
Appeal Decision

Site visit made on 17 January 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/Y2430/W/16/3159899

Willow Tree House, Hickling Lane, Long Clawson LE14 4NW

- 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 & Mrs Anderson against the decision of Melton Borough Council.
 - The application Ref 16/00272/FUL, dated 18 April 2016, was refused by notice dated 29 July 2016.
 - The development proposed is demolition of existing outbuildings, removal of areas of hardstanding and the erection of a single family dwelling, associated garage, and a new garage associated with Willow Tree House, and associated infrastructure and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr & Mrs Anderson against Melton Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether, having regard to the location of the appeal site in relation to services and facilities and in conjunction with local and national planning policy, the proposed development would amount to a sustainable form of development.

Reasons

4. The appeal site is within the grounds of Willow Tree House, on land that is currently used as a manège associated with the host property. It is located outside of the town and village envelopes of the Melton Local Plan 1999 (LP). Policy OS2 of the LP states that development outside of these envelopes will be resisted except in specified circumstances. However, the LP pre-dates the National Planning Policy Framework (the Framework) which seeks to promote sustainable development in rural areas. The Council's reason for refusal states that the development is contrary to paragraph 55 of the Framework.
 5. The approach of the Framework to the promotion of sustainable development in rural areas, set out in paragraph 55, is that housing should be located where it will enhance or maintain the vitality of rural communities. The Framework goes on to note that local planning authorities should avoid new isolated homes
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in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the proposed dwelling is of exceptional quality or innovative.

6. Although the site is located in a cluster of dwellings and other buildings, the appeal proposal would, to all intents and purposes, result in an isolated home in the countryside in that it would be remote from the nearest settlements. Facilities in Long Clawson and Hickling would be accessed via a rural road which is unlit and does not have a designated footway for significant parts of the route. I observed on my site visit that this road has relatively high traffic speeds which would be a further deterrent to pedestrians and cyclists. I also saw on my site visit that there is an unlit and mostly unsurfaced footpath leading across the fields to Long Clawson.
7. Due to the nature and length of these routes, I consider walking and cycling would not be a realistic and convenient option for future occupiers of the dwelling, particularly in the evenings and during the winter months. I have had regard to the personal statement from the appellants in relation to how they have accessed services and facilities, but this does not overcome my concerns in relation to the nature of the routes and the distances involved.
8. I note that there is a regular bus service in Long Clawson. However, I do not consider that this will provide a significant alternative to a reliance on the private car due to the distance to the bus stop from the appeal site and the relative convenience of these modes of transport.
9. The appellants have submitted an Accessibility Statement (AS) which, amongst other things, shows the distance and walk/cycle times from the site to selected key facilities. The majority of these facilities are over 2km from the site, the exceptions being an employment site and a bus stop which are approximately 1.5km distant. However, even allowing for different sustainable transport solutions in rural areas and acceptable walking distances referred to in the AS, I consider that these distances and the nature of the routes are likely to act as a deterrent to walking and cycling in comparison to the greater convenience of the private car.
10. I have had regard to the dictionary definition of 'isolated' provided by the appellant, but this does not lead me to a different conclusion with respect of the relationship of the proposal to settlements, facilities and services.
11. I am mindful of the benefits that would arise from the proposal. The dwelling would contribute to the mix and supply of housing in the area, albeit to a very limited degree. Residents of the dwelling would contribute to the support of services in the area, although this would also be to a limited degree. The construction of the proposal would also create employment. I note that there is evidence of a significant degree of in-commuting to Long Clawson due to the presence of a large employment site and that the proposed dwelling could reduce this, although there is no guarantee that residents of the dwelling would be employed in the village. I also note that the Council recognises that the proposal represents the use of previously developed land.

12. I note that there is a disagreement between the parties as to whether the Council is able to demonstrate a 5 year supply of deliverable housing sites. Subsequent to the decision on the planning application, the Council has published a report¹ which states that it can provide for a 7.6 years housing land supply. The appellants have questioned the soundness of the methods used to calculate this figure and emphasises that this has not yet been tested through the adoption process of the emerging Local Plan. However, even if I were to conclude there is a shortfall in 5 year supply as suggested by the appellants and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
13. I conclude that the proposed development would not be located where future occupiers would be able to rely on accessible local services and facilities to serve their everyday needs without having to travel some distance and in all likelihood by car. It does not meet any of the criteria specified in Paragraph 55 of the Framework and would conflict with national planning policy in relation to the sustainable location of rural housing. The proposal would also conflict with Policy OS2 of the LP as it is outside of the town and village envelopes and within the open countryside, and does not meet the specified exceptions of the policy. Overall, therefore, the proposal does not represent sustainable development. It is contrary to the LP and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan and the Framework.

Other Matters

14. I have had regard to the comments raised locally which express support or raise no objections to the proposal, including the comments from the Parish Council. However, these comments do not overcome the harm I have identified arising from the proposal and the conflicts with national and local policy.
15. My attention has been drawn to a number of appeal decisions², although I do not have the full details of these cases before me. However, although there may be some similarities between these cases and the appeal proposal, I note that the appeals were different in respect of issues including proximity to services, barriers to movement, convenience of bus services, nearby car generating uses, site context or being located within a different local planning authority. In any event, I have determined the appeal before me on its merits in relation to the development plan, the Framework and any other material considerations.
16. My attention has been drawn to a decision for the conversion of a barn to a dwelling at Castle View Farm in the vicinity of the appeal site. Whilst I recognise that this development is also located remotely from services, it was permitted under different legislation relating to the re-use of agricultural buildings. The circumstances that applied to this development are therefore not directly comparable to the case before me.

¹ Melton Borough Council Five Year Land Supply and Housing Trajectory Position, 2 November 2016.

² APP/Y2430/A/13/220881, APP/Y2430/W/15/3129350, APP/Y2430/W/15/3127914, APP/Y2430/W/16/3143460, APP/Y2430/W/15/3129077 & APP/L2630/A/13/2205855.

Conclusion

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR