarding the ownership of the site. My conclusion that the undertaking is flawed is not, therefore, inconsistent with the Council's correspondence.

Other Matters

14. Policies NW2 and NW5 of the NWCS are concerned with the distribution of housing across the settlements in the borough. I understand the target housing figure for Wood End, as set out in policy NW5, has already been reached and so any more housing could be considered disproportionate and hence would conflict with this policy. However the Council have stated that they have a 4.8 years supply of housing. Their policies relating to housing supply, such as NW2 and NW5, should therefore not be considered up to date. Indeed this view is consistent with the Inspectors into the appeals at Ansley³ and Daw Mill⁴ who attribute little weight to policy NW2. I recognise the supply of housing has increased recently (from 4.5 years in the appeal for the adjacent site and 3.5 years in the Ansley decision) and that housing completions over the past 3 years have exceeded their target, which illustrates good progress is being made. Nonetheless, I do not consider this justifies reaching a different view to the previous Inspectors with regard to policy NW2, and therefore NW5.

15. The emerging Local Plan is, I understand, currently being examined. As such whilst the submission version of the plan has been through public consultation, and in many respects it closely reflects the existing NWCS policies, it still cannot be given significant weight, and indeed the Council do not rely on it.

Planning balance & Conclusion

16. Part d) of paragraph 11 of the Framework advises that where relevant development plan policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

17. The proposal causes harm to the character and appearance of the area, but I consider the weight to be given to that harm would not be considerable. This is consistent with the Inspector of the appeal proposal for the adjacent site.

18. In its favour, the proposal would provide 14 houses to contribute to the Council's supply, and I recognise the support given in the Framework to small sites such as this. However the mechanism for securing a contribution to affordable housing is flawed and so this limits the weight I give to the benefit of the houses.

19. The contribution to healthcare would have mitigated the additional use of healthcare facilities generated by the occupiers of the development so would not have carried positive weight. Therefore the absence of an appropriate mechanism to secure it does not lend negative weight.

³ Ref APP/R3705/W/17/3189584

⁴ Ref APP/R3705/W/16/3149827

20. Overall I consider the adverse effect on the character and appearance of the area, whilst not considerable, does significantly and demonstrably outweigh the benefits of the development. Consequently the development would conflict with NWCS policy NW1 which says that in these circumstances permission will not be granted.
21. Consequently, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

PAP/2019/0679

JVH TOWN PLANNING CONSULTANTS LTD

APPENDIX C

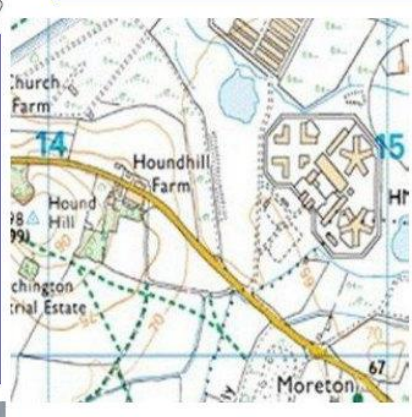
Houndhill Courtyard
Houndhill, Marchington
Staffordshire ST14 8LN
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email office@jvhplanning.co.uk

NORTH WARWICKSHIRE
BOROUGH COUNCIL

RECEIVED

09/12/2019

**PLANNING & DEVELOPMENT
DIVISION**



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Planning Design and Access Statement to

For

Land opposite Delves Field Stables

Boulters Lane Wood end.

For

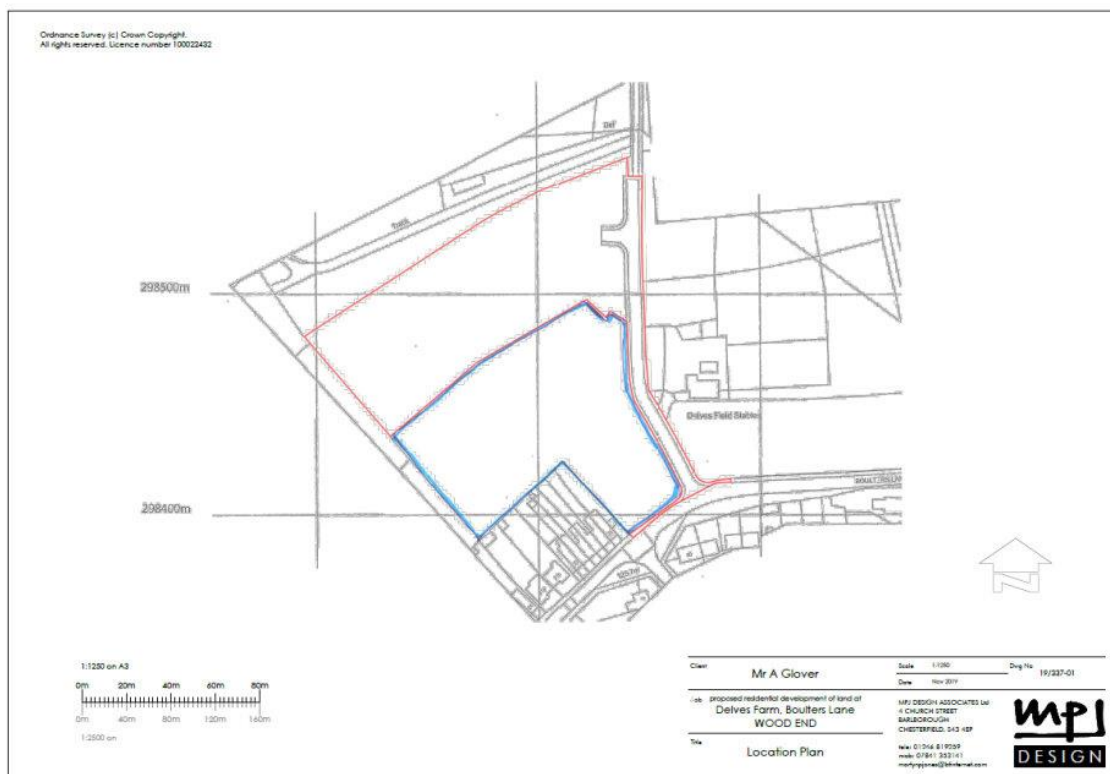
Glover Properties

1 Introduction..

This application is a resubmission of Application Ref 2019/0237. This application was refused by the Council on the 3rd September 2019. The reasons for refusal of that application are not considered to be valid planning reasons and on that basis a second application is submitted to allow a further consideration of the Planning Position given the circumstances prevailing in the area. Furthermore the reason for refusal relating to highway matters are overcome and the County Council have accepted that the junction onto Boulters Lane has been constructed in accordance with highway specifications.

