

Planning Committee: 24 April 2018

Item Number: 5

Application No: [W 17 / 2110](#)

Registration Date: 22/02/18

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall

Expiry Date: 19/04/18

Case Officer: Helena Obremski
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Land adjacent 2 Church Cottages, Church Road, Honiley, Kenilworth, CV8 1TJ

Construction of a detached dwelling house and associated works. FOR Mr Dammermann

This application is being presented to Committee as the Parish Council supports the application and it is recommended for refusal.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons stated in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission for the erection of a two storey detached dwelling, with an area of hardstanding for vehicle parking. The development would be positioned to the south of 2 Church Cottages on a parcel of disused land. The property would be constructed and finished in facing brickwork and would have a plain tile roof. The property would have two bedrooms. The applicant has provided a draft legal agreement with Heads of Terms which confirm that the property would be sold at 20% below the average valuation of the property at the time of sale and that the dwelling would be sold only to local persons meeting a cascading set of qualifying criteria.

This is a resubmission of application W/16/1826 which was for a similar proposal, which was withdrawn as a Preliminary Ecological Appraisal and Tree Survey were required. These documents have been submitted as part of the current application.

THE SITE AND ITS LOCATION

The application relates to a parcel of land positioned between the boundary serving 2 Church Cottages to the north of the site and Ferndale to the south of the site, with open rural fields to the east and west of the site. The application site lies within the Green Belt. There is an existing access serving the site which currently appears to have no use. There are a number of trees along the front

boundary of the application which are considered to provide amenity value within the street scene, and a tree to the rear of the site with a TPO.

PLANNING HISTORY

W/16/1826 - application withdrawn for the proposed erection of a two storey detached dwelling and associated works.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- CC2 - Planning for Renewable Energy and Low Carbon Generation (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- H11 - Limited Village Infill Housing Development in the Green Belt (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)

Guidance Documents

- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Open Space (Supplementary Planning Document - June 2009)
- Residential Design Guide (Supplementary Planning Guidance - April 2008)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Support the proposal, which is a modest build, in line with the Parish Plan.

WCC Ecology: No objection, subject to conditions and notes.

WCC Highways: No objection subject to condition.

WDC Green Space: No objection, subject to provision of £1,684 towards the improvement of local open spaces.

Waste Management: No objection.

Tree Officer: No objection, subject to works being carried out in accordance with recommendations in arboricultural report.

Public Responses: 3 Objections, the proposal represents inappropriate development within the Green Belt and insufficient justification has been provided as to why the development should be allowed; concern raised regarding sewerage disposal; any damages to fencing as a result of the proposed development should be repaired.

ASSESSMENT

The main issues relevant to the consideration of this application are as follows:

- Principle of the Development
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified
- The impact on the Character and Appearance of the Area
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Drainage and Flood Risk
- Ecological Impact and Trees
- Open Space
- Waste
- Health and Wellbeing

Principle of the Development

Local Plan policy H1 states that new housing will be permitted in Growth and Limited Infill Villages as shown on the proposal maps. However, Honiley is not identified as a Growth or Limited Infill Village.

Local Plan policy H1 goes on to state that housing within the open countryside will be permitted where the development is for rural affordable housing, in accordance with Policy H3. Policy H3 states that development of affordable rural housing will be permitted under the following circumstances:

- a) the proposal will meet a particular local housing need, as identified in detailed and up to date evidence from a parish or village housing needs assessment, and it can be demonstrated that the need cannot be met in any other way;*
- b) the proposed development will be small in scale, of appropriate design and located within, or adjoining, an existing settlement; and*
- c) the following principles are established:*
 - i. all of the housing provided will only be available (both initially and for subsequent occupancies) to those with a demonstrable housing need and, first and foremost, to those with a need to be housed in the locality;*
 - ii. the type of accommodation, in terms of size, type and tenure, to be provided will reflect the needs identified in the housing needs assessment.*

There is no current up-to-date local parish housing need assessment for Honiley and the Planning Statement gives no evidence to demonstrate that the proposed housing cannot be accommodated elsewhere. Furthermore, after consultation with the Council's Housing team, although the Planning Statement confirms that the dwelling could be sold at 20% less than the market value, Officers do not consider that this comprises "affordable" housing. This is because the proposed dwelling represents "low cost market" housing, without the full regard to local incomes and local house prices, which the NPPF specifically states cannot be considered as affordable housing for planning purposes.

