

23/00824/OUT - Land at Barwell Road, Kirkby Mallory

Comments following discussion with planning officer on 24/11/23

And in response to quoted Appeal Ref: APP/K2420/W/23/3317284
Land at Bagworth Road, Nailstone, Nuneaton CV13 0QJ

Comparison of Appeal Site with Application Site:-

Application Site	Appeal Site
1. Edge of village - outside, but whole site lies adjacent to village envelope.	1. Edge of village - outside, and majority of site does not lie adjacent to village envelope – there is a significant projection into open countryside on three sides.
2. Existing continuous substantial mature hedge and tree screening on all countryside boundaries. There is no boundary demarcation to the north-eastern side, but 40 metres beyond is the mature hedge to Shilton Road, providing a complete screen along the highway in that direction. The hedge and the land between are in the control of the Applicant. The western boundary adjoins the side elevation of a roadside house, behind which is a residential garage block and court and an electricity sub-station. There is no overlooking.	2. No screening of any kind on any of the boundaries, except on the south-west side. This boundary has a short section adjacent to a roadside house and two houses to the rear of that, beyond which are several individual semi-mature trees/bushes fronting a paddock. All remaining boundaries have an uninterrupted outlook over extensive distant open countryside views. There will be oblique overlooking from the two back-land development dwellings.
3. This has been included in the SHELAA, indicating that the Planning Authority was already satisfied that the site would be suitable, available, achievable and that there would be no significant constraints to it being developed for housing.	3. No evidence was found that the whole site had already been included in the SHELAA, so it has not been tested against any of the criteria that have to be satisfied before acceptance into the SHELAA can take place. Only part of the site with frontage was included in the 2018 SHELAA; 5 years ago; this has been developed with the frontage and back-land dwellings, which were occupied at the time of the 2022 Application and subsequent Appeal.

4. Supporting evidence contained a detailed independent Landscape Assessment which included a full analysis of the criteria in DM4 and concluded in respect of the analysed impact of residential development of the site that:- " 4.15These are the range of effects that are common to, and typically expected of, most new housing development and are not considered to be significant in the reading of Policy DM4."	4. No independent Landscape Assessment was submitted in support of this Appeal or the refused application, (Ref 22/00302/OUT). In the Appeal Statement, this issue was addressed in a single paragraph:- 6.19 ".....Whilst it is in the countryside, the site is in an edge of settlement location where open views for the site are limited and where visible, the site is viewed in the context of the built form of the village. The overall effect of the proposal in terms of landscape and visual impact is not considered high."....."As such it is concluded that the Appeal proposals would not have an unacceptable impact on the countryside, more specifically with reference to SADMP Policy DM4, the Appeal proposals would not result in a significant adverse effect on the intrinsic value, beauty, open character, landscape character of the countryside" The Inspector disagreed, as detailed in paragraphs 9, 10 (and most importantly) paragraph 12, of his Decision. ..
5. A noise assessment was carried out by an Acoustics and Noise Control Specialist and was submitted in support of the application. The conclusion reached was that "....the proposed development of this site.....would not be adversely affected by noise generated from the nearby Race Circuit."	5. Noise was not identified as an issue in this case.
6. In addition to the small contribution that the provision of housing on this site would make towards overcoming the current shortfall in housing numbers in the Borough, it also makes provision for 3 self-build dwellings. There is a specific planning policy intended to make an adequate provision of this type of dwelling in the Borough and there is also an identified unsatisfied need at the present time.	6. No provision was made for any self-build dwellings.

7. Kirkby Mallory has a broader range of services and facilities than Nailstone, which is classed in the Settlement Hierarchy Review of December 2021 as a Rural Hamlet. Indeed, it has a place of worship, a village hall, a shop, a public house and restaurant, employment opportunities at the racetrack and a limited bus service. It is much closer to a Key Local Centre than a Rural Hamlet, and recognition of this should be made in assessing its level of sustainability, and appropriate weight given to it.	7. Nailstone has no restaurant, no pub nor a village hall, but it does have a school which has been strategically sited to serve the surrounding area as much as the village. It has only a limited bus service. It fits the definition of a Rural Hamlet.
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Comments in support of the Application

- Smaller development sites are vital to the overall process of delivering sufficient homes in the Borough. They attract Small and Medium-sized developers (“SME’s”) who provide greater levels of local employment, and require the local provision of materials and sub-contract skills. They are in need of a constant regular turnover and are flexible enough to be much more efficient on time and cost. Incomes generated by SME’s remain within the local economy to the benefit of the community in which they work.
- The comparatively wide range of services that Kirkby Mallory currently has, is highly valued by the local community. If these services and facilities are to be sustained, it is necessary to provide a steady increase in demand through allowing a limited expansion of the local population by the construction of small sites such as this, which can be accommodated without undue strain.
- Due to the significant differences between them, a valid comparison between the Appeal site at Nailstone and this application site cannot be made. It is a fundamental tenet of Planning Practice that each application must be treated on its own merits and in that respect this application deserves favourable consideration and should be recommended for approval.