2 The Site and Surroundings

The site comprises an area of 0.9 hectares lying to the rear of an existing housing site off Boulters Lane. The adjoining site is now under construction for the erection of 14 new homes served from Boulters lane. The site is generally flat in character with hedgerows surrounding the periphery. There are no significant features on the site itself..



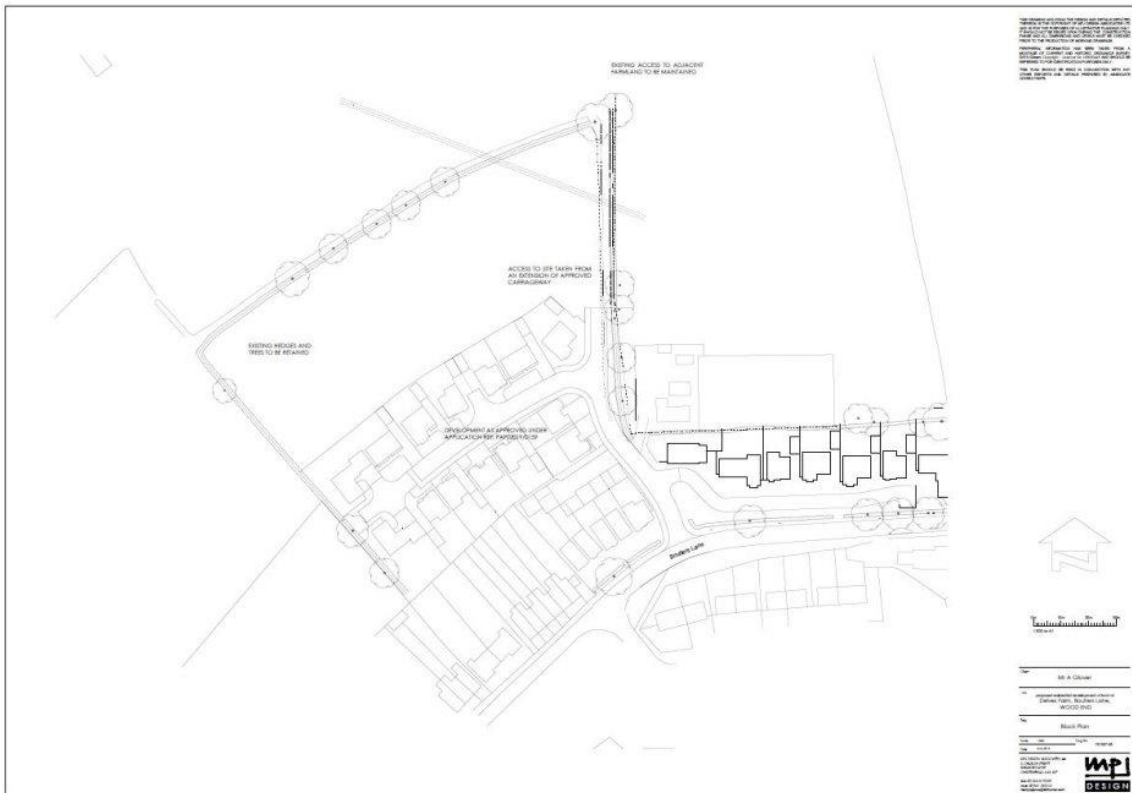
3 The Proposal

The proposal is in outline and proposes the erection of 14 new homes. Access is to be taken from, Boulters Lane at the existing access point.

The following plans are submitted

MJP Site Location Plan

MJP Block Plan.



4 The Planning Position.

The Core Strategy was adopted in 2014 and the development boundaries have been found to be out of date in the “Daw Mill” Appeal decision. As a result of this they carry very little weight.

The Local Plan Review is under examination at the current time and the latest proposed modification by the Council to Policy LP 2 is set out below

“Development within the Borough will be proportionately distributed and be of a scale that is in accordance with the Borough’s settlement hierarchy. Development will be commensurate with the level, type and quality of day to day service provision currently available and the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers.

In Categories 1 to 4 settlements development within development boundaries will be supported in principle. Development directly adjacent to settlement boundaries may also be acceptable, and which is appropriately located and would enhance or maintain the vitality of rural communities, provided such development is proportionate in scale to the relevant settlement and otherwise compliant with the policies in the plan and national planning policy considered as a whole (including in respect of Green Belt protections).”

In addition to this it is considered that the Council cannot demonstrate a five year land supply in accordance with the provisions in the NPPF, and in accordance with established case law and practice the “tilted balance” in favour of the development applies. This matter is currently under review in both the Local Plan Examination and via a S 78 appeal on land East of Islington Farm Wood End in an Appeal to be heard in early in 2020.

It is considered that notwithstanding the land supply situation then the Application should be approved on the basis that it is compliant with the emerging policy LP2 in the new Local Plan because it is adjacent to the existing built form of the settlement, will help to sustain the community through a modest development than can easily be assimilated into the

social and community framework of the settlement and is compliant with other policies.

It is already accepted by the Council that the Core Strategy Policy relating to settlement boundaries is out of date and no further comment is needed on this point.

5 The Effect of the Proposal

The Council have indicated that there may be harm to the character and appearance of the Area based on the fact that currently there is ribbon development in this part of Wood End and that development in depth will alter the character of the settlement in a harmful way.

It is not considered that there is any harm caused by the development to the character of the settlement, the existing linear form is already disrupted by the 14 dwellings that are under construction and which lie at the back of the frontage properties. Further development beyond this does not impair the character, as the character is now that some development in depth is already taking place. Although the Council have relied on previous decisions in this respect these decisions have taken place before the published modifications to the new Local Plan, which clearly envisage small developments outside the settlement boundaries which are of a size that can easily be assimilated into this scale of settlement.

6 Summary

The Council are asked to re-consider this small scale proposal in Wood End, in an area where development is already taking place and is proving an attractive place to live.

Further submissions will be made regarding the land supply as the situation emerges through the Local Plan Examination and the appeal process currently under way.

Janet V. Hodson, BA (Hons), Dip. TP, MRTPI. Thomas W. Beavin, MTCP (Hons), MRTPI.
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Registered in England No. 4817729

Agenda Item No 6

Planning and Development Board

1 November 2021

Report of the Head of Development Control

Appeal Update

1 Summary

1.1 This report brings Members up to date with recent appeal decisions.

Recommendation to the Board

That the report be noted.

