
Appeal Decision

Site visit made on 17 August 2015

by **G D Grindey MSc MRTPI. Tech.Cert.Arb.**

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

Decision date: 2 September 2015

Appeal Ref: APP/K2420/W/15/3030390
Land north of Watling Street, Nuneaton, CV11 6BG.

- 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 P Brockhouse, A5 Aquatics, against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 14/00778/FUL, dated 12 May 2014, was refused by notice dated 15 January 2015.
 - The development proposed is construction of a new two storey detached dwelling with attached garage.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I note in the grounds of appeal, section 4, third paragraph, that the appellant states: "As **Guildford** Borough Council are unable to demonstrate a 5 year supply of deliverable housing sites...". Elsewhere there is a reference to the site being between Hinckley and Nuneaton so I do not think any party would be disadvantaged if I determine the appeal on the basis of substituting Hinckley & Bosworth Borough Council for the reference to Guildford.
3. In the grounds of appeal (section 3), the application site edged red is shown as a rectangular site, as it is in the original Design & Access statement. However, on the submitted location plan, ref no 05 rev B, it is a much smaller site edged red, within the larger rectangle, with the red line enclosing an irregularly shaped area with a narrow access drive from the main road. The 'proposed site plan' (ref no 04) only gives details of the landscaping proposed for this smaller area and so I will deal with the appeal on the basis of the smaller site edged red and the details given for it.
4. The reason for refusal refers to policy 12 of the 2009 Core Strategy but this refers to rural villages and appears to me of limited relevance to this appeal.

Main Issues

5. From my inspection of the site and surroundings and the representations made, I consider that the decision on this appeal turns on two main issues. These are (i) whether this is an appropriate site for a dwelling, bearing in mind planning policy objectives for the protection of open countryside and (ii) whether there are any material circumstances which might outweigh any harm

arising from the above issue such as the creation of a dwelling of exceptional quality, as set out more fully in paragraph 55 of the National Planning Policy framework (the Framework).

Reasons

Issue (i) whether this is an appropriate site for a dwelling, bearing in mind planning policy objectives for the protection of open countryside

6. The Framework states that isolated homes in the countryside should be avoided, while the justification for Local Plan policy NE5 broadly repeats this and the policy states that the countryside will be protected for its own sake. Local Plan policy RES5 seeks to ensure that new residential development will only be granted planning permission if the site lies within the boundaries of a settlement. Both parties agree that the appeal site lies outside of any settlement boundary¹.
7. The appeal site is, therefore, not an area where planning permission would usually be granted for new built development without some special circumstances. The appellant submits that the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Firstly, they may be referring to another Borough – see my paragraph 2 above. Secondly, the Council states that they have a 5.69 year land supply with an appropriate buffer². Thus I have no evidence that the housing policies of the development plan are out-of-date and I bear in mind that I am required to determine the appeal in accordance with the development plan unless material considerations indicate otherwise. I conclude on the first issue that the proposal would not be in accord with national policy and local planning policies NE5 and RES5 concerning development outside settlements.

Issue (ii) whether there are any material circumstances which might outweigh any harm arising from the above issue such as the creation of a dwelling of exceptional quality, as set out more fully in paragraph 55 of the Framework.

8. The Framework sets out fully at the end of paragraph 55 four phrases to assist in the consideration of whether a dwelling exhibits exceptional quality or innovative design. Two refer to elements of the intrinsic design of the dwelling and the other two refer to what I would call 'landscape' elements. The clear indication is that an 'exceptional quality dwelling' will exhibit design elements such as composition, proportion and style but will also be a part of, and contribute to, the landscape composition around it. I accordingly use these as a helpful guide.
9. Firstly, the scheme proposes PV-T panels, on-site heat storage, (Earth Energy Bank), lithium batteries and other elements as set out in the grounds of appeal. The house would achieve a performance 30% better than Passive Haus standards. Welcome though all these energy saving methods are, I doubt that they could be really described as 'innovative'. Such technologies are not something newly introduced or a novel practice. While they are, regrettably, not 'standard' on volume built housing nevertheless they are all 'known' technologies and nothing exceptional or out-of-the ordinary.

¹ Grounds of appeal, paragraph 2, first bullet point, and reason for refusal

² Appeal statement, paragraph 6.4.

10. Moving on to the plot proposed, this would be an unremarkable, rather ordinary site, with a unprepossessing straight drive from the busy A5 road. Its neighbours are some ribbon-development interwar housing to the south-east, fronting the main road, and an Islamic College to the west and north. Perhaps the only 'feature' of the actual site are the two piles of spoil from the excavated lake. Otherwise the site is a largely featureless flat grass area with some shrubs. To my mind the limited site simply lacks a landscape 'setting' in the sense of a 'truly outstanding' house sitting in and responding to the composition-as-a-whole, in the sense of which paragraph 55 means. The application site edged red is typical, perhaps, of many urban or rural sites; but it lacks any grandeur or exceptional quality.
11. In my assessment a new house here, even though of flat-roof design, would be prominent in the largely open land between the house and the road, the plans³ do not make clear to what use the land excluded from the application site edged red would be put. Even with the garages partially built into the earth bund, this would be a large building remotely situated within what is obviously an open grass field area. A two-storey structure, even though set back from the road, would be a marked intrusion into the open countryside and would extend built development beyond the existing settlement boundary.
12. I have taken careful note of the existing dwellings further to the south-east on the road frontage. They are suburban semi-detached dwellings of ordinary domestic scale and typical appearance. While the proposed house would be set back from these, I consider that the adverse impact of the proposed dwelling in terms of position would be exacerbated by its incongruous appearance. I appreciate that the appellant has sought to add energy efficiency measures but the unusual curved structure of the dwelling would be unlike anything hereabouts. It would not be in keeping, in its limited setting, and this would serve to diminish its design quality as well as the appearance and character of the locality.
13. The appeal scheme would result in the construction of an individually designed dwelling, incorporating energy efficiency measures that would make it sustainable, of itself. However, the Framework does not adopt a narrow definition of sustainability, with paragraphs 7 - 9 advising the pursuit of all three roles referred to, including protecting and enhancing the natural environment. The Framework also states that pursuing sustainable development involves seeking positive improvements to the quality of the built and natural environment. In this case the presumption in favour of sustainable development does not outweigh the harm that I have identified.
14. I conclude that notwithstanding the unusual and unique design of the proposed house and its energy efficiency features it would be located outside any settlement area in open countryside where planning permission is not usually granted for new development. This would be an unsustainable form of development for this reason and since it would fail to meet the rigorous tests⁴ required of a dwelling to be of exceptional quality or innovative design quality.
15. I have taken account of all other matters raised, including buses running past the site, and the potential for walking and cycling but find nothing that changes

³ 04 and 05 rev B

⁴ As set out in paragraph 55 of the Framework

my decision on this appeal. For the reasons given above I find the appeal should be dismissed.

Gyllian D Grindley

Inspector