
Appeal Decision

Site visit made on 23 May 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 15 June 2016

Appeal Ref: APP/K2420/W/16/3142543

**Northwood Farm Stud, Wood Lane, Higham on the Hill, Leicestershire
CV13 6AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Barton against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 15/00579/OUT, dated 19 May 2015, was refused by notice dated 16 July 2015.
 - The development proposed is outline application (access only) for the erection of 1 No. dwelling on land south of Northwood Farm, Wood Lane, Higham on the Hill, CV13 6AA.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. This is an outline application with access as the only detailed matter. Issues of layout, scale, appearance and landscaping are for consideration at the reserved matters stage. I have dealt with the appeal on this basis.
3. At the date when the planning application was decided there was a shortfall in the Council's 5 year housing land supply. The Council has since confirmed that a 5 year supply does exist and therefore I have dealt with the appeal on this basis.
4. I note that, at the time of writing, the Council were soon to adopt a DPD¹. I have, however, dealt with the appeal on the basis of the policies referred to in the Council's reasons for refusal.

Main Issues

5. The main issues raised by this appeal are:
 - (i) the effect of the proposal on the character and appearance of the area; and,
 - (ii) whether the proposal would be sustainably located.

¹ Hinckley & Bosworth Site Allocations and Development Management Policies Development Plan Document (SADMP) (the DPD)

Reasons

Character and appearance

6. The appeal site is within the curtilage of Northwood Farm Stud, on land higher than and in front of the existing residential dwelling. Behind the existing dwelling are commercial units.
7. With the exception of the built development described, the appeal site is surrounded by open fields and hedges. Spring Hill is a residential dwelling further east of the site which is more closely associated with Higham on the Hill village.
8. Notwithstanding details of scale, layout, appearance and landscaping which are for consideration at the reserved matters stage, the layout plan shows how a building could be accommodated on the site. The dwelling would be forward of and on land higher than the existing dwelling and therefore would be within a prominent location. Whilst existing trees and hedges would screen the development in part, they would not obscure the dwelling sufficiently for it to be concealed within the landscape and therefore for it to not be out of keeping with the character and appearance of the area.
9. The dwelling would be particularly noticeable from the village where the land is higher and views across the open countryside and the appeal site are possible. When exiting the village, therefore, the new dwelling would be overly prominent, detracting from the open character of the surrounding countryside.
10. I note that the proposed development would share a similar building line to Spring Hill. However, Spring Hill is more closely associated with the village than the open countryside. The context to the appeal site is the open fields and existing dwelling and it is this context which I have found that the proposal would be out of keeping with.
11. In all, therefore, the proposal would be harmful to the character and appearance of the area. For this reason the new dwelling would be contrary to Policy BE1(a) of the Local Plan² and the Council's SPG³ which require development to complement and enhance the character of the surrounding area and be integrated well into its surroundings.

Location of development

12. There is no dispute that the Council can demonstrate a 5 year supply of housing land and therefore weight can be given to its housing supply policies in the consideration of this appeal.
13. Core Strategy⁴ Policy 12 and Saved Policy RES5 of the Local Plan support residential development provided it is within the boundary of an urban area or a rural settlement. The proposed development would be outside the settlement boundary of Higham on the Hill village and therefore the proposal would be contrary to both policies.
14. Saved Policy NE5 of the Local Plan allows development provided it is important to the local economy and cannot be provided within or adjacent to an existing

² Hinckley & Bosworth Local Plan (Adopted February 2001) (the Local Plan)

³ Hinckley & Bosworth Borough Council, Supplementary Planning Guidance, New Residential Development Design Guidance (2000) (SPG)

⁴ Hinckley & Bosworth Borough Council: Local Development Framework, Core Strategy (adopted December 2009)

settlement; or is for the change of use, reuse or extension of existing buildings; or is for sport or recreation purposes. It has not been demonstrated that the development would meet any of these criteria and therefore the proposal would be contrary to Policy NE5.

15. The Saved Policies are of some age nevertheless, with the National Planning Policy Framework promoting the presumption in favour of sustainable development.
16. The appellant suggests that to achieve local housing need, development outside the settlement boundary would be necessary. This has not been disputed by the Council. Paragraph 55 of the Framework states that within rural areas, to be considered sustainable development, housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided, unless there are special circumstances.
17. The site is within walking distance of Higham on the Hill village, which includes a bus stop which is supported by a frequent bus service which connects residents with surrounding services and facilities. However, the new dwelling would be connected to the village via a single track road. This road is unlit and devoid of a pavement or cycle lane and therefore would not provide a safe or convenient means to access the village and the wider services and facilities on offer.
18. In addition, the appellant suggests that the new dwelling would be within walking distance of the adjacent Technology Park and improved walking, cycling and bus routes will be on offer. It has not been demonstrated, however, how the Technology Park could be accessed from the new dwelling, for example what route prospective occupiers would take if walking.
19. In these circumstances, I find that prospective occupiers would have little option but to use a private motor vehicle to meet their basic needs. Whilst the proposal might not, of itself, generate a large number of traffic movements, allowing the development in a functionally isolated location would be likely to increase the number of unsustainable journeys.
20. As well as promoting development that enhances or maintains the vitality of rural communities, Paragraph 55 of the Framework states that isolated homes should be avoided unless there are special circumstances. It has not been demonstrated that any of the criteria listed in Paragraph 55 could be met by the proposed development and therefore the proposal would be a form of development which the Framework seeks to avoid.
21. I have no reason to doubt that Higham on the Hill village is sustainably located and therefore is an appropriate location for development. However, the proposed development would be outside the settlement boundary and although the proposal would be a short distance of the village, it would be poorly connected to and clearly separate from the village and its surroundings. In all, therefore, the proposed development would not be sustainably located, contrary to Saved Policies RES5 and NE5 of the Local Plan and Paragraph 55 of the Framework.

Other considerations

22. My attention is drawn to examples of residential development that the Council has approved outside of existing settlement boundaries. I note that the development in Markfield was considered to be well related to the existing residential built form and development at Desford and Burbage were at least in part adjacent to the settlement boundary. I have found that the proposed development would be an isolated form of development within the countryside and therefore does not make for a reasonable comparison. In the case of the development at Sibson I note that the Council considered the proposal to be a sustainable form of development in the context of the Framework. Each application must be determined on its individual merits, however I have also considered the current proposal against the Framework and have found conflict with it.

Conclusion

23. The Framework creates a presumption in favour of sustainable development. I have found that the proposal would be in direct conflict with the requirements of the Framework on the basis of being unsustainable and in an isolated location. Furthermore I have found that the proposal would be harmful to the character and appearance of the area.
24. Paragraph 14 of the Framework states that development that accords with the development plan should be approved without delay. For the reasons given the proposal would be contrary to the development plan and the Framework. For this reason the appeal is dismissed.

R Walmsley

INSPECTOR