



Appeal Decision

Site visit made on 3 July 2017

by A Jordan BA Hons MRTPI

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

Decision date: 24 July 2017

Appeal Ref: APP/F2415/W/17/3167252

The Stables, Home Farm, Main Street, Peatling Magna, LE8 5UQ

- 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 P Young against the decision of Harborough District Council.
 - The application Ref 16/01213/FUL, dated 26 July 2016, was refused by notice dated 26 October 2016.
 - The development proposed is conversion of stable block and detached barn to form single dwelling and garaging.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of stable block and detached barn to form single dwelling and garaging at The Stables, Home Farm, Main Street, Peatling Magna, LE8 5UQ in accordance with application Ref 16/01213/FUL, dated 26 July 2016 and the plans submitted with it and subject to the conditions on the attached schedule.

Application for costs

2. An application for costs was made by Mr Peter Young against Harborough District Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue for the appeal is whether the proposal would conflict with policies for residential development which seek to achieve a sustainable pattern of development.

Reasons

4. Saved Policy HS/8 of the *Harborough District Saved Local Plan* (Local Plan) supports development within the Limits of Development. Policy CS17 of the *Harborough Core Strategy* (Core Strategy) seeks to concentrate new development in existing settlements with access to services in order to protect the countryside from unnecessary development. It states that in villages with identified Limits to Development, some very limited small scale infill development may be suitable. The policy restricts development in the countryside to a small number of specified types. The Framework does not refer to Limits to Development but seeks to avoid isolated dwellings in the countryside.
5. The parties agree that a 5 year supply of housing land cannot currently be demonstrated in the Borough. Policy CS2a states that housing development

will not be permitted outside the Limits to Development unless there is less than a five year supply of deliverable housing sites and the proposal is in keeping with the scale and character of the settlement concerned. The Framework directs that in these circumstances relevant policies for the supply of housing are to be considered “out of date” and planning permission should be granted 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.

6. Policy CS5a of the Core Strategy seeks to locate the majority of future development in areas well served by local services to reduce the need to travel. Policy CS11c) viii, seeks to encourage travel by a variety of modes of transport. Policy CS9a also seeks to address climate change by directing new development towards the most sustainable locations. These policies are consistent with guidance in the *National Planning Policy Framework* (the Framework) which aims to support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport and balances land uses so that people can be encouraged to minimise journey lengths. It also directs that weight should be given to policies in Local Plans in accordance with their consistency with the Framework.
7. The Council considers the site to lie in an unsustainable location. The stables sit on the edge of the village of Peatling Magna. The site lies outside the Limits to Development for the village, but is not isolated. The village has a public house and a church and a limited post-office service, but no other notable local services. Public transport options are also limited, with only a twice weekly bus service to Leicester. The contribution a single household would make to sustaining these services would be limited. Future occupiers would be likely to be reliant on the private car to access most goods and services and to reach employment and education. The likely car trips generated by a single household would not in itself be great. Nevertheless, the cumulative effect of even small levels of development in areas with restricted services would lead to an overall increase in car based trips and this would lead to harm in conflict with policies CS5a, CS11c and CS9a of the Core Strategy. This weighs against the proposal in the planning balance.
8. The Council have no objections to the appearance of the proposal, or its effect on the character of the area. I note from the submitted plans that the stable building would be enlarged by the realignment of the entire front elevation, and the appearance of the collection of buildings and the land in which they sit would be domesticated by the development. Nevertheless, the site is well related to the existing village and subject to appropriate landscaping, and setting out of a domestic curtilage would retain some of its original character. I therefore concur with the views of the Council in respect of the effects of the proposal on the character of the area and find no conflict with the provisions of the above policy.
9. The proposal would include a number of windows on the south facing elevation, which sit close to the boundary of the adjoining property, Brookhill Farm Barn. The boundary is in part defined by mature planting, nevertheless the position of the openings close to the site boundary, and their number, could be perceived as an invasive presence by the adjoining occupier, who has objected to the proposal. The Council have commented that if the proposal was otherwise acceptable, it could be amended to safeguard privacy. This would

involve altering the proposal to ensure principal windows did not face directly onto the rear boundary and could be achieved by means of a planning condition. This matter is therefore a neutral factor in the planning balance.

