
Appeal Decision

Site visit made on 19 December 2017

by **S J Lee BA(Hons) MA MRTPI**

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

Decision date: 23rd January 2018

Appeal Ref: APP/F2415/W/17/3181728

**Benvenuto, 4 Leire Lane, Ashby Parva, Lutterworth, Leicestershire
LE17 5HR**

- 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 Tom Wightman against the decision of Harborough District Council.
 - The application Ref 16/01926/FUL, dated 28 November 2016, was refused by notice dated 8 February 2017.
 - The development proposed is erection of 2 storey 3 bedroomed house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this case whether the development would provide a suitable location for housing, having particular regard to the accessibility of services by a range of means of transport and the character and appearance of the area, including the Ashby Parva Conservation Area (APCA).

Reasons

3. The appeal relates to the side garden of a detached bungalow known as Benvenuto. This is the last dwelling on the eastern side of Leire Lane. Beyond the site is an open paddock. Opposite the site is a linear row of dwellings, some of which appear to have been built relatively recently. To the other side of Benvenuto is another bungalow known as Ronda. The site layout plan suggested that the existing stable block to the rear of the site was to be demolished as part of the development. The officer report suggests that this intention changed during the consideration of the application. I have considered the appeal on this basis. The site is within the Ashby Parva Conservation Area (APCA).
4. Policy CS17 of the Harborough District Core Strategy (CS) (2011) states that outside rural settlements, in the countryside and in other locations not identified as selected rural villages, new development will be strictly controlled. Ashby Parva does not meet the criteria to be identified as a 'selected rural village'. The development would not meet any of the criteria set out in the policy or development in such locations and thus there would be conflict with Policy CS17 as a result.

5. Considering the proximity of other housing and its relationship with Benvenuto, I would not characterise the development as being 'isolated' in the context of paragraph 55 of the National Planning Policy Framework (the Framework). Nonetheless, Ashby Parva does not contain a significant number of key services or facilities. Only a pub is identified as being within the village itself. Owing to the paucity of key day-to-day facilities future occupants would inevitably have to travel to meet their everyday needs. Considering the distances involved and the nature of the likely routes, walking or cycling to reach facilities in Lutterworth and Ullesthorpe is unlikely to represent a practical alternative to the car for most day-to-day trips, particularly during the winter months.
6. Reference has been made by the appellant to a regular bus service which provides links to Rugby, Leicester, Lutterworth and Broughton Astley and provides access to shops, services and employment in their settlements, plus Magna Park and Fosse Park. The services referred to do not run into the evenings, Sundays or Bank Holidays. This still constitutes a reasonable level of public transport provision for a rural location such as this. Nonetheless, the need to travel outside the village for almost all needs means that it is highly likely that there would remain a significant reliance on the car, particularly during those periods when buses are not running or not convenient. While this may not be unusual in a rural location both CS Policy CS5 and the Framework expect development to take place in locations where there is good access to facilities and which provide realistic travel choices. CS Policy CS9 also seeks to locate development in the most sustainable locations. It is self-evident from the nature of Ashby Parva and the number of facilities it contains that the village is not amongst the most sustainable or accessible locations in the district.
7. Turning to the issue of character and appearance, the dwelling would be two storeys in height at the front with a single storey projection to the rear. The dwelling would sit forward of Benvenuto and Ronda and would clearly extend the built form of the village on the eastern side of Leire Lane. However, owing to the largely domestic appearance of the site, the development would not appear as a significant encroachment into the open countryside that lies beyond the existing boundary. As a result, the development would do little harm to the rural setting of the village. Moreover, it would maintain the existing linear pattern of development along the lane.
8. While the development would clearly add some variety to the street scene on this side of the road, the predominant building style on Leire Lane is two storeys in height. The design of the dwelling would be sympathetic with other dwellings in the area as would the use of materials. The dwelling would add to the density of existing development, but this would not appear incongruous in relation to the terraced dwellings opposite. As a result of the open land to the side of the dwelling, the building would also not appear cramped. Although I recognise the development would differ from the neighbouring properties, I do not consider that the overall scale, appearance or height of the dwelling would be unduly dominant or create a discordant element when viewed in the context of Leire Lane or the village as a whole.
9. Although the Council has not specifically addressed harm to the APCA in its evidence, I have a statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of

conservation areas. This is also reflected in CS Policy CS11 and paragraph 131 of the Framework. I have not been provided with a Conservation Area Appraisal, but from my observations of the area, the significance of the APCA lies in its traditional rural character, which is exhibited through the nature, style, layout and materials of the majority of the buildings. The dwelling would reflect the local vernacular and would not appear out of place or incongruous in its surroundings. I therefore conclude that the development would have a neutral impact. As a result, the development would preserve the character and appearance of the APCA.