Therefore, whilst the applicant contends that the development would provide affordable housing to meet a local need, Officers do not consider that the proposed dwelling would represent affordable housing, or that there is any demonstrable need. The proposed dwelling is not considered to meet the requirements of Local Plan policy H3. Furthermore, the development would be contrary to Local Plan policy H1 and is therefore not acceptable in principle.

The proposed development would provide a small contribution towards the Council's housing supply. However, the Council is able to demonstrate a 5 year housing land supply and the Council's policies are not considered out of date for the purposes of decision-taking under paragraph 14 of the NPPF.

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

The National Planning Policy Framework (NPPF), which is reflected in policy DS18 of the Local Plan, states that the essential characteristics of Green Belt are openness and permanence. It sets out that inappropriate development within the Green Belt is harmful by definition. Exceptions to inappropriate development in the Green Belt are listed and includes the limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In the Planning Statement provided, the applicant accepts that the development does not meet any of the exceptions to inappropriate development as identified in the NPPF, and that therefore the proposed development would be harmful by definition to the openness of the Green Belt. It is therefore necessary to consider whether any very special circumstances exist which would outweigh the harm caused to the openness of the Green Belt as a result of the proposed development.

The Planning Statement proposes that the applicant's personal circumstances represent very special circumstances. In summary, the Planning Statement confirms the following: the applicant was a resident of Honiley for 32 years, but had to move out of the area in 2005 for personal reasons. The applicant served as a Parish Councillor for 25 years and was Chairman of the Parish Council for 10 years. The applicant wishes to move back to Honiley to be close to his daughter

and two grandchildren. The proposed development would be a cost-effective way for the applicant to secure property compared to the costs of buying an existing dwelling in the locality.

The Planning Statement purports that the applicant has a demonstrable local need to live in the area and that the construction of a dwelling would fulfil that need. The applicant has confirmed through the submission of a draft unilateral undertaking that the proposed dwelling would be sold at 20% below the average valuation of the property at the time of sale and that the dwelling would be sold only to local persons meeting a cascading set of qualifying criteria.

Whilst Officers acknowledge the applicant's desire to live closer to their family, this alone is not considered to represent very special circumstances for the construction of a new dwelling within the Green Belt. Officers also appreciate that the applicant spent many years within Honiley, however, this also does not provide very special circumstances which would outweigh the harm caused to the Green Belt as a result of the proposed development. As recognised by Inspectors in recent appeal decisions, it would be rare that an individual's personal circumstances would outweigh the harm caused to the Green Belt, and in this case, the personal circumstances detailed in the Planning Statement are not considered to be so unique or special, to lead Officers to consider that they would outweigh the harm caused.

The Planning Statement also states that another mitigating factor is the fact that the application site is effectively an infill plot between existing residential development to the north and south of the site. However, importantly, the application site does *not* lie within a limited infill or growth village boundary. Furthermore, the site is not considered to represent a "small gap" between a largely uninterrupted built up frontage - the application site boundary is 40 metres from the nearest property to the north of the site and 10 metres from the property to the south of the site. There are three properties to the north of the site, which are relatively spaced out and one property to the south of the site, creating a sporadic form of development. This is not considered to represent a largely uninterrupted built up frontage. Therefore, the proposal does not represent limited infilling.