10. I am advised that the site lies within the curtilage of Home Farm, a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Home Farm is a traditional farmhouse which sits behind the main frontage of Main Street. Some of the buildings originally associated with the holding appear to have been converted to residential use and other structures have been erected within the original holding, including the appeal building. This has resulted in the building now having a stronger visual relationship with its immediate domestic setting than its original agricultural surroundings. Therefore, taking into account the relative distance of the appeal building from Home Farm, and the presence of other adjoining and intervening buildings, I am satisfied that the proposal would not alter the buildings existing context and so would have a neutral effect on its setting and significance as a heritage asset.
11. I note the comments from local residents regarding the presence of bats at the site. However, I also take account of the comments of the County Ecologist, in response to the submission of bat emergence surveys carried out at the property. These indicate that the site is not used for roosting but forms part of a foraging route. On that basis the County Ecologist has no objection in principle. I am therefore satisfied that protected species would not be adversely affected by the proposal and this matter does not add to my concerns. This is therefore a neutral factor in the planning balance.
12. Some adjoining occupiers dispute ownership of the access shown on the proposed plans. However, this is a private civil matter between the parties, which does not alter my views on the planning merits of the scheme. Local residents have also commented on the potential effects of increased traffic from the development using the proposed site access. The Council's Highway's Engineer has no objection to the proposal. Taking into account the scale of development proposed it would not represent a significant intensification over the current use of the site and so I concur that it would be unlikely to give rise to adverse effects from increased traffic. This is a neutral factor in the planning balance.
13. The proposal would provide a single dwelling which would contribute to housing supply in the district. Having regard to the impetus for growth in the Framework, the small contribution to housing provision weighs in favour of the proposal in the planning balance.

Conclusion

14. The Framework directs that where a five year housing land supply cannot be demonstrated and relevant policies in the development plan are out of date, the presumption in favour of sustainable development requires that permission should be granted, unless the adverse impacts of a proposal significantly and demonstrably outweigh its benefits.

15. Against the contribution to housing supply I weigh the effects of the proposal as a result of its inaccessible location and limited local services, which would conflict with policies CS5a, CS9a and CS17 of the Core Strategy. All other identified matters in this case are neutral factors. The benefits of a single house to housing supply would be small. Similarly the increase in car based trips from a single house would not be great. I attribute equal weight to both. In the absence of any other harm, the harm identified cannot be considered to significantly and demonstrably outweigh the benefits and so it follows that the proposal must be considered to comprise sustainable development. The appeal is therefore allowed.

Conditions

16. In addition to conditions relating to the period of implementation and approved plans it is reasonable and necessary to require approval of the layout of the residential curtilage and boundary treatment, in order to ensure the development has an acceptable appearance, in keeping with the rural character of the site. Having regard to the configuration of the building I also consider it necessary to restrict permitted development rights in order for the impact of any proposed alterations on the character and appearance of the building to be assessed. Conditions requiring details of the form and position of proposed windows, including the provision of obscure glazing, are necessary in order to protect amenity and ensure a satisfactory appearance for the development. The Council also wish to impose a condition to control the extent of demolition and rebuilding in order to retain the character of the building and this too is reasonable.
17. Taking into account the proximity of existing residential occupiers a condition restricting hours of construction is reasonable, as is a condition requiring the provision of on-site parking. The Council have requested that a condition be imposed requiring the implementation of mitigation measures outlined in the ecological survey. Neither submitted survey requires mitigation measures but outlines a construction method which takes account of protected species. As this survey forms part of the approved plans I am satisfied that this advice has been included. Finally, the Council have also requested a condition relating to remediation. I accept that the former use of the site, including the potential storage of farm vehicles on parts of the site has the potential to give rise to contamination. I therefore consider it reasonable to impose a condition in this regard.

Anne Jordan

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location plan at 1:1250,
 - Proposed plan – drwg P001 A
 - Proposed plan - drwg P001 B
 - Site Plan - drwg P002 A
 - Garage plan – drwg P003
 - Existing elevations – drwg P005
 - Proposed elevations - drwg P005
 - Design and Access Statement – Wells Macfarlane
 - Planning Statement - MPC
 - Preliminary Bat Survey – Arbtech 2nd February 2016
 - Emergence Bat Survey – Curious Ecologists 19th June 2016
- 3) Notwithstanding the details on the approved plans, detailed plans showing the extent of residential curtilage and proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority before development commences on site. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015(or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellinghouse hereby permitted or within their curtilage.
- 5) Car parking for a minimum of 3 cars and turning facilities shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
- 6) Any mitigation measures identified in the approved survey by Curious Ecologists (25th October 2016) shall be fully implemented in accordance with the recommendations of that survey and shall be retained as such in perpetuity.
- 7) Building works, deliveries, clearance or any works in connection with the development shall take place on site between the hours of 08.00 – 18.00 hours Monday to Friday, 08.00 – 13.00 Saturday and at no time on Sunday or Bank Holidays.
- 8) The extent of demolition and re-build shall be limited to that identified in the plans and that necessary to form any new door and window openings.
- 9) No works shall commence on site until details of the proposed rooflights and, windows (including size, manufacturer and model number) have been submitted to and approved in writing by the Local Planning Authority.
- 10) Notwithstanding the details shown on the approved plans, no development shall take place until further details of the position and glazing of windows on the rear (southward) facing elevation have been submitted to and approved in

writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 11) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.