
Appeal Decision

Site visit made on 13 June 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 11 July 2017

Appeal Ref: APP/K2420/W/17/3169951

5 Thornton Lane, Stanton Under Bardon LE67 9TU

- 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 Richardson & Sons Limited against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 16/00592/OUT, dated 27 June 2016, was refused by notice dated 22 August 2016.
 - The development is described as 'Residential development for up to 2 dwellings (outline – access only) on curtilage land associated with 5 Thornton Lane, Stanton Under Bardon, Leicestershire, LE67 9TU'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline with all matters reserved for future consideration except for access. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - i) whether the proposal is acceptable in principle, having regard to the policies of the development plan and the National Planning Policy Framework, and
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

The principle of the proposed development

4. The appeal site lies south of Stanton Under Bardon and is outside the settlement boundary. Therefore, physically and for planning policy purposes, the appeal site is located within the countryside.
 5. In considering the sustainability of the proposed location, I have been referred to various policies by the main parties. However, I consider the key ones to be DM4 and DM17 of the Site Allocations Development Management Policies DPD (SADMP) adopted July 2016.
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6. Policy DM4 seeks to protect the countryside from unsustainable development. The only type of dwelling considered sustainable in the countryside is accommodation for rural workers, subject to certain requirements and policies therein. Or alternatively, a development, which significantly contributes to economic growth and job creation. The appeal proposal does not meet these criteria.
7. Policy DM17, inter alia, seeks new development to be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
8. The nearest settlement to the appeal site is Stanton Under Bardon, which is a 'rural village' as defined under Policy 12 of the Core Strategy, adopted December 2009 (CS). Rural villages offer essential services such as primary school, community and/or leisure facilities and limited public transport services.
9. The centre of Stanton Under Bardon is approximately 500m from the appeal site, which is within walking distance from the appeal site. However, the route comprises narrow unlit roads with no footpaths, flanked with high hedges. As such, I do not consider this to be a particularly safe route. This view is also supported by Leicestershire County Council (Highways).
10. There are also no bus stops near the appeal site. Even if occupiers were to choose to walk/cycle, the services and facilities in Stanton Under Bardon are limited in that it is a 'rural village'. Consequently, occupiers of the proposed development would be highly reliant on car travel.
11. By defining settlement boundaries, the Council is seeking to focus development into existing settlements, where development would generally make the best use of and support existing services and infrastructure and minimise the need for travel. This aligns with one of the core planning principles of the National Planning Policy Framework (the Framework) to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. The development of new dwellings at the appeal site would undermine the Council's overall aim of promoting development within existing settlements. Thus, the proposal would not help to achieve sustainable patterns of development.
12. Paragraph 55 of the Framework indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include the essential need for a rural worker, the optimal viable use of a heritage asset, the re-use of redundant buildings and development of exceptional quality or innovative design. Because of the limited services available in Stanton Under Bardon the proposal would not enhance or maintain the vitality of this centre. Furthermore, the appellant has not submitted any special circumstances to justify the proposed development.
13. I therefore conclude that the proposal would conflict with policies of the development plan and the Framework which seek to promote a sustainable pattern of development. In particular, it would be contrary to Policies DM4 and DM17 of the SADMP and Paragraph 55 of the Framework.

Character and appearance

14. The appeal site is in an elevated position in relation to Thornton Lane and, whilst screened by planting, it has a frontage to Main Street. The north and east boundaries are contiguous with open countryside. Some views of the site are available from the surrounding area.
15. Although all matters other than access are reserved for future consideration, dwellings built at the appeal site would be readily apparent due to the site's elevated position, frontage onto a road and fairly open local landscape. Development of this nature, no matter how well designed, would appear as an intrusion into the countryside, detracting from the open character of the landscape. This harm would be exacerbated by the residential use of the site through, for instance, the introduction of domestic paraphernalia, such as parked cars, garden furniture and children's play equipment. Whilst there are existing buildings on the site, these are confined to a corner of the site and are agrarian in appearance, therefore assimilate with their countryside setting. Development for housing would have a suburbanising effect on the site and surrounding area. In this respect it would be contrary to Policy DM4 of the SADMP, which seeks to safeguard the open character and landscape character of the countryside from new dwellings except those for rural workers. The Council's reason for refusal also refers to Policy DM10 which promotes good design. However, design would be considered at reserved matters stage. The policy is not relevant at this outline stage.

Other Matters

16. Planning permission was granted for 'Erection of a greenhouse and change of use of land from residential garden to residential garden and horticulture nursery', at the appeal site in 1986. On this basis the appellant asserts that the appeal site is 'brownfield' land, the re-development of which has some support. However, the Council disputes this stating that the permission was a personal consent, which does not run with the land and that the use was abandoned several years ago. Had it not been abandoned the use of land for horticulture falls within the definition of agriculture. 'Agriculture' as defined in s336 (1) of the Town and Country Planning Act 1990 includes 'horticulture'. The Glossary to the Framework defines 'previously developed land' ('PDL') and it is stated that such land excludes that or has been occupied by agricultural buildings. The site does not therefore fall within the definition of PDL.
17. The appellant has referred to other appeal decisions. I have no detailed information in respect of these. In any event, each proposal is considered on its individual merits. Therefore, my decision is based on the merits of this appeal.
18. The government seeks to boost significantly the supply of housing, but the addition of just two extra units would have a minimal impact on total stock. I therefore attach only limited weight to this benefit.
19. The highway authority considers that the appellant has failed to demonstrate that the access is suitable to serve additional development. I do not have sufficient information before me to conclude on this matter. However, as I have decided to dismiss the appeal for other reasons it is not necessary for me to comment further on this point. The Council's reason for refusal also refers to

Policy DM18 which seeks to secure appropriate parking provision. This is something which could be controlled at reserved matters stage.

Planning Balance

20. I have concluded that the proposal would conflict with policies DM4 and DM17 of the SAMDP. Policy DM1 of the SAMDP echoes the Frameworks 'presumption in favour of sustainable development'. Paragraph 7, of the Framework sets out three mutually dependent dimensions of sustainable development, namely the economic, social and environmental roles.
21. The proposal would play a small economic role insofar as there would be construction activity associated with up to two new dwellings. Due to the very limited services in the vicinity of the appeal site, the additional housing would offer very limited support to the local economy. As such, there would be only limited economic benefit arising from the proposal.
22. I have taken into consideration whether the proposed development would fulfil a social role, as a contributor to the supply of housing aimed at supporting a strong and vibrant community. To promote sustainable development in rural areas, the Framework states that housing should be located where it will enhance or maintain the vitality of rural communities. Based on the evidence before me and on my observations when visiting the locality, the area in the vicinity of the site has very few services. My overall assessment is that the proposal would not amount to sustainable development in the terms of Policy DM1. The proposal would therefore be contrary to the development plan as a whole.
23. There is disagreement between the parties as to whether or not the Council has identified a five-year supply of deliverable housing land. However, even if there is not such a supply, the proposal would make only a very small contribution to housing supply. Any economic benefits would be similarly limited. I consider that the adverse effects of allowing the scheme would significantly and demonstrably outweigh the benefits. Consequently, the proposal would not amount to sustainable development as defined in the Framework. This is not a case where there are material considerations which indicate a decision other than in accordance with the development plan.

Conclusion

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

M Aqbal

INSPECTOR