The Planning Statement states that the dwelling would meet a demonstrable local need and is compatible with the affordable housing objectives in the Green Belt in accordance with paragraph 89 of the NPPF. However, as detailed above, it is not considered that a local need for the property has been demonstrated, and furthermore, the proposed dwelling is not considered to represent the provision of affordable housing.

The Parish Council have supported the application, stating that the development would be a modest build, in line with their Parish Plan. However, although the Parish Council consider the development to be modest in scale, this does not represent very special circumstances which would outweigh the harm caused to the Green Belt.

Furthermore, although Councillors make reference to the Parish Plan, this is not a formally adopted document which has undergone public consultation. Although the development may meet some of the aspirations of the Parish Council, the Parish Plan has no material planning weight and therefore, this is not considered to represent very special circumstances which would outweigh the harm caused to the Green Belt.

The NPPF states that the essential characteristics of Green Belt are openness and permanence. Constructing a dwelling on the site would impact on the openness of the Green Belt and is therefore inappropriate development within the Green Belt to which there is an objection in principle. There have been no very special circumstances presented which are considered sufficient to outweigh the harm caused to the Green Belt and therefore the development is not acceptable in principle, and is considered to be contrary to the NPPF and Local Plan policies H11 and DS18.

The impact on the Character and Appearance of the Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Local Plan policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using the appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing importance features; respecting the surrounding buildings and using the right materials.

As detailed above, the built form within the surrounding area is sporadic, and there are open fields to the east and west of the site. This provides a verdant, rural character, which the application site adds to. The existing properties are well spaced, and have little impact on the rural atmosphere of this part of the Green Belt. The gap between the existing houses is considered to represent an important element in retaining the rural appearance of the locality. This undeveloped site, which was once part of the site to the south of the application site adds value to rural character of the area, and developing it would erode the open nature of the wider area. This would provide a more continuous row of built form than the existing arrangement and would provide a more suburban appearance to this frontage, which would detract from, and be harmful to the rural character of the area.

Therefore, the proposed development is considered to be contrary to the NPPF and Local Plan policy BE1.

The impact on the living conditions of nearby dwellings

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion. The Residential Design Guide provides a framework for policy BE3, which stipulates the minimum requirements for distance separation between properties and that extensions should not breach a 45 degree line taken from a window of nearest front or rear facing habitable room of a neighbouring property.

The proposed dwelling would be positioned nearly 20 metres away from the property to the south of the application site. There are first floor side facing windows proposed which would face towards this neighbour's property, however, they could be conditioned to be permanently obscure glazed and non-opening unless above 1.7 metres in height to avoid any perception of overlooking and loss privacy. There would be no conflict with the Council's adopted 45 degree guidance as a result of the proposed development. Therefore, it is considered that there would be no harm caused to this neighbour's living conditions which would warrant reason for refusal of the application.

The neighbour to the north of the site would be over 40 metres from the proposed dwelling, therefore it is considered that there would be no harm to this neighbour's living conditions which would warrant reason for refusal of the application.

The proposed development is considered to be in accordance with the NPPF and adopted Local Plan policy BE3.

Car Parking and Highway Safety

The proposed dwelling would utilise the existing access to the site. There is an area of hardstanding proposed within the site boundaries which could accommodate two cars, which is the requirement for a two bedroom dwelling, in accordance with the Council's adopted Vehicle Parking Standards guidelines.

WCC Highways have commented on the application, and have no objection to the proposal, subject to a condition requiring the access to have been surfaced with a bound macadam material prior to use. This is considered to be reasonable and could be added if the application were approved.

Therefore, the proposed development is considered to provide adequate parking and is not considered to cause harm to pedestrian or highway safety. The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

Drainage and Flood Risk

No information has been provided in reference to sustainable drainage within the site boundaries, however, this matter could be secured by condition.

Ecological Impact and Trees

WCC Ecology have assessed the Preliminary Ecological Appraisal which was provided as part of the application. They agree with the recommendations in the report in relation to measures to be taken to safeguard protected species and lighting. WCC Ecology therefore recommend a condition in order for the proposed works to be carried out in accordance with the measures detailed in the report, which is considered to be reasonable.