2 Appeal Decisions

a) Heart of England

2.1 This decision relates to details submitted in order to light a car park and buildings at the Centre. It is encouraging to note that the Inspector found there to be Green Belt harm as well as other significant harms to the setting of the Listed Building here as well as on the character and appearance of the area.
... The decision is attached at Appendix A.

b) Main Road, Austrey

2.2 This appeal was lodged against non-determination of the planning application and Members can see that had it been dealt with by the Board it would have been refused on highway grounds as supported by the Highway Authority. The Inspector disagreed concluding that any adverse impacts would not be "severe", which is the test set out in the NPPF. The decision is attached at
... Appendix B

c) 5 Ferndale Close, Hurley

2.3 This case dealt with extensions to a residential property in the Green Belt which were considered to be "disproportionate" and thus not appropriate development. The Inspector agreed and also that their size would not accord with design policies in the former Development Plan. The decision is at
... Appendix C.

d) Land to the North West of Newton Regis Village Hall

- 2.4 Members will recall the refusal of outline planning permission here for nine houses outside of the village's development boundary. The Inspector has given substantial weight to the Government's recent changes to the NPPF and its design guidance in ensuring that new developments integrate and accord with a settlement's local character. This approach is taken forward into the Council's new Local Plan. The decision is at Appendix D.

e) Claremont Villas, Furnace End

- 2.5 This case dealt with a proposed development in Furnace End. The Inspector found that there were no considerations of sufficient weight to override the harm done to the openness of the Green Belt here or to the character and appearance of the village. The decision is at Appendix E.

3 Report Implications

3.1 Environment, Sustainability and Health Implications

- 3.1.1 The Newton Regis and Furnace End decisions are important in that they accord with the Council's spatial strategy of directing new development to settlements proportionate to their status in the settlement hierarchy. Additionally, the first and fifth decisions uphold the principles of the Green Belt in decision making.

3.2 Links to Council's Priorities

- 3.2.1 The decisions accord with the Council's priorities on protecting the Borough's heritage and rural character as well as the distinctiveness of its settlements.

The Contact Officer for this report is Jeff Brown (719310).

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date



Appeal Decision

Site visit made on 15 June 2021

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **Tuesday, 07 September 2021**

Appeal Ref: **APP/R3705/W/20/3247898**

Heart of England Conference and Events Centre, Meriden Road, Chapel Green, Fillongley, Coventry CV7 8DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
 - The appeal is made by Mr Stephen Hammon (Heart of England Promotions) against the decision of North Warwickshire Borough Council.
 - The application is dated 9 May 2019
 - The application Ref: DOC/2019/0052, sought approval of details pursuant to condition 11 of planning permission Ref: PAP/2013/0391 granted on 27 January 2016.
 - The application was refused by notice dated 3 September 2019.
 - The development proposed is the erection of hotel north of (and linked to) existing conference centre; demolition of existing storage building and its adjuncts; formation of new carpark and courtyards; extensions to south and east sides of existing conference centre building.
 - The details for which approval is sought are described as exterior lighting.
-

Decision

1. The appeal is dismissed, and approval of details is refused, namely details submitted pursuant to condition No. 11 of planning permission ref: PAP/2013/0391, dated 27 January 2016.

Procedural Matters

2. Following the submission of this appeal, a revised version of the National Planning Policy Framework (the Framework) has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.
3. I note references to an emerging North Warwickshire Local Plan, which has been found to be sound, subject to modifications. However, I have been unable to give this full weight as the plan has not yet been adopted by the Council.

Main Issues

4. The main issues are:
 - whether the proposed lighting would represent an inappropriate development in the Green Belt and the effect on openness of the Green Belt;
 - the effect of the submitted details upon the setting of Fillongley Old Hall;

- the effect of the submitted details upon the character and appearance of the site; and
- if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development and effect on openness

5. The proposal comprises the provision of a number of different lighting installations following the granting of planning permission for a new hotel. These comprise lighting within the car parks of the previously permitted hotel and some free-standing lighting leading from the site of the hotel and a cluster of other buildings to a lake within the wider appeal site.
6. The proposed lighting would therefore have a readily discernible mass and form. In addition, some would be free standing. Therefore, I consider that they can be accurately described as being buildings. In addition, the lighting is likely to be placed in the appeal site through a process of assembly of components and some construction works are also likely to be needed. This is a process often associated with a building. The National Planning Policy Framework (the Framework), states that the erection of new buildings are generally considered inappropriate.
7. There are some exceptions to this, which are listed in Paragraph 149 of the Framework. However, the appeal scheme does not pertain to the provision of agriculture or forestry facilities; an extension or alteration; replacement building; limited infilling in a village; affordable housing for local community needs; or the redevelopment of previously developed land.
8. The Framework does state that buildings in respect of the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation may not be inappropriate. However, whilst some of the proposed lighting would lead from some buildings to lake, others would be for the illumination of the hotel car park. Therefore, taken as a whole, the proposed lighting scheme would not represent a not inappropriate form of development.
9. The proposed development would result in an increase in the level of built form in the Green Belt owing to the form of the proposed lighting installations. In addition, some of these lighting installations would be located away from the cluster of buildings within the appeal site. This would mean that there would be a discernible increase in the overall level of built form, which would erode the physical sense of openness that is a feature of the Green Belt and the appeal site's locality.
10. In addition, proposed lights, when illuminated, would be viewable from significant distances away. Whilst some would be viewed against the existing buildings and the new hotel building and would therefore not be overly noticeable, others would be located in the area between the buildings and the lake.

11. This is an area that is currently lacking in built form. Therefore, when illuminated, the proposed lighting would create a more urban character and erode the less developed character that is feature of this particular location. In result, the propose lighting would erode the spatial character of openness of the Gren Belt.
12. The purposes of including land in the Green Belt is set out in Paragraph 138 of the Framework. Of particular relevance to this appeal is that that the Framework is clear that the Green Belt should protect the countryside from encroachment. Owing to the proposed lighting installation creating a more urbanised character, particularly in the area near to the lake; the proposed installation would be conflict with this objective.
13. I note the appellant's comments regarding the proposed lighting levels. However, the proposal would result in an overall increase in the level of illumination in an area that generally has limited levels of development. Therefore, the proposal would result in an adverse urbanising effect.
14. I have also had regard to the appellant's suggestion that the proposal should be assessed as an engineering operation. Whilst engineering operations might not be inappropriate to be carried out in the Green Belt, they should retain the openness of the Green Belt and not conflict with the purposes of including land in the Green Belt. This is set out in Paragraph 146 of the Framework.
15. Given that I have previously identified that the proposed development would result in a loss of openness of the Green Belt and would conflict with the purposes of including land in the Green Belt. Therefore, even if I were to assess the lighting under this provision, it would still represent an inappropriate development.
16. I have had regard to the appellant's suggestion that I could impose a condition that would require certain elements of the lighting to be used for different times to other lighting installations. However, the appeal pertains to the consideration of details reserved by the imposition of a condition following the granting of planning permission.
17. Therefore, it would fall outside the scope of this appeal for me to impose additional planning conditions. Therefore, it is incumbent upon me to consider the submitted details as an entire scheme rather than specific elements.
18. I therefore conclude that the proposed lighting would have an adverse effect upon the openness of the Green Belt and would conflict with the purposes of including land within it. The development would therefore conflict with Policy NW12 of the North Warwickshire Local Plan Core Strategy (2014) (the Core Strategy) and the Framework. Amongst other matters, these seek to define the Green Belt and avoid the erection of inappropriate developments; and maintain the openness of the Green Belt; and improve the environmental quality of an area.