10. Taking all matters into account, the development would be contrary to the strategy set out in CS Policy CS17, which seeks to locate development into identified settlements and selected rural villages. While there would be some opportunities to use public transport to reach everyday services, the lack of facilities within the village and the likely reliance on the car leads me to conclude that the development would run contrary to CS policies CS5, CS9, CS11 (c(viii)) and CS17 which seek, amongst other things, for development to be directed to the most sustainable locations and areas well served by local services, where the need to travel is reduced and which encourage travel by a range of modes of transport. There would also be conflict with those aspects of the Framework which support sustainable modes of transport and a low carbon future, in particular paragraphs 30, 93 and 95.
11. However, I have found no unacceptable harm in relation to the character and appearance of the area. The development would not therefore conflict with Policy CS11, or Supplementary Planning Guidance Note 1 and 3, which seek to ensure development respects and enhances local character ensuring development in conservation areas is consistent with their special character. There would also be no conflict with paragraph 131 of the Framework in relation to the impact on heritage.

Other Matters and Planning Balance

12. Planning law¹ states that decisions must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework is a material consideration. The Council acknowledges that it cannot demonstrate a five year supply of deliverable land as required by paragraph 47 of the Framework. Accordingly, the tilted balance set out in the fourth bullet point of paragraph 14 is triggered. This states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the Framework as a whole, or where specific policies in the Framework indicate development should be restricted. Conflict with heritage policies is identified as one such restrictive policy, but this would not apply here as I have found no harm to the significance of the APCA.
13. The conflict with CS Policy CS17 weighs against the development, though in the context of the five year supply situation, this is not decisive. Nevertheless, I have found harm with regard to the location of development and the poor access to facilities within Ashby Parva. This conflicts with the social dimension of sustainable development which weighs significantly against the development. There is also an environmental implication as a result of the

¹ Section 38(6) of the Planning and Compulsory Purchase Act 1990 and Section 70(2) of the Town and Country Planning Act 1990.

increased use of the car. The harm from this is tempered to an extent by the access to public transport that does exist and the fact that the number of additional trips from a single dwelling is unlikely to be significant. As such, the environmental harm would weigh only moderately against the proposal. There would also be harm to the economic role of sustainable development, as a result of development not taking place in the right place.

14. Balanced against this harm would be the delivery of a single dwelling which would make a small but valuable contribution to the housing supply shortfall. I have given moderate weight to this factor. Any social or economic benefits for the vitality of Ashby Parva itself would be negligible and provide little weight in favour of the development. Short term benefits associated with construction would exist, but would be the same for all housing developments and thus add little weight in favour of this specific proposal.
15. I have found no harm in relation to the effect on character and appearance and the Council raised no concerns with any other issues. However, lack of harm is neutral and weighs neither for nor against the development.
16. The recent permission²² drawn to my attention by the appellant was for 38 dwellings and thus is not comparable to the proposal before me. The weighing of benefits and impacts in such a case differs considerably to that here. This permission has not had a significant bearing on my decision. Reference was also made to relatively recent development on the opposite side of Leire Lane. However, I do not have the full details of this development and thus cannot conclude that the circumstances are directly comparable.
17. I have noted the Council's reference to other appeals and the appellant's observations on their relevance. I do not have the full details of either case and thus cannot conclude with any certainty they are directly comparable to that before me. In any event, I have considered the appeal on its own merits based on the evidence before me and my observations of the area.
18. Taking all matters into account, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of a single dwelling in this location. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify a decision other than in accordance with the development plan.

Conclusion

19. For the reasons given above, the appeal should be dismissed.

S J Lee

INSPECTOR

²² Application reference: 17/00593