WCC Ecology also note that in line with the NPPF, development should result in biodiversity gain, and they therefore recommend a condition relating to biodiversity enhancements such as the installation of bat and/or bird boxes. They finally recommend a note relating to native planting is attached to any approval granted. If the application was to be approved, then these could be added.

There are a number of trees which are within the site boundary which have amenity value within the street scene, and a TPO tree to the rear of the site. An arboricultural report was submitted as part of the application which has been assessed by the Council's Tree Officer who has no objection to the proposed development, subject to the control measures included in the report being implemented and maintained throughout the development. This could be controlled by condition.

Open Space

The Open Space team have commented on the application and note that the additional residents brought about by the development will put pressure on existing open space and a contribution is required to mitigate the impact of this additional use. The Open Space department have therefore requested a contribution of £1,684 towards the improvement of local open spaces. As the Council does not manage any local open spaces nearby to the application site, the Open Space team have suggested that Officers contact the Parish Council to see what the contribution can be used towards. The Parish Council have not yet responded to this request, and Councillors will be updated prior to the committee meeting.

Currently, as no open space contribution has been received by the Council, the development is considered to be contrary to adopted Local Plan policy HS4 and the Council's adopted relevant supplementary planning document.

Waste

Adequate waste storage can be accommodated within the site boundaries. It is noted that Waste Management have no objection to the proposed development.

Health and Wellbeing

The Planning Statement identifies that there would be benefits as a result of the proposed development. However, these would be personal to the applicant through the delivery of a dwelling for their needs, and do not represent wellbeing benefits for the wider public. Therefore, no health and wellbeing benefits identified.

CONCLUSION

Paragraph 89 of the NPPF states that Local Planning Authorities should regard the construction of new buildings as inappropriate development in the Green Belt. The application site is washed over by Green Belt and the proposed development of one dwelling does not meet any of the exceptions listed under paragraph 89 of the NPPF. There are no very special circumstances which have been presented which are considered to outweigh this harm caused to the Green Belt. Furthermore, the development is considered to have a harmful impact on the rural character of the area, which is considered to be contrary to Local Plan policy BE1. Finally, as no open space contribution has been received by the Council, the development is considered to be contrary to Local Plan policy HS4 and the adopted relevant guidance. Therefore, it is recommended that the proposed development should be refused.

REFUSAL REASONS

- 1 The proposed development comprises inappropriate development within the Green Belt to which there is an objection in principle and in respect of which no very special circumstances sufficient to outweigh that harm have been demonstrated. The development is therefore considered to be contrary to the NPPF and Warwick District Local Plan policy DS18.
- 2 Policy BE1 of the Warwick District Local Plan 2011-2029 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design. New development will be expected to harmonise with or enhance the existing settlement, and relate well to local topography and landscape features.

This part of Church Road is characterised by well spaced, sporadic development which has little impact on the rural character of the area. The proposed development would introduce a more suburban and built-up appearance to this frontage which would detract from, and cause harm to the rural character and appearance of Church Road and the locality. This is not considered to harmonise with, or enhance the existing settlement and would not positively contribute towards the quality of the environment.

The development is thereby considered to be contrary to the aforementioned policy.

- 3 Policy HS4 of the Warwick District Local Plan 2011 - 2029 states that

contributions from residential developments will be sought to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The Council have also adopted a Supplementary Planning Document entitled Open Space together with associated guidance on developer contributions for commuted payments for off-site provision and enhancement of public open space where it is not provided on site.

The Open Space team have requested a contribution of £1,684 towards identified improvements to local open spaces. No unilateral undertaking has been put forward to secure such a contribution and therefore, in the opinion of the Local Planning Authority, the proposals do not make adequate provision for open space.

The proposals would therefore be contrary to the aforementioned policies.
