
Appeal Decision

Site visit made on 14 February 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 03 March 2017

Appeal Ref: APP/K2420/W/16/3163336

Peckleton House Farm barn, Kirkby Lane, Peckleton, Leicester, LE9 7RD

- 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 Nigel Osbourne against the decision of Hinckley and Bosworth Borough Council.
 - The application Ref 16/00505/FUL, dated 2 June 2016, was refused by notice dated 1 August 2016.
 - The development proposed is erection of dwelling to replace extant permission at Peckleton House Farm barn, Kirkby Lane, Peckleton, Leicester, LE9 7RD.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the site address from the appeal form as this is more precise than the address given in the original application form.

Main Issues

3. The main issue are (a) whether the location of the development would provide access to everyday local facilities, by a range of modes of transport and (b) the effect on the character and appearance of the countryside.

Reasons

Location of Development

4. The appeal site comprises of a single storey brick built barn structure, with an attached concrete framed 'dutch style' barn. The site is bounded by a post and rail fence and there is an access via a separate field leading onto Kirkby Lane. The site is located within the open countryside between the settlements of Peckleton and Kirkby Mallory. The barns benefits from an extant consent for conversion into a dwelling (reference 15/01104/FUL).
 5. The Core Strategy 2009 (CS) sets out a spatial strategy for the Borough, directing development to settlements with services and facilities. Policy DM4 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document 2016 (DPD) seeks to restrict development outside of settlements in order to safeguard the countryside. To promote sustainable development in rural areas, paragraph 55 of the Framework is clear that new housing should be located where it will enhance or maintain the
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vitality of rural communities, and isolated new homes in the countryside should be avoided unless there are special circumstances.

6. While there are 4 dwellings in proximity to the appeal site, the appeal site is in a countryside location away from nearby settlements. Access to Peckleton and Kirkby Mallory is via Kirkby Lane, a rural road which is unlit and has no footpaths running along its length. The distances involved and the conditions of these roads are as such that I do not consider that occupants would readily walk or cycle between the appeal site and these settlements. There is also no evidence that the site is served by public transport. Occupants of the proposed dwellings would therefore be almost entirely reliant on the private car to access services and facilities.
7. Furthermore, both Peckleton and Kirkby Mallory are small rural settlements which contain only very limited services and facilities and as such occupants of the proposed dwelling would need to travel even further to access services and facilities. I therefore find that the development would be isolated for planning purpose insofar as it would be remote from key facilities required for day to day living. While paragraph 29 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, I find that an almost complete reliance of future occupants on unsustainable transport measures would be significant. Overall the development would conflict with DPD Policy DM4 and paragraph 55 of the Framework.
8. The appellant contends that significant weight should be attached to the existing permission to convert the barn to a dwelling as a fallback position. I also recognise that Class Q of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) subject to condition, permits the conversion of agricultural buildings to dwellings in rural locations.
9. However, DPD Policy DM4 is clear that development in the countryside will be considered sustainable where the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting. The DPD recognises that the re-use or redevelopment of rural buildings can make the best possible use of existing buildings, can reduce the demand for new buildings and protect agricultural land and the wider countryside. This position is also reflected within the Framework which identifies that the re-use of redundant or disused rural buildings where this would lead to an enhancement as a special circumstance and exception in paragraph 55.
10. Furthermore, permitted development rights for conversion do not apply a test in relation to sustainability of location, whereas this forms a relevant consideration of planning applications. I do not therefore consider that the extant permission or the GPDO would provide tacit approval for all development in the countryside and as such the weight I can attach to the fallback position is limited.
11. It has also been put to me that the replacement of the barn with a new dwelling would have economic, environmental and social benefits over and above the permitted conversion in respect of energy efficiency, and boosting housing supply. However, the permitted conversion would be required to meet with building regulation requirements and the conversion of such buildings is inherently sustainable. The erection of a single dwelling would not be likely to

significantly boost housing supply and in any case, there would be no overall gain when account is taken of the extant consent.

12. I also note details of an approval which replaced stables with 2 new dwellings (15/00019/FUL). However, on the basis of the Officer Report, it was clear that, while it was located outside of a settlement boundary, the site was not considered to be isolated due to its proximity to Markfield – a key rural settlement with services and facilities. It is also noted that the application was considered against the 2006 Local Plan, which has now been replaced by the DPD. I therefore find that the circumstances of this case are materially different to the proposals before me.
13. Taken as a whole, I consider that the balance of considerations in respect of the existing use of the site and the fallback position in respect of the permitted residential units, would not justify making a decision which is not in accordance with the adopted development plan or the Framework.
14. I therefore conclude that the erection of a wholly new dwelling in such an isolated location of the appeal site would be in clear conflict with DPD Policy DM4 as well as the social and environmental objectives which underpin the Framework in respect of sustainable rural development (paragraph 55).

Character and Appearance

15. The existing barns have only limited architectural interest and due to their positioning behind dwellings which front Kirkby Lane are relatively screened within the landscape. However, the wider area comprises of open agricultural fields and the simple form and appearance of the barns are consistent with the rural character of the area.
16. The proposed dwelling would be single storey in an L-shaped plan form. I consider that the dwelling would have the appearance of a modern bungalow which would have an overly domestic character. This development would be partially screened from Kirkby Lane, nonetheless, where visibility would be gained, the dwelling would contrast with the agricultural character of the area, causing harm.
17. The development would therefore conflict with DPD Policy DM10 which seeks to ensure that the design of new development complements or enhances the character of the surrounding area.

Conclusion

18. For the reasons given, I conclude that the appeal should be dismissed.

C Searson
INSPECTOR