

Planning Committee: 04 March 2020

Item Number: 4

Application No: [W 19 / 1833](#)

Town/Parish Council: Stoneleigh
Case Officer: Andrew Tew

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Registration Date: 19/11/19

Expiry Date: 14/01/20

Heathfield, Leicester Lane, Stoneleigh, Leamington Spa, CV32 6QZ
Two storey purpose built domestic dwelling FOR Mr D White

This application is being presented to Committee as over 5 letter of support for the application have been received and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse permission.

DETAILS OF DEVELOPMENT

Planning permission is sought for the proposed development of a two storey, four bedroomed dwelling in the Green Belt.

THE SITE AND ITS LOCATION

The site is located off the A445, Leicester Lane in open countryside. The proposed route of HS2 passes within 500m of the application site. The site is washed over by Green Belt. The proposed development would be in close proximity to "Heathfield", a large, detached property owned by the applicant. An existing stable block would be demolished as part of the proposal.

PLANNING HISTORY

The site has no planning history.

RELEVANT POLICIES

- National Planning Policy Framework
- [The Current Local Plan](#)
- DS18 - Green Belt
- H1 - Directing New Housing
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- [Guidance Documents](#)

- Residential Design Guide (Supplementary Planning Document- May 2018)
- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Stoneleigh and Ashow Parish Council – No objection.

WCC Highways – No objection.

WCC Ecology – No objection.

WCC Landscape – Objects.

Public Response - 8 letter of support making the following comments;

- People drive past the site daily and deem it a good location for development
- The impact of HS2 on the area
- Good to facilitate care for disabled
- Saves the council money

ASSESSMENT

Principle of development

Policy H1 sets out a hierarchy of where new housing will be permitted. New dwellings in the open countryside, which is what this site is classed as, will only be supported where they meet a number of criteria set out within Part d of the Policy. This includes where the site is adjacent to the boundary of the urban area of a growth village and; meets an identified housing need and; is a small scale development that will not have a negative impact on the character of the settlement and the capacity of services within it and; is within a reasonable and safe walking distance of services or public transport to services and will not adversely affect environmental assets unless they can be mitigated for.

The application is outline, with approval sought for access, appearance, layout and scale. Nevertheless, the site is not adjacent to the boundary of the urban area or a growth village. Furthermore, there is no identified housing need to which the proposed development can contribute. Finally, the nearest services are located at Cubbington approximately 1.7 miles away and cannot be accessed safely on foot due to a lack of footpaths and street lighting.

Having considered the above, the proposal fails to meet the requirements set out in Policy H1. The site is considered to be an unsustainable location which is also contrary to the NPPF.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified.

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states

development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that any new buildings in the Green Belt are inappropriate unless one of the exceptions contained in that paragraph are met. The proposals does not meet any of these exceptions and therefore represent inappropriate development within the Green Belt.

Para. 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para. 144 goes on to state that, when considering any planning application, local planning authorities should ensure that substantial weight is 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 resulting from the proposal, is clearly outweighed by other considerations.

The erection of a dwelling would introduce notable built form to the application site. Whilst an existing outbuilding would be removed, totalling 42.2sqm, this is a considerably smaller scale than the proposed dwelling and is not in the same use currently. Furthermore, it is reasonable to expect that the new dwelling would generate a need for new outbuildings. The existing dwelling may well also have a need for replacement outbuildings in the future. In any case, the proposed dwelling would have a larger footprint and volume than the existing outbuilding. Consequently, there would be a reduction in the openness of the Green Belt.

The very special circumstances put forward by the applicant are three-fold. Firstly, that the advent of HS2 within 500m of the property will have a significant effect on the immediate locality and that Leicester Lane, the access road to the property, will be diverted and become a cul-de-sac. Secondly, that medical needs of the applicant's sister are unable to be met in the existing house and the proposed development would provide suitable facilities for the care from professionals and immediate family. Finally, the religious beliefs of the family are such that they are unable to eat or drink with non-members of their church, as such they refrain, where possible, from admitting family members to a care home. I will address these is turn.

