
Appeal Decision

Site visit made on 28 February 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 2 March 2017

Appeal Ref: APP/F2415/W/16/3161948

Eight Acres, Leire Lane, Ashby Parva LE17 5HR

- 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 Miss Samantha Hobbs against the decision of Harborough District Council.
 - The application Ref 16/01089/FUL, dated 6 July 2016, was refused by notice dated 26 September 2016.
 - The development proposed is the Retention of Converted Building to a Dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For completeness, I have included the post code set out on the appeal form in the site address at the top of this decision.

Main Issue

3. The main issue is whether the proposal would be a suitable site for development, having regard to the site's countryside location and accessibility to facilities and services.

Reasons

Approach to the decision

4. The Council accept that they are currently unable to demonstrate a five-year supply of deliverable housing sites. Thus, paragraph 49 of the National Planning Policy Framework (the Framework) is engaged and policies relating to the supply of housing should be considered to be out-of-date. The Council cite Policies CS5, CS9, CS11 and CS17 of the Harborough Core Strategy (Core Strategy) in their reason for refusal.
 5. Core Strategy Policy CS17 and guidance within the Framework seek to focus new development in existing settlements with access to services in order to protect the countryside from unnecessary development, unless one of a small number of specified types. Thus, the policy only attracts a moderate weight. Policies CS5, CS9 and CS11 are consistent with the Framework, so I give them full weight. However, paragraph 14 of the Framework remains engaged. It explains that where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so
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would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

Countryside location and accessibility to services and facilities

6. The appeal site lies in the countryside outside the village of Ashby Parva adjacent to Leire Lane. The lane connects the site to the village, which is roughly 280 metres away. The building and the adjacent stables form an 'L' shape which front onto an area of hardstanding. A portal framed building is to the north while the rear elevations of these shallow pitched buildings run next to the hedgerow on Leire Lane. Inside the building there is a living space, kitchen/dining area, bedrooms and a bathroom.
7. I'm aware the appellant purchased the site in December 2009 with the view to operating an alpaca business and to keep her horses. The adjoining paddocks contained a number of horses and the alpaca, who are kept for their wool. Despite the appellant's small herd of alpacas, the appellant does not seek to demonstrate an *essential need* as directed by paragraph 55 of the Framework. While I do note that the appellant would avoid travelling to and from the site to feed and check on the herd, this is only one aspect of sustainable development and paragraph 55 does explain that new isolated homes in the countryside should be avoided unless there are special circumstances.
8. The Council suggest that harm would arise from the proposal's unsustainable location due to the lack of local services and the available public transport that would result in occupants being reliant on the private car. I consider that there are limited facilities and services available locally for occupant's day to day needs. Occupants would therefore need to travel to nearby settlements of Ullesthorpe and Lutterworth. An hourly hail and ride bus service does run between Leicester and Lutterworth, but occupants would still be reliant on the private car for their day to day activities. While I appreciate the appellant would, if they are not residing at the site, travel to and from the site twice a day, this is unlikely to counter the need for occupants to travel to access facilities and services which would be further afield. Even though the scale of the proposal is limited, the cumulative effect of even small amounts of development in areas with restricted facilities and services could lead to an increase in car based trips and this would lead to a significant harm.
9. While, occupants could walk into the village, this would be along a country lane which does not, for long sections, have any footpath provision or street lighting. It is therefore unlikely to be a desirable option for occupants mainly when it's dark. I must therefore conclude that the proposal would result in harm by way of its unsustainable location, which weighs against the proposal.
10. I conclude the proposal would result in an isolated dwelling in the countryside and as such it would not be a suitable site for development, having regard to the site's countryside location and accessibility to facilities and services. The proposal would not accord with Core Strategy Policies CS5 (a), CS9 (a), CS11 (c (viii)) and CS17 and with paragraphs 30, 55, 93 and 95 of the Framework. Jointly these seek development to be in the most sustainable locations well served by local services to reduce the need to travel, where people are encouraged to travel by a variety of transport modes and where people can gain convenient access to public transport services for longer journeys.

Planning Balance

11. Notwithstanding this, given the housing land supply position, I shall look at the three mutually dependent roles of sustainable development which are the economic, social and environmental roles. In economic terms, by living and working on the same site this would allow the appellant to run her business and look after her young family. However this is a personal benefit which does not weigh in favour of the proposal and it has not been set out how the business, which would continue regardless, would directly benefit in any event.
12. With regards to the social role, although the Government does encourage the re-use of buildings, I am not satisfied that the building is or has been in a redundant or disused state, given that planning permission was only granted in March 2009¹ for the building itself, shortly before the appellant purchased the site. While permitted development rights can be used to convert buildings into new uses, the appellant accepts that the appeal scheme cannot make use of these. However a permanent dwelling would only offer a limited contribution to addressing the housing supply in the district which is only marginally shy of the five years needed. I attach this limited positive social benefit.
13. In environmental terms, I note and concur with the parties in that the building would have an acceptable impact on the character and appearance of the countryside, especially as it is largely obscured from view from public vantage points along Leire Lane due to the established hedgerow. This attracts a neutral weight in the planning balance given the aims of national and local policies. The proposal would however result in a new isolated dwelling in the countryside in a location that is not accessible to facilities and services by a variety of transport modes. I attach significant adverse weight to these harms.

Other Matter

14. Despite the 2006 appeal decision², my findings relate to the proposal that has been applied for and I have made them in accordance with the development plan, unless material considerations indicate otherwise. So, while the appellant considers the appeal scheme would meet Policies EV/7 and HS11 of the Harborough District Local Plan, Appendix 3 of the Core Strategy confirms that these policies have been replaced by Core Strategy Policies CS11 and CS17.

Conclusion

15. In conclusion, I appreciate there is some tension between the three roles of sustainable development. However I consider the significant adverse weight that I consider applicable to matters in the environmental role leads me to conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits which would arise from the proposal, when assessed against the policies in the Framework taken as a whole. The proposal does not therefore represent a sustainable form of development.
16. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

¹ Council Ref: 09/00075/FUL

² Appeal Decision Ref: APP/F2415/C/06/2025423