



Appeal Decision

Site visit made on 6 September 2023

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2023

Appeal Ref: APP/K2420/W/23/3317284

Land at Bagworth Road, Nailstone, Nuneaton CV13 0QJ

- 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 J Dawson against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 22/00302/OUT, dated 24 March 2022, was refused by notice dated 23 December 2022.
 - The development proposed is described as "Outline application for up to 9 dwellings, all matters reserved."
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr J Dawson against Hinckley and Bosworth Borough Council. This is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline with matters relating to access, appearance, landscaping, layout and scale reserved for later consideration. I have dealt with the appeal on this basis and treated the submitted plans where relevant as indicative with regards to the outstanding matters.
4. A signed planning obligation made under section 106 of the Town and Country Planning Act 1990, was submitted to address off site open space provision.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the countryside.

Reasons

6. The appeal site is an irregular shaped, grassed area on the edge of the village of Nailstone. The site fronts Bagworth Road and extends back from the road, to the northwest. An existing access track forms the north-eastern boundary of the site and beyond this is open fields. The majority of the development in the vicinity, on the north side of Bagworth Road is frontage development with fields to the rear which adjoin the appeal site. This ribbon of development gives a sense that the built-up part of the settlement is receding, giving way to the countryside beyond. A notable exception to this established layout is a development of two bungalows which are located further back from Bagworth Road and which appear anomalous in this context.

7. Opposite the site, on the south-east side of Bagworth Road are further open fields. The appeal site is part of a patchwork of green spaces, bound by a mix of hedging and trees which characterise the landscape in this area and give it a distinctive rural character. The appeal site is not within a designated area, however it is nevertheless in an attractive countryside location and the absence of development on the site contributes to this character.
8. The appeal site is just outside of the settlement boundary for Nailstone, and so is treated as countryside for the purposes of the development plan. In order to protect the intrinsic value, beauty and character of the countryside, Policy DM4 of the Site Allocations and Development Management Policies DPD 2016 (SADMP) restricts development in the countryside except in specific circumstances, none of which apply to new residential development such as that proposed.
9. The proposal does not comply with the criterion for new development in the countryside set out in parts a) – e) of Policy DM4, but if it were to, the policy would also require that the development should not have a significant adverse effect on the open character and landscape character of the countryside. In this case the proposed development would introduce a small estate of up to 9 dwellings into an area on the edge of the village which is currently open. Regardless of the final layout, the development would project back a significant distance from Bagworth Road and would create a new row of development perpendicular to the main road. This depth would be at odds with the existing linear form of development in the vicinity and would result in the loss of the existing sense of a gradual transition from settlement to countryside.
10. The development would be perceived most clearly in views on approach from the road to the northeast and across fields, from Grange Road and from the footpath to the north of the appeal site. I acknowledge that, from some vantage points, the proposed dwellings would be seen in the context of other development, as shown on the viewpoint photographs provided by the appellant, and density would be similar to that of nearby development. Nonetheless, the proposed development would not sit comfortably in this context, due to its conflict with the established layout of the area. The loss of the appeal site as an open element in these views, and the introduction of new built development in its place, would be harmful to the character and appearance of the area including the rural setting of the village.
11. The appellant contends that the site would be landscaped which would provide a screening and softening effect. However, whilst any such landscaping could provide some immediate function, this would be minor, and it would take years to mature to provide an effective screen. In any event I cannot be sure that the landscaping required to effectively screen the development would be reflective of the landscape character of the area and would not, in itself, be harmful to the character and appearance of the area.
12. For these reasons the proposal would have a significantly harmful effect on the character and appearance of the countryside. The proposal would therefore fail to comply with the requirements for development in the countryside set out in Policy DM4. As it would fail to complement the character of the surrounding area it would also conflict with Policy DM10 of the SADMP.

Other Matters

Access to services and facilities

13. Nailstone is identified as a Rural Village in Policy 12 of the Core Strategy, reflecting the presence of a limited number of local services and I acknowledge that there are some facilities nearby which would be accessible from the appeal site by means other than the private car. Whilst the pub was not trading at the time of my site visit, other facilities include a primary school in close proximity to the site, play area and a church. The church and school are used for community groups. Employment and leisure opportunities at the site of the former colliery are within a 2km walking distance of the appeal site, but I am not convinced this could be accessed safely by foot as much of the footpath is unlit and is adjacent to a road with high vehicle speeds. There are no shops, and it would not be possible to meet the majority of daily needs within the village. Public transport options are extremely limited, and it is likely that future occupiers of the proposed house would use private cars for the majority of their day-to-day trips. Development in this location would not minimise the need to travel or maximise the use of sustainable travel modes as required by SADMP Policy DM17. It would also conflict with the objective of the Framework to promote sustainable transport.

Housing need and supply

14. The Council is unable to demonstrate a five year supply of deliverable housing sites, with the current supply reported to be 4.76 years. As such paragraph 11(d) of the Framework applies. This requires that planning permission should be granted, unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with Policy DM4 and DM10 of the SADMP insofar as it would result in development in the countryside which would harm its character and appearance. The appellant contends that Policy DM4 is out of date as it restricts the supply of housing. However, the objectives of this Policy are the protection of the countryside from unsustainable development, rather than a blanket protection. In this regard, Policy DM4 is consistent with the Framework paragraph 174 b), which requires that planning policies contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Policy DM10 is also consistent with the Framework in terms of seeking to ensure development is sympathetic to local character. Consequently, I attach substantial weight to the conflict with these policies.

Planning Balance

16. The proposal would provide up to 9 dwellings which would make a modest, but valuable contribution to the Council's housing land supply, with a range of property types. There would also be associated economic benefits through employment, sales, council tax and expenditure. Social benefits include the bolstering of local services including the primary school, the pub (should it reopen) and the church.

17. In addition, the proposal would make a financial contribution to off site open space at Church Road Park which would provide for the additional demand for open space generated by occupiers of the new development. Overall, I attach moderate weight to the benefits of the proposal given the scale of the development proposed.
18. The proposal would incorporate renewable energy technologies, would provide biodiversity enhancements, and sustainable drainage. However, I have been provided with limited evidence that these would be greater than would ordinarily be required. I also note the lack of technical objections, such as highways, however the absence of harm in these respects is a neutral factor.
19. Set against the identified benefits, the proposal would result in significant harm to the character and appearance of the countryside. Harm would also result from the provision of new houses in an area with limited accessibility to local services and facilities, which would result in increased travel by car. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the material considerations, including the benefits identified do not indicate that the proposal should be determined otherwise than in accordance with the development plan.

Conclusion

21. I conclude that the proposal conflicts with the development plan as a whole, and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR