



Appeal Decision

Site visit made on 4 March 2019

by J Spurling BSc(Hons) DipTP PGDip(Law) PGDip(CMI) MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2019

Appeal Ref: APP/R3705/W/18/3218660

Land south of Newton Farm, Main Road, Newton Regis, B79 0NE

- 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 T Smith against the decision of North Warwickshire Borough Council.
 - The application Ref PAP/2018/0314 dated 16 May 2018, was refused by notice 8 November 2018.
 - The development proposed is described as the erection of one dwelling with associated woodland landscaping land south of Newton Farm, Main Road, Newton Regis, Warwickshire B79 0NE.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework was revised in February 2019 (the Framework) and this post-dates the Council's refusal of planning permission. I have taken into account the Framework, as a material planning consideration, as part of the determination of this appeal. Local Development Plan policies that pre-date this publication should be given due weight according to the degree of consistency with the Framework. I have therefore determined the appeal with this in mind.
3. North Warwickshire Borough Council is in the process of updating its Local Plan and has referenced emerging policy LP15. From the information before me, including the progress note provided by the appellant, the examination of the emerging plan has yet to be completed and policies within it could be subject to change. I therefore only afford limited weight to this policy.
4. There have been a number of planning appeals on this site, which have been dismissed. An appeal¹ for 19 dwellings was dismissed, due to its adverse effect on the boundary wall and the incursion of built development into the countryside. A more recent appeal², which related to an outline application (access only) for six dwellings was also dismissed due to the effect on the CA and that the site was not an appropriate location for housing. The most recent

¹ APP/R3705/A/13/2208894

² APP/R3705/A/14/2228761

appeal³ was for up to 6 dwellings with all matters reserved. In dismissing that appeal, the Inspector considered that the proposal would not represent sustainable development and that harm would be caused to the character and appearance of the area.

5. Whilst the planning application form referred to the address as 'Main Street', the decision notice referred to the address as 'Main Road' and all indications are that the road is known as 'Main Road'. Therefore, in this regard I have referred to the address as 'Main Road' and dealt with the appeal accordingly.

Main Issue

6. The main issue is the effect on the character and appearance of the area, with particular regard to whether the development would preserve or enhance the setting of the Newton Regis Conservation Area (CA), and the setting of Newton Farm.

Reasons

7. The appeal site comprises part of a field located on the edge of the village of Newton Regis, adjacent to the boundary of the Newton Regis CA, which runs along Main Road to the north of the site. It is bounded to the south and west by fields and to the east by semi-detached dwellings including some en bloc garages. On the opposite side of Main Road is the traditional farmhouse and associated buildings at Newton Farm. The front boundary of the site adjacent to the road is marked by a low level brick wall with a similar brick wall on the opposite side of the road to the front of the farmhouse at Newton Farm. A field gate providing vehicular access to the site is located adjacent to the wall fronting onto Main Road. The site is located at one of the key entrance points to the village and the CA and significantly contributes to its rural setting. The CA was designated in 1981.
8. The boundary wall, the one opposite and the farmhouse at Newton Farm are non-designated heritage assets within the CA, all of which contribute positively to the character and appearance of the CA.
9. It is recognised that there are some modern features both adjacent to and within the appeal site. This includes Lime Grove (which comprises two pairs of semi-detached houses and associated garages), electricity pylons and other physical apparatus.
10. The appellant states an intention to create a landmark building that is commensurate and complementary to Newton Farm, which is an historic and attractive two storey detached building prominent in the street scene. The appellant has engaged a design professional to seek a design appropriate for the location.
11. The proposed dwelling would be a substantial two storey detached building with an attached triple garage. It would be set well back from Main Road with the proposed garage offset but located in front of the proposed dwelling. Whilst the scale and massing would be similar to Newton Farm, design elements of the building, such as the externally expressed chimneys, would be uncharacteristic in the area.

