

---

## Appeal Decision

Site visit made on 18 July 2017

**by R A Exton Dip URP MRTPI**

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

**Decision date: 17 August 2017**

---

**Appeal Ref: APP/Y2430/W/17/3173692**

**Stable opposite 73 Main Street, Grimston LE14 3BZ**

- 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 Tony Fowler against the decision of Melton Borough Council.
  - The application Ref 16/00262/FUL, dated 8 April 2016, was refused by notice dated 13 October 2016.
  - The development proposed is described as proposed dwelling.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The planning application form gives the site address as, 'land, Main Street, Grimston'. I have used the address shown on the Council decision notice and the appeal form as this more accurately describes the site's location.

### Main Issue

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

### Reasons

4. The appeal site is located in the countryside on the south-western side of Main Street. It is bounded to the north, south and east by open fields divided by trees and hedgerows. There is frontage development immediately opposite, and a group of dwellings extending back from the road which form the termination of development on the north-eastern side of Main Street. The opposing sides of Main Street in the vicinity of the appeal site have distinctly different characters. The side of the appeal site has an open rural character, affording views of the countryside beyond which slopes down to the south and east. The opposite side of the road is lined with frontage development where views of the countryside beyond are glimpsed in between dwellings. As a result of this difference, the appeal site appears visually detached from the main built up area of the village.
5. The appeal site comprises a cluster of buildings set back from the road. These have a simple appearance that sits comfortably within the open rural character of the surrounding landscape. They are the type of buildings often seen within the rural landscape and this, combined with their siting, does not diminish their

ability to from part of the rural setting of the village as suggested by the appellant.

6. I note that the proposed dwelling would be sited close to the existing group of buildings in a horse shoe shaped arrangement. I also appreciate that the dwelling would be similar in scale to other nearby properties.
7. However, it would be significantly taller than the closest existing building and consequently would be more visible on the southern approach to the village, particularly during autumn and winter months. Despite its close grouping, the domestic appearance of the proposed dwelling would contrast with the more rural appearance of the existing buildings on site. Moreover, due to its scale, it would not appear subservient to them as suggested by the appellant. Indeed, the creation of a curtilage would heighten the domestic appearance and further exacerbate the contrast. As a result, the proposal would appear visually detached from the built up area of the village and would have a detrimental effect on its rural setting.
8. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. It would, as a consequence, be contrary to Policy BE1 of the adopted Melton Local Plan 1999 (the Local Plan). This requires new buildings to harmonise with their surroundings. Although the Local Plan significantly pre-dates the National Planning Policy Framework (the Framework) it is consistent with its policies in terms of requiring good design that establishes a strong sense of place and in particular recognises the intrinsic character of the countryside.
9. Policy OS2 of the Local Plan is generally restrictive of development in the countryside but makes exceptions for certain types of development. Whilst these are more limited than those within paragraph 55 of the Framework, the proposal would nevertheless fail to comply with any of the exceptions in either Policy OS2 or paragraph 55. Consequently it would be in conflict with both.
10. The appellant takes the view that the Local Plan is out-of-date. However, as set out above I have found Local Plan Policies BE1 and OS2 to be consistent with the Framework and, having regard to Paragraph 215 of the Framework, I therefore afford them the full weight of the development plan.

### **Other Matters**

11. I note the appellant's comparison with residential development on the opposite side of Main Street currently under construction. As I have identified above, the opposing sides of Main Street in the vicinity of the appeal site have differing characters. For this reason I do not consider that the development referred to is directly comparable to the appeal site in terms of its effect on character and appearance. I also have limited information on the circumstances of the other development and can only afford it limited weight for this reason as well.
12. The proposal would make an important, but nevertheless modest, contribution towards boosting the supply of housing in the area. This is an economic and social benefit in favour of the proposal.
13. In its initial planning appraisal of the proposal, the Council acknowledged that it was unable to demonstrate a 5 year supply of housing land. Nevertheless, in its appeal statement the Council states the most recent evidence suggests that

it can now demonstrate a 5 year supply. The appellant does not specifically question the existence of a 5 year supply. However, even if the Council was unable to demonstrate a 5 year supply of housing land, and the provisions of paragraph 14 were engaged, I find the adverse impacts of the proposal on the character and appearance of the proposal would significantly and demonstrably outweigh the benefits.

14. Section 38(6) of the Planning and Compulsory Purchase Act requires that planning applications must be determined in accordance with the development plan. The Pre-Submission Draft Plan does not form part of the development plan. I have very limited information on its stage of preparation, content, level of objection and consistency with the Framework. For these reasons I can afford it only very limited weight.
15. I have had regard to the personal benefits of the proposal to the appellant in terms of being able to downsize within the same village whilst providing for the housing needs of his daughter. I also note the benefits to the operation of his business and the rural economy. However, the development would remain indefinitely regardless of the circumstances of the occupiers. As such, these matters would not outweigh the harm to the rural character and appearance of the area I have identified in respect of the main issue.

### **Conclusion**

16. For the reasons set out above I conclude that the appeal should be dismissed.

*Richard Exton*

INSPECTOR