

Appeal Decision

Site visit made on 20 August 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2024

Appeal Ref: APP/R3705/W/24/3340380

Orchards, Bennetts Road North, Corley, North Warwickshire CV7 8BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dereck Beverley against the decision of North Warwickshire Borough Council.
 - The application Ref is PAP/2023/0439.
 - The development proposed is a 3 bedroom bungalow (replacement of previous house on site).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council, in its description of the site address, identified the property as being 'land between Holmfield and Oakdene'. I have used the site address given on the application form here and in any event, am satisfied that the site location plan adequately identifies the land.
3. The description of development given in the banner heading is also that given on the application form. However, my inclusion of the reference to a previous dwelling on the site should not be taken as an inference of this as a prejudgement of the case or indication of it as a matter of fact.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

Main Issues

5. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and

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

Reasons

Whether inappropriate development

6. The appeal site is located within the Green Belt. Policy LP3 of the North Warwickshire Local Plan 2021 (NWLP) is consistent with the Framework in stating that inappropriate development in the Green Belt will not be approved except in very special circumstances. Criteria 3. and 4. of policy LP3 set out that limited infilling in settlements washed over by the Green Belt will be allowed within the infill boundaries as defined on the Policies Map. Such development may also be acceptable where a site is clearly part of the built form of a settlement where there is substantial built development around three or more sides of a site.
7. The Framework contains a similar provision within criterion (e) of paragraph 154. This paragraph sets out the exceptions to the general principle that new buildings in the Green Belt are inappropriate with limited infilling in villages being such an exception.
8. The site, however, is not within a defined infill boundary and therefore the criterion of LP3 3. do not apply. In relation to LP3 4., the site is not surrounded by substantial built development on three or more sides as there are only the adjacent dwellings, Holmfield and Oakdene, to either side. Fields are located to the front and rear of the site and I do not regard the existence of Bennetts Road North as being substantial built development.
9. The development does constitute infilling, as it located between these two neighbouring homes and the gap is consistent with neighbouring plot sizes, the site is not located within a village. The area has none of the characteristics of a village, lacking a focal point or any services or facilities that would give it such character. It is part of a linear row of ribbon development on the outskirts of Coventry. Although the surroundings are semi-rural to rural in nature, this does not equate to the site being located within a village.
10. I have been mindful of the views of the Parish Council in this regard, and their observations of the dispersed nature of Corley. However, I am unwilling to accept this argument. The village itself clearly has a focal point with historic lanes having developed through and from around it. Conversely, it is readily apparent that Bennetts Road North is a relatively modern ribbon style extension of Coventry and is unaffiliated with the village in any geographic form.
11. Turning to the criteria under Framework paragraph 154(g); this allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, subject to it not having a greater impact on the openness of the Green Belt than the existing development.

12. There is some evidence on the site of previous development in the form of bricks and footings. The evidence suggests that this may have been the remains of a house which was demolished a significant amount of time ago. Indeed, a previous Inspector¹ was willing to accept this point and I have no reason to disagree. The site could therefore be regarded as being previously developed land. Even so, there is no building presently in situ and the site is open and undeveloped above ground. The proposed development would introduce a new dwelling which would have an adverse effect upon the openness of the green belt in both a spatial and visual dimension.
13. Accordingly, I conclude that the proposed development would be inappropriate development in the Green Belt which would, by definition, be harmful to it contrary to policy LP3 of the NWLP and provisions of the Framework.

Other considerations and very special circumstances

14. The appellant has put forward that the proposed dwelling would be a self-build or custom-build dwelling. The Housing and Planning Act of 2016 provides that authorities must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom-build housing in the authority's area, in each base period.
15. The appellant suggests that only two self-build or custom-build homes have been permitted since 2016 and there is a register of 41 people in the current base period. I have not been provided with any evidence to confirm this but nevertheless, even if the Council is not meeting its requirement to deliver such sites, due to the conflict with the Green Belt policies of the NWLP and the Framework, I can afford this limited weight.
16. I have considered that the land remaining undeveloped may result in it becoming overgrown and attracting rubbish. However, this could easily be resolved through adequate site security and maintenance which would not adversely affect the openness of the Green Belt. It does not require, or justify, the construction of a dwelling and as such I can assign negligible weight to this argument.
17. My attention has been drawn to various other examples of developments permitted in and around the North Warwickshire area however I have been provided with limited details of these cases. Accordingly, and given that the circumstances of each case may differ substantially, I am not able to assign weight to these examples.
18. In reaching my decision and being mindful of the appellant's claims to being ex-military personnel, seeking an affordable home in the countryside in the interests of mental health; I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics which includes disability.

¹ APP/R3705/W/20/3258573

19. The appellant claims mental health concerns and the proposal would be to meet these needs. Furthermore, the proposal would enable the appellant to live in countryside surroundings. However, I have no cogent evidence that this scheme is the only way in which the appellant's needs could be met particularly given that the site location plan indicates that the appellant owns a neighbouring property. Furthermore, the new dwelling is likely to remain long after such personal circumstances cease to be material. Therefore, and in the absence of supporting evidence, I can only attribute very limited weight to such personal circumstances.

Green Belt Balance and Conclusion

20. Paragraphs 152 and 153 of the 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.
21. I have concluded that the appeal scheme would be inappropriate development that would, by definition, harm the Green Belt. Paragraph 153 of the Framework requires substantial weight to be given to any harm to the Green Belt.
22. The evidence provided by the appellant can only attract limited weight and it would not amount to very special circumstances to clearly outweigh the harm to the Green Belt I have identified. I have further considered the social and economic benefits of delivering a new home, but the benefits of a single dwelling would be very modest, and they are not sufficient to clearly outweigh the harm to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist.
23. The proposal conflicts with the development plan read as a whole and the material considerations do not indicate a decision otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Nick Bowden

INSPECTOR