Effect on the setting of Fillongley Old Hall

19. The appeal site contains a Grade II Listed Building, which was originally a farm house. For the purposes of this appeal, the significance of this is, in part, derived from the presence of areas of openness in the areas that surround it. In consequence, the setting of the building contributes to its historical character.

20. In this particular instance, the creation of lighting around the listed building would create a more urbanised character. This would therefore erode the more open surroundings that are a feature of the immediate surroundings of the building.
21. The proposed lighting would result in a significant increase in the actual level of built form near to the listed building, which would contribute to an adverse effect upon the listed building's more open and rural setting.
22. In addition, the presence of lighting would serve to create this effect for significant periods of time, including the hours of darkness. Therefore, the surroundings of the listed building would be given in a more urbanised appearance. This would conflict with the building's more rural, and open, setting.
23. Furthermore, although the listed building is near to other structures, including some of a significant age, these are different to the scheme currently before me in that there is a clear physical delineation between the listed building and the other buildings. In result, the presence of buildings within the vicinity is not sufficient to overcome my previous concerns.
24. I therefore conclude that the proposed lighting would have an adverse effect upon the setting of the Listed Building. The development, in this regard, would conflict with Policies NW10, NW12 and NW14 of the Core Strategy; and Policy FNP06 of the Fillongley Neighbourhood Plan (2019) (the Neighbourhood Plan). Amongst other matters, these seek to ensure that developments protect enhance the historic environment; and protect, enhance and respect the local built historic assets.

Character and appearance

25. The appeal site and its immediate surroundings can be characterised as being one with a generally rolling landscape, with extensive woodland cover. This creates a rural, open and tranquil character. Development present within the surrounding area is proportionate towards this character as buildings are typically of more limited proportions and constructed in designs commensurate with the rural surroundings.
26. The proposed development would result in an increase in the overall level of built form within the appeal site. In addition, the form of the proposed development, which would include lighting columns would be of a more modern and urban form. This would conflict with the rural character of the appeal site and its surroundings.
27. In addition, the introduction of lighting on the approach to the site's lake would also, when illuminated, create a character that is more urbanised that would result in the proposed installations being strident.
28. Although there are several trees on the appeal site, the areas in which the proposed lights are proposed to be installed are more open in a nature and lack the same level of screening from trees. In result, the proposed installations would not be well-screened and therefore their form and effects would not be mitigated.
29. I therefore conclude that the proposed installations would have an adverse effect upon the character and appearance of the site. The development, in this

regard, would conflict with the requirements of Policies NW12 and NW14 of the Core Strategy; and Policies FNP01 and FNP02 of the Neighbourhood Plan. Amongst other matters, these seek to ensure that developments improve the appearance and environmental quality of an area; conserve and enhance landscape character; should not have a detrimental effect on the rural landscape; and enhance and conserve the natural environment.

Other considerations

30. The proposed lighting would serve car parks in respect of a previously permitted hotel. In result, the proposed development would support the local economy. This is of some benefit; however, the overall benefits are limited as it has not been demonstrated that the economy would benefit through the provision of lights to the lake. Therefore, I attribute these a limited amount of weight.
31. Although the proposed lighting would have some benefits in terms of improving safety at the development. However, such benefits would be limited as it has not been satisfactorily demonstrated that all of the proposed lighting is necessary in order to achieve this objective. In addition, such benefits would only be experienced by users of the development, which lessens the scope of the benefit. I therefore give this matter a limited amount of weight.
32. I therefore conclude that each of the benefits in favour of the proposal, either individually or collectively, carry a limited amount of weight.

Planning Balance and Conclusion

33. The harm that would occur to the setting of the Listed Building would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
34. The proposed development would generate some economic benefits and some improvements to the safety of the site. However, such benefits by reason of the size of the development would be small scale and limited in impact. In consequence, I can give only these benefits a limited amount of weight.
35. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the setting of the Listed Building, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.
36. The development plan and Framework set out the general presumption against inappropriate development within the Green Belt. They explain that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
37. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. In so doing I have found harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.

38. The other considerations I have identified individually and collectively carry a limited weight in favour of the proposal. As such the harm to the Green Belt is not clearly outweighed by the other considerations identified, and therefore the very special circumstances necessary to justify the development do not exist.
39. The proposal would therefore have an adverse effect upon the openness of the Green Belt, the character and appearance of the site and the setting of the Listed Building. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR



Appeal Decision

Site visit made on 22 April 2021

by Elaine Benson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Appeal Ref: APP/R3705/W/21/3267144

89-91 Main Road, Austrey CV9 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Darren Burchell against North Warwickshire Borough Council.
- The application Ref PAP/2020/0303, is dated 18 June 2020.
- The development proposed is conversion of outbuilding to dwelling.

Decision

1. The appeal is allowed and planning permission is granted for conversion of outbuilding to dwelling at 91 Main Road, Austrey CV9 3EG in accordance with the terms of the application, Ref PAP/2020/0303, dated 18 June 2020, subject to the conditions on the attached Schedule.

Preliminary Matters

2. The Council confirms that had it had the opportunity to determine the planning application, it would have been refused on highway safety grounds.
3. Since the submission of the appeal, the revised National Planning Policy Framework (the Framework) has been published. Since there is no change to national policy and guidance in relation to the matters at issue in this appeal, the comments of the main parties on the Framework have not been sought.

Main Issue

4. The Council raises no objections to the principle or most details of the proposed development. Having regard to all of the evidence, including the status of the relevant development plan policies as confirmed by the Council, there are no reasons to disagree. The main issue in this appeal therefore is the effect of the proposed development on highway safety.

Reasons

5. It is proposed to convert a building comprising a garage and workshop to a dwelling. It is one of a number of outbuildings at the rear of No 89-90 Main Rd, a substantial dwelling in extensive grounds.
6. The appeal building would be served by an existing access which is used by the appellant to reach the rear of their property. The access leads from the appeal site onto Flats Lane before joining Main Rd. Flats Lane also provides access to the garage belonging to the neighbouring property (No 99) which opens onto it. The lane is also used by agricultural vehicles accessing the fields to the rear. A public footpath runs alongside the lane.

