



Appeal Decision

Site visit made on 8 September 2015

by R C Kirby BA (Hons) DipTP MRTPI

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

Decision date: 15 October 2015

Appeal Ref: APP/R3705/W/15/3087232
Eastlang Road, Fillongley CV7 8EQ

- 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 James Cassidy, Cassidy Group (UK) Limited against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2014/0520, dated 30 September 2014, was refused by notice dated 14 April 2015.
 - The development proposed is described as 2 No 4b6p houses, 2 No 3b5p houses, 11 No 2b4p houses, 9 No 2b4p bungalows, 3 No 3b5p bungalows including associated highways, external works, landscaping and boundary treatments.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Cassidy Group (UK) Limited against North Warwickshire Borough Council. This application is the subject of a separate Decision.

Procedural Matter

3. During the course of the planning application the scheme was amended, and it is the amended scheme that the Council determined. It is on this basis that I have determined the appeal.

Main Issues

4. The appeal site is located within the West Midlands Green Belt. Accordingly the main issues are:
 - whether the proposal would constitute inappropriate development within the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect on the openness of the Green Belt and its purpose; 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?

5. The appeal site comprises a grassed field that is roughly triangular in shape, enclosed on 2 sides by mature landscaping, beyond which is a recreation ground and playground to the north and agricultural fields to the east. To the south and west is residential development in Church Lane and Eastlang Road. The appeal site extends to 1.31 hectares and the proposal is for 27 dwellings, comprising 21 affordable homes and 6 market homes. Access would be from Eastlang Road and public open space would be provided upon the site.
6. The Framework establishes that new buildings within the Green Belt are inappropriate unless, amongst other things, it involves limited infilling in villages. Whilst there is no definition within the Framework of 'limited', 'infilling' or 'village', it is clear from the inset map within the North Warwickshire Borough Council Local Plan that the appeal site is located outside of, but adjacent to the development boundary for Fillongley. Accordingly, for planning policy purposes the site is located within the countryside.
7. Having regard to the above, the relationship of the site to existing residential development and the size of the appeal site relative to neighbouring development, I do not concur with the appellant that the scheme would result in limited infilling in the village. Although Policy NW3 of the North Warwickshire Local Plan Core Strategy (Core Strategy) establishes that infill boundaries in the Green Belt will be brought forward to indicate where limited infill and redevelopment would be permitted, I have not been provided with evidence that this is applicable to Fillongley at this time.
8. However, the Framework makes it clear that limited affordable housing for local community needs under policies set out in the Local Plan is not inappropriate development in the Green Belt. This is supported by Core Strategy Policy NW5 which allows for small scale affordable housing schemes outside of development boundaries, providing that there is a proven local need and that important environmental assets are not compromised.
9. There have been a number of Housing Needs Surveys (HNS) within Fillongley; the first published in April 2009 identified a need for 10 dwellings comprising both rented and shared ownership units. A survey published in January 2014 also identified a need for 10 units of accommodation based on respondents who left contact details. A 'potential need' was also identified, although this could not be verified as respondents did not leave their contact details. Due to the size of this 'potential need', a further survey was undertaken with the appeal site identified as a possible site. The appellant undertook this second survey, although the responses were sent to the Council so that it could identify the housing need for the Parish. This time over 40 respondents left their contact details and the Council translated the survey results in June 2014 as there being a need for 27 new homes in the Parish.
10. I note that the appellant has undertaken similar HNS with the support of the Council in different Parishes and that the results have been accepted. Be that as it may, it is clear from the Council's decision notice that it did not consider that a proven local need for the housing had been demonstrated in this case. The Council and Parish Council question the validity of the most recent survey, considering that it lacked independence as the appellant's details were included on the questionnaire. Also, as a specific site was identified, this could have raised respondents' expectations. Moreover, the Council questions the increased housing need that this survey

identified in the space of a few months, and consider that this casts doubt on whether there is a proven local need.

11. Whilst noting these concerns, I understand that it was the Council who contacted the respondents of the survey to establish the housing need for the Parish. The Council have accepted a similar developer partnership approach in HNS elsewhere and I have no reason to doubt that the findings of the most recent survey lack independence. Indeed I find that the results confirm the 'potential need' that was identified within the January 2014 survey. On the basis of the evidence before me, I am therefore satisfied that it has been demonstrated that there is a local community need for affordable housing in the area.
12. However, the proposed scheme is not exclusively for affordable housing. It includes 6 market units. There is no provision within development plan policies for this housing mix within the countryside, nor is there provision within Green Belt policy within the Framework. There would therefore be conflict with the objectives of Policy NW5 of the Core Strategy and the Framework. Given my findings and the nature of the proposal it is not necessary for me to establish whether the scheme would be 'small in scale' or result in 'limited affordable housing'.
13. In light of my findings above, as the proposal is not exclusively for affordable housing, the scheme would result in inappropriate development in the Green Belt. Inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and purpose

14. Openness is an essential characteristic of Green Belts, as is their permanence. Green Belts serve five purposes, one of which is to assist in safeguarding the countryside from encroachment. The addition of built development on the existing undeveloped site would have an effect on openness, in that it would be significantly reduced. The proposal would also extend the built development of Fillongley into the countryside which would conflict with the purpose of including land within the Green Belt. These matters would be harmful to the Green Belt and carry significant weight in my overall decision.
15. The proposal would be harmful to the openness of the Green Belt and would conflict with the purpose of including land within it. This brings the scheme into conflict with the environmental asset objective of Policy NW5 of the Core Strategy, and national Green Belt policy. Whilst the existing mature landscaping would contain the site, this would not mitigate the harm identified.

Other considerations

16. The Framework establishes that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' 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.
17. There is dispute between the main parties as to whether the Council can demonstrate a 5 year supply of deliverable housing sites. The Council have produced evidence that there was a 7.6 years supply of housing land in March 2015. I have not been provided with substantive evidence to cast doubt upon this figure, and accordingly I find that the Council's policies for the supply of housing are up-to-date.

18. Notwithstanding my findings above, the proposal would provide much needed affordable housing in a Borough which has identified the provision of affordable housing as one of its main priorities for the future. I have no reason to doubt the appellant's submission that the scheme can be delivered. I note that there are no technical objections to the scheme. These matters carry considerable weight in favour of the proposal. The proximity of the site to local services and facilities, including the recreation ground weighs in the scheme's favour, and attracts moderate weight in my overall decision.
19. The provision of 6 market houses would make a contribution, albeit small, to the Government's objective of significantly boosting the supply of housing. However, given my findings above in respect of housing land supply, this number of dwellings could be constructed upon sites where there would be no conflict with development plan policies. Accordingly this matter only attracts limited weight in my decision.
20. I acknowledge that Paragraph 54 of the Framework supports local planning authorities considering whether to allow some market housing to facilitate the provision of significant additional affordable housing to meet local needs. However, there are currently no development plan policies to support this approach, nor is such an approach supported as an exception to new buildings in the Green Belt. Whilst noting that the appellant considers that the scheme would not be viable if the 6 units of market housing were not provided, I have not been provided with evidence to demonstrate this. I am therefore only able to attach limited weight to these matters.
21. There would clearly be economic benefits associated with the scheme, including the support future occupiers would give to local businesses and services. However this would be so regardless of where the new houses were built and thus this carries limited weight.
22. I do not doubt that the proposed scheme would be of a high quality design or that renewable energy features would be incorporated, which would make a positive contribution to the environmental and social roles of sustainability. Again, such benefits could be achieved regardless of where the housing was built and as such these matters are only neutral in my decision. I attach similar weight to the retention of mature trees/hedgerows and the proposed landscaping contributing to biodiversity on the site, as it is likely that the undeveloped nature of the site would have a similar effect.

Conclusion

23. I have considered the matters cited in support of the proposal, including Officer support for the scheme. However, I conclude that even when taken together, these matters do not outweigh the totality of the harm to the Green Belt, which is the test they have to meet. Consequently very special circumstances do not exist to justify inappropriate development in the Green Belt. The release of a site within the countryside and the Green Belt for new housing is not justified in this case.
24. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

R C Kirby

INSPECTOR