³ APP/R3705/W/17/3179126 – decision date 27 November 2017

12. The proposed woodland planting associated with the development would help to screen some of the existing modern features, such as the pylons that already exist, and would enhance the CA therefore providing a public benefit. Screening through trees or groups of trees may in time be able to mitigate harm but would not enhance the setting of the Conservation Area. It would take some time for planting to reach a level of maturity that could potentially screen the building and some of the other modern features from view. Furthermore, screening can change over time and during seasons, such as changes to foliage.
13. The appeal site as an open field contributes to the setting of the village and the CA. Whilst I noted that there was some element of tree cover to parts of the edge of the village, this was not a feature that prevailed in all instances. The erection of a dwelling on the site, would result in an inappropriate and significantly harmful incursion of built development into the countryside. Whilst reference has been made to similar woodland in villages in the vicinity, no specific details are before me. In any case, it is the current appeal before me.
14. Reference has been made to the Manor Farm scheme, within the CA and near to listed buildings. My attention has also been drawn to Ingle House, which is a modern property on the junction of Main Road and Seckington Lane adjacent to the CA, in support of the proposal. However, I have only been provided with limited details or particular circumstances of these cases. In any event, I must determine the proposal before me on its own merits.
15. The appeal would not affect the boundary wall. It is accepted that some of the more modern development including the 1970s housing, garages, pylons and gas apparatus may not be removed, and it is also recognised that the nature of Conservation Areas or villages may change over time. These matters neither weigh for nor against the proposal and therefore I afford them neutral weight.
16. The proposal would therefore fail to preserve the setting of the CA and would not meet the requirements of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). I therefore consider that there would be a harmful impact on the character of the village, the setting of Newton Farm and the setting of the CA. The proposal would fail to accord with Policy NW14 of the North Warwickshire Core Strategy (CS) or policies ENV15 and ENV16 of the North Warwickshire Local Plan (LP). These policies seek, amongst other matters, to ensure that all development proposals demonstrate a high quality of sustainable design that positively improve the individual settlement's character and sustain, conserve and enhance the historic environment including conservation areas and non-listed buildings of historic value. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA.

Other Matters and Planning Balance

17. The appellant has drawn my attention to Policy NW2 in the CS. This policy sets out a settlement hierarchy and states that where necessary, changes to development boundaries will be made in the appropriate development plan document, or once development has taken place, whichever is the earlier.

18. Newton Regis is one of a number of Category 4 settlements under Policy NW2⁴ of the CS. This category states that development will be limited to that identified in the plan or identified through a neighbourhood or other locality plan. Policy NW5 of the CS states that Newton Regis will cater for 15 houses, usually on sites of no more than 10 units and at any one time depending on viability, although a Neighbourhood Plan could allocate more. At this time there is no Neighbourhood Plan for Newton Regis.
19. The Council acknowledge that appeal decisions at Daw Mill⁵ and Ansley Phase 2⁶ have established that Development Plan policy in respect of development boundaries is currently out of date. As the housing supply policies are out of date, paragraph 11d) of the Framework is engaged. The appellant and the Council do not agree on whether there is a five year supply of housing or what the scale of housing development for the Borough is. However, this dispute is of little relevance given that the housing supply policies are out of date. In any event Paragraph 11d) requires an assessment of the application against the policies in the Framework when as taken as a whole.
20. Paragraph 78 of the Framework sets out that planning policies should identify opportunities for villages to grow and thrive, especially where this would support local services. I consider that policies in NW2 and NW5 of the CS, in terms of directing residential development to Newton Regis, are consistent with the Framework.
21. Future occupiers of the proposed development would be unlikely to rely solely on public transport. From the information before me, I did observe that there were various services and facilities in Newton Regis including a pub, church and a primary school. Nonetheless, the services and facilities are generally limited. The occupiers of the development would be likely to need to use a private vehicle for some trips and this is the least sustainable transport mode. However, the development is only for one dwelling and therefore the number of vehicle movements would be likely to be limited. I therefore afford the harm from vehicle movements limited negative weight.
22. There would be some short term benefits through the construction activity and additional spending from future occupiers. Whilst it is acknowledged that future occupiers would have to travel out of the village to access some services and facilities and that there are limited travel choices available, there would be some economic benefits. I afford the economic benefits limited weight.
23. The proposal would provide an additional unit and would contribute to the supply of housing in the Borough, supporting the Government's objective to boost significantly the supply of housing as stated in paragraph 59 of the Framework. I have also had regard to the aims of the Housing White Paper: Fixing our broken housing market. However, the identified benefits arising from the addition of one dwelling would be small.

Conclusion

⁴ 'Other Settlements with a development boundary'

⁵ APP/R3705/W/16/3149827

⁶ APP/R3705/W/16/3149572

24. Taking the above matters into consideration, I consider that there would be harm to the setting and therefore the significance of the CA as a result of the proposal and that this harm would be less than substantial. Even though I have found that the harm to the heritage asset would be less than substantial, it is not to be treated as a less than substantial objection to the proposal. Paragraph 196 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against any public benefits of the proposal. The PPG defines public benefit in this regard as "*of a nature or scale to be of benefit to the public at large and should not just be a private benefit*". In this case no public benefit has been identified to outweigh that harm and nothing to outweigh the less than substantial harm which would be caused to the heritage asset.
25. In addition, I have found significant harm to the character and appearance of the area more generally and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Therefore, the proposal would not represent sustainable development.
26. For these reasons given above and having regard to all other matters raised, the appeal is dismissed.

J Spurling

INSPECTOR