7. At issue in this appeal is whether there would be a safe and suitable access to the site at the junction of Flats Lane and Main Rd. The Highway Authority considers it to be substandard due to the limited visibility at the junction of these 2 roads. The required standard of 2.4m x 43m can be achieved to the south. However, to the north visibility is restricted by planting and the building line. It is noted that this standard can be reduced in situations where there are low traffic speeds.
8. Main Rd is the principal route through the village, with streetlights and housing on both sides. The speed limit is 30mph and there are no parking restrictions. There are multiple lay-bys for parking along the length of the road, including directly opposite the site access, and most properties have off street parking. Notwithstanding the pandemic's effect on the number of traffic movements, the submitted road speed data establishes traffic speeds along Main Rd as below the 30mph limit. Moreover, as confirmed by local residents, traffic flow and speed in the locality of the access is slowed by the on-road parking by customers of the post office/shop on the opposite side of Main Rd and by the frequent turning of vehicles in the road. I also observed these conditions and it appears to me that these factors lead to an overall reduction in traffic speeds in the area.
9. Furthermore, in terms of the potential intensification of the use of the access, it is necessary to consider its existing use, including by agricultural vehicles. I am not convinced by the evidence that the number of vehicle movements associated with the occupation of a 2 bedroomed dwelling would have a material effect on the access onto Main Rd such as to harm highway safety. Pedestrians crossing the road at this junction would be aware of the potential for vehicle movements at this point, particularly as the access is already there. In my experience this situation would be little different to many accesses in village and rural locations. Furthermore, the access track would be widened to a uniform 3m along its length which would give additional space for users of the public right of way.
10. In accordance with the aims of the Framework and on the basis of the site-specific considerations, I conclude that the appeal proposal would not lead to an unacceptable impact on highway safety and there would be no severe residual cumulative impacts on the road network. Accordingly, the proposal would comply with the requirements of Core Strategy Policy NW10 (6) which requires proper access to development sites; Policy LP31 of the Submitted Local Plan which continues this approach, and the Proposed Modification MM74 to Policy LP31.

Other Matters

11. I have had special regard to the desirability of preserving the settings and any features of special architectural or historic interest which the nearby listed buildings Austrey Baptist Church and 87 Main Rd possess. I concur with the Council that due to the distance between the appeal site and the listed buildings and the presence of intervening buildings there would be no harm to, or loss of, the significance of these designated heritage assets or their settings.
12. There would be minimal alterations to the appearance of the appeal building and new windows would be screened by boundary fencing. There would be no overlooking of adjoining properties or any other harm to the living conditions of neighbouring occupiers.

13. In respect of concerns about potential flood risk in the area resulting from the proposal, the proposal is for a conversion and not new-build development and any surface water would be disposed of by soakaway. Notwithstanding the concerns of the Austrey Parish Council about incidents of flooding and flood damage nearby, there is no convincing evidence that there would be an increased flood risk here. In this regard I share the Council's view.

Conditions

14. A condition is necessary which sets out the approved drawing for the avoidance of doubt and in the interest of proper planning. In the interests of visual amenity and highway and pedestrian safety, details and specifications for the approved improvements to the access are required to be submitted to and approved in writing by the local planning authority for approval and thereafter retained.
15. The Council suggested a condition restricting the construction of outbuildings under Class E of the General Permitted Development Order. The Framework and the Planning Practice Guidance indicate that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this specific case the resulting dwellinghouse would have a large garden area, the site is close to the village boundary and it is bounded by a public footpath and nearby fields. There is therefore the potential for buildings otherwise permitted under Class E to harm visual amenities. In this regard I have also considered the Austrey Neighbourhood Plan Policies AP2 and AP3 which among other things seek to retain access to surrounding fields and to protect important views. Accordingly, for these reasons the suggested condition has been imposed.
16. The installation of an electric vehicle charging point is required by condition in the interests of sustainability. A further condition was suggested requiring the submission of a Construction Management Plan. However, as the proposal is for the conversion of a small-scale existing building which is likely to require fewer construction material deliveries and personnel than a new build development, and because the access to the site already exists, I consider that such a condition would be unreasonable and unduly onerous.

Conclusion

17. I have had regard to all other matters raised, including objections to the proposal from the Parish Council and neighbouring occupiers, but none affect my conclusions. For the reasons set out above the appeal should be allowed subject to the imposed conditions.

Elaine Benson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20 05 02 and 20 05 04.
- 3) Development shall not take place until full details and specifications for the approved improvements to the access have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the works have been carried out in accordance with the approved details. The access shall thereafter be retained as approved.
- 4) Notwithstanding the provisions of Class E of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no buildings or structures incidental to the enjoyment of a dwellinghouse shall be constructed.
- 5) Prior to the first occupation of the approved development, an electric vehicle charging point shall be installed and maintained in full working order at all times.



Appeal Decision

Site visit made on 12 July 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/R3705/D/21/3272539

Holly Farm Barn, 5 Ferndale Close, Hurley, CV9 2NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jeff Pedley against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2020/0484, dated 13 September 2020, was refused by notice dated 12 February 2021.
 - The development proposed is a room above detached garage, increased roof heights.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Background and Main Issues

4. The garage at the appeal site is partially within the Green Belt and relevant Green Belt policies therefore apply. The National Planning Policy Framework (the Framework) identifies that new buildings within the Green Belt will be inappropriate, save for a number of exceptions, including paragraph 149(c) which relates to the extension or alteration of buildings. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved unless very special circumstances exist to justify a proposal.
-

5. As such, the main issues are:

- whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the host dwellinghouse and its immediate setting; and
- if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons for the Recommendation

6. The Framework establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building.
7. Policy NW3 of the Core Strategy (October 2014) (CS) does not refer to extensions to buildings in the Green Belt, however the supporting text in paragraph 7.1 is consistent with the Framework in that it seeks to protect the open nature of the Green Belt and that there is a general presumption against inappropriate development except in very special circumstances. It is further stated in paragraph 7.1 that National Green Belt policy operates over two-thirds of the borough.
8. The Framework states that extensions to buildings will not be inappropriate providing they do not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.' However, the term 'disproportionate' is not defined and, given the lack of any criteria in the development plan, a judgement is required in any given case. The appeal dwelling is a converted barn with a single-storey detached garage. The Council has calculated that the proposed addition of a first-floor to the garage would result in an increase of 45% of the volume of the original building which is a substantial increase.
9. Size is more than a function of volume and includes bulk, mass, and height. The apparent scale and mass of the building would be notably increased as a result of the increase to the ridge and eaves heights. In comparison to the existing modest garage which is subservient to the main dwelling, the extended structure would compete in terms of its height and form and notably fill in space to the side of the main property. From the information before me I am satisfied, as a matter of judgement, that the additions to the original building would be disproportionate when considered in the context of the size of the existing garage.
10. At the time of my visit, the garage was physically attached to the main dwelling and, as such, could be considered as an extension to it. In that case, the 'original building' would constitute the dwelling and it would be necessary to assess whether any cumulative additions over and above the original structure were disproportionate. Neither party has made such an assessment and it is

difficult to be certain as to the extent to which the building has previously been extended. However, the garage appears to be relatively recent and a number of other extensions are present, including the conservatory to the side and the front extension which links to the garage. When added to those elements, the garage extension would not only increase the volumetric scale of extensions but would significantly increase the height and mass of the structure directly next to the main dwelling. Consequently, on the information before me, the proposal would amount to a disproportionate addition if considered as an extension to the main property.

11. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.

Openness of the Green Belt

12. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant¹. As the visual and spatial bulk of the building would be increased by the extension, the proposal would result in a reduction in the openness of the Green Belt. This would be noticeable at a local level where the first floor extension would intrude into the skyline to the side of the dwelling. However, given the localised nature of the impact, the proposal would cause limited harm to the openness of the Green Belt. This is in addition to the harm by reason of its inappropriateness.

Character and appearance

13. The appeal property is part of a small development in Ferndale Close of four detached dwellings and a barn conversion that received outline planning permission in 2000 with the reserved matters approved in 2002². The detached garage is positioned to the front of the property and is highly visible when approaching the site along Ferndale Close.
14. Guidance in paragraph 4.1 of the Council's Guide for the Design of Householder Developments (September 2003) (GDHD) states that detached outbuildings, including garages, are best sited as inconspicuously as possible. While the existing garage is in a prominent location, it blends in with the residential character of the street and the backdrop of the appeal property.
15. Due to the nature of the barn conversion, the appeal property is one and a half storeys in height. The proposed increased height of the garage would result in the garage appearing to be similar in height to the main house. Given its position to the front of the site, the enlarged garage would no longer appear as a subservient structure but would compete in terms of scale with the converted barn. In addition to the scale, the roof pitch would be at odds with the steeper pitch of the converted property which would add to the bulky appearance. Overall, the extension would not sit comfortably in relation to the main house and would be a conspicuous and visually dominant feature in the street. Whilst the barn has been significantly altered some of the original form, particularly the roof form, remains and the scale and location of the proposal would not be sympathetic to the original property for the reasons set out.

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

² Planning application refs. OAP/2000/0381 and ARM/2001/0075

16. I therefore conclude that the proposed garage extension would cause harm to the character and appearance of the appeal dwellinghouse and its immediate setting. The proposal would therefore fail to comply with policy NW12 of the CS and saved policies ENV12 and ENV 13 of the North Warwickshire Local Plan (July 2006) which all seek, amongst other things, for development including extensions to positively integrate into its surroundings and to improve the character and appearance of the area. The proposal would also conflict with the guidance in paragraph 4.1 of the GDHD.

Other Considerations

17. The appellant has referred to various other developments in support of his case. However, the planning history of those sites is not apparent and it is not clear if each site is located within the Green Belt, as is the case here and where very specific national policy restrictions apply. Moreover, it is not clear if the modern dwellings referred to replaced previous structures, such as farm buildings and it is not possible to draw any direct comparison between the context in which those dwellings were approved and the appeal site.
18. The other four properties in the street are two-storey detached dwellings. Two of these dwellings, shown in Exhibits 2 and 3 of the appellant's statement, have integral garages that are part of two-storey attached front gable elements. These gable elements appear to be original design features of the dwellings, and as they are integrated into the appearance of the host dwelling they are therefore different in nature to a detached garage. One of the properties shown in Exhibit 3 has since converted its garage to habitable accommodation. One of the dwellings in the street, shown in Exhibit 4, has a two-storey detached garage which also appears to be an original feature, however this garage is set to the rear of the host dwelling and is only visible from a small part of the street. As such, the existing garages in the street are not directly comparable to the proposal before me and do not justify the appeal proposal.
19. My attention has also been drawn to 97 Knowle Road (Exhibit 5), which has an integral garage as part of a two-storey front gable element, and 1 High View (Exhibit 6) which has a first-floor extension above an attached garage. However, neither of these garages and extensions are detached. Furthermore, neither of these properties appear to be in the Green Belt and no substantive details of any planning permissions for these extensions have been provided. In addition, none of the examples referred to relate to structures next to converted barns but are all purpose built dwellings where design considerations will be different. For those reasons, I give little weight to the arguments relating to other local development

Planning balance and conclusion

20. The proposal is inappropriate development in the Green Belt and, in addition, would cause harm to the openness of the Green Belt. The Framework establishes that substantial weight is afforded to any harm to the Green Belt.
21. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. For the reasons given, I give little weight to the arguments advanced in relation to other development in the area. No other considerations have been put forwards by the appellant, although the proposal would result in

the increase in habitable space in the appeal dwelling. However, the harm that would be caused to the Green Belt in addition to the harm that would be caused to the character and appearance of the appeal dwellinghouse and its immediate setting is not clearly outweighed by any private benefits to the scheme. Consequently, very special circumstances do not exist. As such, the proposal is contrary to policy NW3 of the CS and paragraphs 147 and 148 of the Framework.

22. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR



Appeal Decision

Site Visit made on 16 September 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021

Appeal Ref: APP/R3705/W/21/3272381

**Land north west of Newton Regis Village Hall, Austrey Lane,
Newton Regis, B79 0NL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr H Lillingston, Manor Farm Discretionary Settlement against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2020/0020, dated 15 January 2020, was refused by notice dated 6 October 2020.
 - The development proposed is outline application for the erection of 9 no. dwellings, re-surfacing, line marking and replacement lighting of village hall car park, access alterations to the village hall car park and associated works (all matters reserved except for access).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with only access to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters. I have consequently treated the submitted drawings as being for illustrative purposes only, insofar as they imply matters other than access arrangements.
3. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. The main parties have been given the opportunity to make any comments on the implications of the revised Framework to this appeal and I have taken the comments into account in my considerations.
4. On the evidence available to me I am content that the emerging Local Plan has reached an advanced stage in its preparation and therefore substantial weight can be attached to it for the purposes of the determination of this appeal.

Main Issues

5. These are:
 - i) the effect of the proposal on the character and appearance of the area, and;
 - ii) on highway safety.

