



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).
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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

