

Appeal Decision

Site visit made on 13 February 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 7th March 2017

Appeal Ref: APP/Y2430/W/16/3161385

**Land to the north of Tofts Hill, Tofts Hill, Stathern,
Leicestershire LE14 4HU**

- 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 Mrs Georgia Moore against the decision of Melton Borough Council.
 - The application Ref 16/00223/FUL, dated 4 April 2016, was refused by notice dated 27 July 2016.
 - The development proposed is demolition of existing agricultural buildings and erection of one detached house, one bungalow and outbuildings.
-

Decision

1. The appeal is dismissed.

Application for costs

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

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

4. Tofts Hill is a narrow country lane that climbs in a south-easterly direction out from the medium-sized rural settlement of Stathern. The appeal site is a rectangular piece of land with its narrower south-western edge fronting onto Tofts Hill. There is an existing farm access serving a somewhat unattractive expanse of sheeting-clad farm buildings which occupy a substantial part of the site.
 5. The proposal would involve clearing these farm buildings and re-developing the site to a reduced built footprint. The plans are for a house located towards the north-eastern rear part of the site. This main dwelling would be served by a central drive taken from the position of the current farm access. A smaller-scale bungalow would be placed forward of the house and towards the south-eastern edge of the site and would face, on the opposite side of the drive, a detached three-bay garage block, with parking spaces to the front, which would provide for the development as a whole.
-

6. The three buildings are of a unified, mainly contemporary design which is of an intrinsically good quality, incorporating features and materials which would respect the vernacular of this area. There is a recently-built house opposite the site entrance which marks the end of the defined settlement envelope on that side of the road. The appeal site is beyond the last dwelling on the north-eastern side of Tofts Hill, which similarly marks a clearly-defined limit to the built-up part of Stathern. The appeal site is outside the defined settlement envelope and separated from the extent of housing along this side of Tofts Hill by an open field which provides an undeveloped gap of some 50m.
7. Whilst this gap is not particularly wide, it nevertheless clearly separates the appeal site from the present extent of housing and would place the proposed development clearly within open countryside. Whilst this scheme would replace the large footprint of the rather ramshackle agricultural buildings with a smaller area of new housing, the existing farm structures are of a rural character. The house, bungalow and garage block would be a more spaciouly arranged and less characteristic form of development. In addition to the clear gap separating the appeal site from the village, the proposals would also be set back substantially from the road and thereby extend housing further into open countryside.
8. The development would be in stark contrast with the more compact form of housing in the adjacent built-up part of Stathern, not appear visually as part of the built-up settlement and detract from the established character of this village. Whilst there would be some benefit in removing the existing buildings, this would be clearly outweighed by the harmful incursion of residential development into open countryside. This would be to the detriment of the setting of Stathern as viewed from Tofts Hill, and harm the existing outward views of open countryside rising away from the village.
9. The proposal would gain little material support from the Council's Settlement Fringe Sensitivity Study¹ which appraises the wider countryside around the appeal site as part of an evidence base to inform future designations of larger amounts of housing. This study does not address or support the merits of this individual proposal and, in any event, cannot be given weight equivalent to that of planning policy. The proposal equally would gain little support from the Council's SHLAA which is similarly an evidence document on housing land availability and does not establish planning policy.
10. The current development plan comprises the saved policies of the Melton Local Plan (LP), which was adopted on 23 June 1999. The spacious form of housing proposed, extending into open countryside, would not harmonise with the more compact character of development in Stathern and therefore conflict with the aims of LP Policy BE1. The proposal would not fulfil any of the criteria set out in LP Policy OS2 for allowing development outside the settlement envelope and would conflict with its aims by detracting from the clearly defined spatial identity of the village.

Planning Balance

11. The Council cannot currently demonstrate a five-year supply of available housing land and, at 1 April 2015, could only provide for 1.9 or 2.5 years

¹ Melton Borough Council – Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study – September 2015

depending on the calculation method used. The Council is not disputing this in the appeal.

12. Relevant development plan policies must consequently be considered as not up-to-date under paragraph 49 of the National Planning Policy Framework (the Framework). Therefore the presumption in favour of sustainable development, as set out in paragraph 14 of the Framework, must be applied in this decision. Where relevant development plan policies are out-of-date this would mean granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
13. Paragraph 6 of the Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development and paragraphs 18 to 219, taken as a whole, comprise the Government's view as to what this means in practice. Based on the three strands to sustainable development the planning system performs economic, social and environmental roles which the Framework requires to be sought jointly and simultaneously.
14. The three dwellings would provide positive social benefits in contributing to the supply of housing, including a particular need for bungalow accommodation. There would be economic benefits through the construction and servicing of the development and the housing would help to support a thriving community in Stathern and the viability of its existing facilities, such as the primary school, shops, pubs, post office and bus service. However, the lack of any material concerns in respect of drainage, ecology, highway safety and the living conditions of any neighbouring occupiers reflect an absence of harm but provide no positive benefits.

Conclusion

15. LP policies OS2 and BE1 are consistent with the core planning principle of the Framework for decisions to take account of the different roles and character and different areas, recognising the intrinsic character and beauty of the countryside. These policies also reflect the advice in paragraph 55 of the Framework that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities but that new isolated homes in the countryside should be avoided unless there are special circumstances. Consequently, these policies are afforded significant weight in this decision.
16. The two dwellings proposed would make only a small contribution to housing supply and the local social and economic benefits derived would similarly be relatively limited. These benefits would be significantly and demonstrably outweighed by the environmental harm found in respect of the character and appearance of the area. As a consequence, this proposal would not be the sustainable development supported through the Framework and, having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

INSPECTOR