The development of HS2 will have a significant effect on the area covered by Warwick District Council. However, the presence of the HS2 route 500m away from the site cannot constitute very special circumstances because this would set a precedent for residential development on a vast swath of land a similar distance and closer to the line across the District.

Furthermore, if the property in-situ is going to be affected by the advent of HS2 to such an extent as to justify very special circumstances, it seems inconsistent to grant permission for another dwelling that would be similarly adversely affected. As such, this does not constitute very special circumstances.

Turning to the personal circumstances put forward by the applicant, whilst sympathy is felt for their situation, the established approach to dealing with personal circumstances in assessing planning applications and appeals is that

these matters are temporary, whereas the harm caused to the Green Belt would be permanent. Furthermore, the erection of a new dwelling in the Green Belt is not the only way of meeting the applicant's needs.

The applicant has also cited their religious beliefs as part of the very special circumstances. As a member of the Plymouth Brethren Christian Church the applicant does not eat or drink (have fellowship) with those who are not members of the church. They therefore refrain, where possible, from admitting family members to a care home that is occupied by non-brethren. However, these are relatively short-term, personal considerations, which are not considered to constitute very special circumstances. In any case, in stating that they "refrain, where possible", it would appear that the admission of Church members to care homes is not forbidden on religious grounds.

For the above reasons it has been concluded that the proposals represent inappropriate development that would cause harm to the Green Belt by reducing openness and are contrary to Policy DS 18.

Impact on character of surrounding area

Policy BE1 of the Warwick District Local Plan states that new development should positively contribute to the character and quality of its environment. The policy requires the provision of high quality layout and design in all developments that relates well to the character of the area.

The design of the proposed development is well considered with red-facing brickwork and stained timber weather boarding, the mass and bulk of the proposed design be in keeping with the other property on the site.

As such, the application accords with Policy BE1.

Impact on Local Amenity

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The proposed development has no immediate neighbours, other than "Heathfield". The plot is a large enough size where the amenity of "Heathfield" is not adversely effected.

As such, the application accords with Policy BE1.

Access and Parking

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The Highways Authority were consulted on the application and raised no objections. There is sufficient space for the provision of the required number of parking spaces as set out in the Parking Standards SPD. As such the issue of access is considered acceptable having regard to Policies TR1 and TR3.

Ecology

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

WCC Ecology have no objection to the scheme but recommend a Preliminary Ecological Appraisal and Biodiversity Impact Assessment is submitted prior to determination. However, as this is an outline application, it is considered that these requirements can be secured via condition if permission is forthcoming.

I therefore consider that the proposal is acceptable having regard to Policy NE3.

Other Matters

WCC Landscape objects, requiring a tree survey and hedge planting prior to determination. However, as this is an outline application, with landscaping reserved, it is considered that these requirements can be secured via condition if permission is forthcoming.

SUMMARY/CONCLUSION

The application is recommended for REFUSAL on the grounds outlined above.

REFUSAL REASONS

- 1 The NPPF and Local Plan Policy DS18 state that the erection of new buildings should be considered to be inappropriate development within the Green Belt, subject to certain exceptions. The proposals do not meet any of these exceptions and therefore constitute inappropriate development. Furthermore, the proposals would reduce the openness of the Green Belt.

The NPPF and Policy DS18 state that inappropriate development should only be permitted in very special circumstances. In the opinion of the local Planning Authority the very special circumstances put forward by the applicant do not outweigh the conflict with Green Belt policy or the harm that would be caused to the openness of the Green Belt.

- 2 The site is situated within open countryside. Local Plan Policy H1 and para. 79 of the NPPF state that housing development will not be permitted in open countryside, subject to certain exceptions. The proposals do not comply with any of these exceptions. The proposals therefore constitute an unsustainable form of development that would be contrary to the aforementioned policies.