The Planning Inspectorate

Appeal Decision

Site visit made on 14 August 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 6 September 2017

Appeal Ref: APP/X2410/W/17/3175084
Little Paddocks, Roecliffe Road, Cropston, Leicestershire LE7 7HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Mandy Ronayne against the decision of Charnwood Borough Council.
- The application Ref P/16/1899/2, dated 18 August 2016, was refused by notice dated 23 February 2017.
- The application sought planning permission for the erection of a two storey extension to the dwelling and conversion works to the outbuilding to form an annex and garaging without complying with a condition attached to planning permission Ref P/08/1013/2, dated 22 August 2008.
- The condition in dispute is No 3 which states that: "*The development shall be carried out only in accordance with the details and specifications included in the submitted application, as amended by the agent's e-mail dated 12th August 2008 confirming that the one-bedroomed flat is to be used as an annex to the main house known as Little Paddocks, Roecliffe Road. The use of the annex shall remain ancillary to the residential use of this property and not be occupied, sold or leased separately.*"
- The reason given for the condition is: "*For the avoidance of doubt and because the local planning authority would not grant planning permission for a separate dwelling in this location, having regard to national and local policies in respect of the sustainable location of new development and the formation of new dwellings in the countryside, and the interests of highway safety.*"

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effects of the proposal in relation to the provision of homes in the countryside.

Reasons

4. The appeal relates to this annex which is located within the frontage of the grounds of Little Paddocks. It provides accommodation which has been

associated with the use of the main house, as required by the condition which is now in dispute. The property sits some distance from the village of Cropston, and is one of a very small number of buildings within this tight cluster. The site is outside any recognised settlement and is in the open countryside, for planning purposes.

5. It is accepted that the appeal site is not conveniently located in relation to the very limited services in Cropston and more-so in relation to Newton Linfield which is said to be over 3km away. There is some discussion in the representations about whether the proposal would give rise to an "isolated" home, as referred in the NPPF at paragraph 55. There are a couple of other dwellings nearby and so, in this sense, the proposal would not stand completely alone surrounded by open countryside; however, the appeal site is some distance from defined settlements with their services and so could be viewed as isolated in this sense.

6. Saved Policy CT/1 of the Borough of Charnwood Local Plan 2004 sets out a number of criteria for new development in, amongst other locations, the countryside. I note that the interpretation offered by the appellant and the Council differs, although the appellant acknowledges that this is finely balanced. What seems important for this appeal is that the supporting text states that new development should be focused in towns and villages in order to reduce travel needs and extend transport choice. I fully appreciate that the supporting text is not part of the policy but it helps to understand the aim and perhaps interpretation of the policy in seeking to control development in such locations; it is not just about the physical impact of built form.

7. With this in mind, the proposal would give rise to an additional home in a location which has poor access to services and facilities, including public transport. The result would be that the additional residents would rely heavily on the private car to gain access to day-to-day goods and services. I consider this to the in conflict with saved Policy CT/1.

8. The appellant considers that the proposal would make a contribution, albeit limited, to the supply of new homes and would ensure the upkeep of the building. They also assess that any additional vehicle trips would be limited by the size of the dwelling. In my view, the proposal would give rise to the provision of a new dwelling in a very poorly located area; access to every-day needs would be almost impossible without reliance on a private car. In relation to the assessment of 'sustainable development', I consider that this would mean that the proposal would fail to achieve the environmental aims and also fail to achieve the social role; although a new home would be provided, it would be in an inaccessible location. In my judgement these matters outweigh any positive aspects of the provision of a new home. There is no evidence before me to suggest that the building would become neglected if the appeal were not to succeed.

9. The appellant sets out the personal circumstances surrounding the proposal, which includes the provision of care and support by an individual who now resides in the main house. It is also stated that the proposal would generate some income which would help with the provision of care. Although she identifies it as a last resort, the appellant suggest that a personal permission may be considered so that the use may revert to one of an annex to the main house if/when the appellant ceases to reside here. Although I express

sympathy with the personal circumstances set out in the submissions, I must refer to the national Planning Practice Guidance which states that personal planning permissions are rarely acceptable and identifies that such a condition may only be acceptable in exceptional circumstances and "on planning grounds". In my judgement, I consider that the circumstances of this appeal do not justify such an exception.

Conclusions

10. The proposal would give rise to an additional home in a poorly located site which would generate a need to rely in the private car for access to most day-to-day needs. Taking this and other matters into account, I have found that the proposal would not represent sustainable development and is contrary to Policy CT/1 and the advice in the NPPF. Therefore, the existing condition is necessary and reasonable, and the appeal is dismissed.

S T Wood

INSPECTOR