Reasons

Character and appearance

6. Notwithstanding any future changes to settlement boundaries in policy terms, Townsend Close exhibits a formal layout in which the houses face inwards and as a result, creates a well-defined edge to Newton Regis village. The hedge along the north-east boundary of this development reinforces the point at which the settlement stops and the open countryside begins. The appeal site, being an open field, is in a relatively open and exposed position relative to the open countryside. The hedge mentioned closes off the appeal site from the existing built form, in both physical and visual terms.
7. Despite the appeal site being behind the line of the existing village hall, the new boundary created by the development would project awkwardly into an open field. The site would be sandwiched between the existing hedge and a new line of landscaping which would isolate the housing from its surroundings. The suggested layout of the houses bears little relationship to the spatial arrangement and density of the houses in Townsend Close which reinforces the sense of separation and would result in a development that would appear as an 'add-on' to the existing settlement rather than as an integral part of it.
8. I acknowledge that, in certain views, including from the existing public right of way, the proposed dwellings would be seen against a backdrop of existing housing. Furthermore, given the distance of separation, the development would not be harmful to the significance of the Newton Regis Conservation Area. Nonetheless, for the reasons given, the development would not appear as a continuation of the existing houses but as an appendage that encroaches into the countryside.
9. I therefore conclude that the development would be harmful to the character and appearance of the area and contrary to Policies NW12 and NW13 of the North Warwickshire Local Plan, Core Strategy (2014), Policies LP14 and LP31 of the emerging draft Local Plan (2018) including modifications (July 2021) and the advice in the Framework which seek to secure high quality design which respects the character of the countryside and the character and appearance of the area.

Highway safety

10. The development would improve the quality and accessibility of the existing access that leads from Austrey Lane and the access to the village hall would be improved, away from the comings and goings along Austrey Lane. The County Council, as Highway Authority, has raised no objection to the access arrangements proposed.
11. The Council raises concern that the development would result in conflicting traffic movements but the evidence before me suggests that the layout proposed could safely accommodate the increase in traffic. The Council suggests that the proximity of the primary school and increased pedestrian movements would be harmful to highway safety but there is no evidence to suggest why this would be the case. The Highway Authority has confirmed that there would be adequate visibility and there are no safety concerns in light of the Road Safety Audit.

12. It appears that the school bus uses the existing access. It is not clear if this arrangement would remain with the development in situ. However, the evidence before me shows that there would be adequate space for a bus to manoeuvre in the access if this was to be the case.
13. Overall, therefore, I find that the development would not be harmful to highway safety and therefore would not be contrary to Policy NW10 of the North Warwickshire Local Plan, Core Strategy (2014) and the advice in the Framework which together, seek development that provides for proper vehicular access and does not have an unacceptable impact on highway safety.

Conclusion

14. The proposal would result in some benefits, including improvements to the village hall car park, access and lighting. However, these benefits would not overcome the harm found to the character and appearance of the area. There are no material considerations, including those of the Framework, which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

R Walmsley

INSPECTOR



Appeal Decision

Site Visit made on 1 October 2021

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2021

Appeal Ref: APP/R3705/W/21/3274026

2 Claremont Villas, Coleshill Road, Furnace End, Coleshill B46 2LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Wheeler against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2020/0053, dated 20 January 2020, was refused by notice dated 8 January 2021.
 - The development proposed is Provision of internal access drive and the construction of two bungalows and one two storey house.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged the Local Plan has been adopted and I have given full weight to the policies within that plan. The appellant was given an opportunity to provide further comments.
3. I am aware that there are heritage assets other than those highlighted by the Council in the vicinity, and in line with my statutory duties I have given special regard to all those assets in my reasoning.

Main Issues

4. The main issues are:
 - Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the development on the openness of the Green Belt;
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of future occupiers and occupiers of Claremont Villas with particular regard to amenity space, outlook, overlooking and light;
 - Whether the development would preserve the setting of the Grade II listed Bubble Inn, the Grade II listed Cottage, adjoining Mill garage, and Mill garage, Coleshill Road, and the scheduled monument of Furnace End Bridge; and,

- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Green Belt

5. The Framework states that inappropriate development is by definition harmful to the Green Belt. Paragraph 149 sets out exceptions including the limited infilling or partial or complete redevelopment of previously developed land (PDL) and limited infilling in villages.
6. The Glossary to the Framework states that residential gardens in built-up areas should be excluded from the definition of PDL. However, case law has confirmed that this exclusion does not apply to residential gardens outside built-up areas.
7. Furnace End is a very small rural settlement centred around crossroads. Claremont Villas has a corner plot at the crossroads and the appeal site is the large rear garden of 2 Claremont Villas (No 2). The triangular site is bounded by the car park to the Bubble Inn and a field on one side, by Coleshill Road and by Claremont Villas. Although there is a varied building line on the other side of the road, in this context the site appears as an extension of the surrounding open countryside. Its development would represent an extension to Furnace End's building pattern rather than infill. I conclude on balance that the appeal site does not lie within a built up area and consequently the site is not PDL.
8. Policy LP3 of the recently adopted Local Plan¹ (LP) states that limited infilling in settlements washed over by the Green Belt will be allowed within infill boundaries as defined on the Proposals Map, where the site is clearly part of the built form of the village, and where there is built development on at least three sides. The LP does not identify Furnace End as a settlement suitable for development within infill boundaries and there is not built development on at least three sides.
9. In addition, LP Policy LP2 sets out a settlement hierarchy. Furnace End falls within Category 5, that is in '*all other locations*' where development will not generally be acceptable. There are exceptions set out, and the development before me would not accord with any of those exceptions. However, I appreciate that this appears to be an open list and I have considered whether special circumstances exist to clearly outweigh the harm to the Green Belt from this development later in my reasoning.
10. In the light of the above, I conclude that the development would not meet the exceptions set out in Paragraph 149 of the Framework and would be inappropriate development. It would therefore be contrary to the purposes of the Green Belt as set out in Paragraph 138 of the Framework, which includes safeguarding the countryside from encroachment.
11. It would also be contrary to LP Policies LP2 and LP3 as set out above, as well as Policies NW2 and NW3 of the Core Strategy² (CS) which are also concerned with the control of development within the Green Belt.

¹ North Warwickshire Local Plan September 2021

² Core Strategy October 2014

Openness

12. The appeal site is open to the west, and although the Bubble Inn's car park is situated on the site's boundary, this does not impede views or the appreciation of openness in this part of the village. The development would introduce significant built form, including terracing, across the site which in itself would be detrimental to the openness of the Green Belt and it would also impede views across the site. Even if I concluded that this was an infill site for the purposes of Paragraph 149 of the Framework, the development would have a greater impact on the openness of the Green Belt than the existing development, or in this case the site's use as garden land. The development would therefore have an adverse effect on the openness of the Green Belt and would not meet the exceptions set out in Paragraph 149 of the Framework.
13. The Framework states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 also states that substantial weight should be given to harm in the Green Belt.
14. The Council has also cited CS Policy NW5 which sets out a settlement strategy but I conclude that this has been rendered out of date by the adoption of the LP which will be based on the latest housing need figures. CS Policy NW6 and LP Policy LP9 are concerned with affordable housing but there is nothing before me to indicate that the development would include affordable housing. Nor is there any mechanism before me to indicate how affordable housing would be secured in relation to this development. I conclude that these policies weigh neither for nor against the appeal.

