
Appeal Decision

Site visit made on 7 June 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/G2435/W/17/3171303
23 Church Hill, Swannington LE67 8QB

- 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 Kevin Parsons against the decision of North West Leicestershire District Council.
 - The application Ref 16/01145/OUT, dated 30 September 2016, was refused by notice dated 11 January 2017.
 - The development proposed is the erection of two dwellings and associated access and parking arrangements.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are:
 - The principle of the proposed development with specific regard to its location; and
 - Its effect on the character and appearance of the area.

Reasons

Principle of Development

3. The proposed development seeks outline planning permission with matters of layout and access to be considered. The appeal site is the garden to Number 23 Church Hill which is one of a pair of extended semi-detached two storey dwellings. They are located on their own to the south side of the road some distance from the nearest settlement. By definition and in planning terms, the appeal site is in the countryside.
4. Paragraph 55 of the Framework¹ sets out exceptions for new development, specifically housing, in the countryside. The proposed development would not fall within any of the exceptions listed. Whilst mainly focusing on the protection of the countryside for its own sake and intrinsic beauty, saved Policy S3 of the Local Plan² (LP) similarly identifies criteria by which new development in the countryside will be permitted. They are expanded by emerging Policy S3

¹ The National Planning Policy Framework 2012

² North West Leicestershire Local Plan 2002

of the Submitted Local Plan (SLP). The adopted plan is explicit that development will be permitted on land outside the Limits to Development (existing settlements) only (my emphasis) where it meets the criteria. As a proposal for the erection of unrestricted open market dwellings the proposed development would not sit squarely with any of the criteria set out by either saved or emerging policy.

5. Para 55 also states that isolated new dwellings should be avoided. This is in the interests of promoting sustainable patterns of development. Whilst the appeal site is not completely isolated from other residential development, future residents would be isolated from the necessary services they would need for day to day living. The evidence suggests there is a local public rights of way network available but I only have information that confirms they facilitate countryside walks from Church Hill. I have not been advised of any other sustainable travel options open to residents and the appeal site is connected to the nearest settlement only by an unlit single carriageway road with no footway. Residents would thus likely rely mostly on the private car to access the range of services they would require. This would be the least sustainable travel option.
6. The aims of the development plan and the Framework, with regard to this main issue, is to promote sustainable patterns of development. I.e., focussing it in those areas which have ready and able access to a range of services to support it. This aim is reflected in emerging Policy S2 of the SLP. Granting a planning permission for new dwellings at the appeal site would be fundamentally contrary to this principle.
7. The appellant does suggest that the aim of the proposed scheme is to provide accommodation for family members since getting on the property ladder locally presents its financial challenges. I am not unfamiliar with this predicament. Nonetheless, the evidence before me does not set out a strong case that the need for the housing is in any way essential or extends to anything that would be of benefit to the wider community. The dwellings would, in the absence of any other sufficiently robust controlling mechanism, be open market and not secured as affordable in perpetuity. There is therefore no compelling case before me that would justify a departure from the principles I have set out above.
8. The principle of the proposed development would therefore be unacceptable and would, as a result, fail to comply with saved Policy S3 of the LP and emerging Policy S2 of the SLP. These Policies, amongst other things and along with the principles enshrined in the Framework, seek to promote sustainable patterns of new development and restrict it in the countryside.

Character and Appearance

9. The appeal site is, as I have alluded to above, part of the open and undeveloped side garden of Number 23 Church Hill. It is laid to grass and enclosed by a low brick wall to the front and hedging to the sides and rear. The existing dwelling is one of a pair of extended semi-detached dwellings with a substantial single storey outbuilding to the rear. The side and rear of the appeal site is countryside not only by definition in planning terms but also noticeably open in character terms.

10. As a result of the above factors, the side garden relates mostly in character terms to the open countryside beyond it and, the debate on the status of saved Policy E20 aside, the introduction of built form in this area would noticeably reduce the open and undeveloped nature of the garden. Notwithstanding the existing dwellings and their associated extensions and outbuildings, the lack of development and subsequent open feel is a defining characteristic of the area and indeed the intrinsic nature and beauty of the countryside as a whole.
11. I agree with the Council that, purely from a street scene perspective, the proposed dwellings could align with the existing and employ a type of design that would sit appropriately in the visual sense with the other buildings. This does not however go far enough to lessen the harm that the introduction of this type of built form would cause to the countryside.
12. The proposed development would therefore, when factoring in my findings on the first main issue, represent unjustified encroachment of built form into the countryside. This would cause harm to its character and appearance. The proposed development would thus conflict with saved Policy S3 of the LP, emerging Policy S3 of the SLP and the Framework. These policy approaches seek to ensure that new development is of a high quality and contextually appropriate design and appearance and the countryside is protected from harm in the interest of its intrinsic character and beauty.

Other Matters

13. The appellant has drawn my attention to a planning permission granted by the Council on land adjacent to 67 Loughborough Road, Collerton³. This was in respect of the erection of three detached dwellings. Outline planning permission was sought with matters of access for approval. I have been provided with a copy of the application form, a layout plan and the decision notice.
14. I am unable to deduce conclusively from the layout plan exactly where the site is in relation to the appeal site. However it does appear from the plan to be a more built up area. I am not satisfied, on the face of the evidence before me, that the site granted planning permission in this case is sufficiently similar to the appeal before me such that would affect the conclusions I have reached. Each development proposal is considered on its own merits with regard to factors relevant to it. This can be the site itself or the specific circumstances in each case. My findings therefore remain unchanged.

Conclusion

15. I note the support that has been expressed for the proposed development from local residents but this is not sufficient to override the harm that it would cause. Specifically, this is in respect of both the principle of the proposed development as well as the effect it would have on the character and appearance of the area. It is for these reasons that the appeal is dismissed.

John Morrison

INSPECTOR

³ North West Leicestershire Reference 16/00198/OUT