Character and appearance

15. Claremont Villas is a pair of semi-detached and well-proportioned red brick Victorian dwellings with intricately carved timber decoration on the gable ends, bay windows, dentilled eaves, decorative ridge tiles and stone lintels to some elevations. It is prominently located at the crossroads with sufficient garden on both sides to provide an appropriate buffer from the road and to enhance its prominence and setting.
16. The two-storey dwelling and two single storey dwellings would be spread across the site in a rather random manner unrelated to the building line set by No 2, the line of Coleshill Road or even each other. Their form and typology would also fail to reflect that of any buildings within their visual context, or each other. The siting of Plot 3 also appears inappropriately close to No 2 and would intrude upon its spacious setting. I conclude that the development would fail to integrate with the underlying building pattern, would not reflect local distinctiveness and would not represent high quality design.
17. The development would therefore be contrary to the design aims of LP Policy LP30 which requires development to respect and reflect the existing pattern, character and appearance of its setting. It would also be contrary to Saved Policies ENV12 and ENV13 of the 2006 Local Plan (SLP), and CS Policy NW12 which taken together also set out that development should be well related to each other and harmonise with the immediate setting, and to integrate positively into surroundings with regard to scale, massing height and appearance amongst other considerations.

Living conditions

18. There would be oblique views over No 2's garden and vehicular approach from Plot 3 at fairly close distance, and this would lead to overlooking and a loss of privacy for occupiers of No 2. In other respects I am satisfied that the distances involved are sufficiently large to avoid significant overlooking.
19. The amenity space for Plot 3 would also be restricted. Whilst this might not be sufficient to warrant dismissal of the appeal in the absence of other harm, this observation reinforces my concerns in relation to the development's layout.
20. On balance, I conclude that the dwellings are sufficiently well-spaced from each other to avoid significant issues of outlook or light loss. However this does not alter my conclusions that the development would have an adverse effect on the living conditions of No 2 with regard to loss of privacy, and poor amenity space provision for Plot 3. As such the development would have an adverse effect on the living conditions of existing and future occupiers with regard to overlooking and amenity space. This would be contrary to LP Policy LP29 and CS Policy NW10 which taken together are concerned with residential amenity amongst other considerations. It would also fail to accord with Paragraph 130 of the Framework which requires development to have a high standard of amenity for existing and future occupiers.

Heritage Assets

21. There is a cluster of distinctive period buildings on Coleshill Road opposite the appeal site. These include a country house style period dwelling which appears to date from the 18th century and its large garden, the 17th/18th Bubble Inn and a timber framed sandstone and red brick cottage dating from the early 17th century which was associated with a former watermill.
22. At the end of these buildings there is a large three storey building red brick structure which appears to be of some age but which has been converted to residential use. This building has flat elevations with new jettied windows on the top floor but has retained a distinct industrial and utilitarian appearance which appears to reflect association with the former watermill. I am also aware that the nearby bridge is a scheduled ancient monument, although there are no further listing details on the Historic England website.
23. I conclude that the significance of these listed buildings arises from their diverse form and typology, their spatial relationship with each other and the nearby river, and such historic fabric as remains. This is reflective of the establishment of Furnace End as a small scale industrial hub and associated settlement based on the harnessing of local water power.
24. There is scant information before me with regard to the significance of the appeal site in relation to the appreciation and setting of these heritage assets. The development would introduce a low density development of unremarkable design on the other side of the road. Although this would represent a loss of openness opposite this cluster of buildings, there is nothing before me to indicate the significance of that openness. As such I am satisfied that the development would have neutral effect on the settings of the listed buildings and the bridge. As such there would be no conflict with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or Section 16 of

the Framework. Nor would there be conflict with CS Policy NW14 and LP Policy LP15 which are concerned with the protection of the historic environment.

Other considerations

25. CS Policy NW2 states that development outside development boundaries will be permitted where there is a proven local need, and where it is small in scale and located adjacent to a village.
26. Although policies made before the Framework are not necessarily out of date, Paragraph 219 of the Framework states that due weight should be given to such policies according to their degree of consistency with the Framework. CS Policy NW2 is not entirely consistent with the Framework with regard to development in the Green Belt and in this regard I give this policy limited weight. In any case, there is provision under the Framework for the potential harm arising from inappropriate development to be taken into account in a planning balance and this is outlined in my reasoning below.
27. Two dwellings would provide level accommodation suitable for disabled and/or elderly occupiers, and the third would have a lift. I am required under the Equalities Act to give particular weight and consideration to protected characteristics, which include disability and age. This weighs in favour of the appeal. However, there is nothing before me to indicate that other design solutions that would be more sympathetic to the site's context are not available, or that provision could not be made on another site.
28. Moreover, there is nothing before me to indicate that there is a local shortage of such accommodation or that the Council is resistant to arguments relating to the provision of such accommodation on an individual basis. Whilst I appreciate that the appellant also requires suitable accommodation and that No 2 would be difficult to convert, these needs could be met by the provision of one additional dwelling rather than the three proposed.

Planning balance

29. The evidence before me indicates that the Council has sufficient housing supply. As such the tilted balance set out in Paragraph 11 of the Framework does not apply in this instance.
30. Although I have given weight to the benefits to be afforded to the accessibility of the dwellings and associated social benefits of allowing local residents to downsize within the village, the harm arising from inappropriate development in the Green Belt, as well as harm to the character and appearance of the area and the living conditions of future and existing occupiers would not be clearly outweighed by these other considerations. That being so, there are not the very special circumstances required to justify the proposal.

Other Matters

31. The appeal statement notes that the form and architectural style was indicative of development. However, this is not an outline application and I have to determine the appeal on the basis of what is before me.
32. The lack of objections from other parties carries little weight as there may be many reasons why other parties do not object.

Conclusion

33. I conclude that the development would fail to accord with the Local Plan taken as a whole and the Framework, and that that conflict would not be outweighed by other material considerations including the public sector equality duty. The appeal is dismissed.

A Edgington

INSPECTOR

Agenda Item No 7

Planning and Development Board

1 November 2021

**Report of the
Chief Executive**

Exclusion of the Public and Press

Recommendation to the Board

That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business, on the grounds that it involves the likely disclosure of exempt information as defined by Schedule 12A to the Act.

Agenda Item No 8

Confidential Extract of Minutes of Planning and Development Board held on 4 October 2021

Paragraph 5 – by reason of Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings; and

Paragraph 6 – by reason of the need to consider the making of an order.

In relation to the item listed above members should only exclude the public if the public interest in doing so outweighs the public interest in disclosing the information, giving their reasons as to why that is the case.

The Contact Officer for this report is Emma Humphreys (719226).