



Appeal Decision

Site visit made on 8 February 2019

by **Michael Wood RIBA**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2019

Appeal Ref: APP/F2415/W/18/3212873

Land rear of the Hanbury Centre, Stonton Road, Church Langton LE16 7SZ

- 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 Leicester Diocesan Board of Education against the decision of Harborough District Council.
 - The application Ref 17/01698/OUT dated 3 October 2017 was refused by notice dated 26 April 2018.
 - The development proposed is an Outline application for the erection of 5 dwellings and Children's Play Area with associated vehicular access (access to be considered) [Revised scheme of 16/01653/OUT].
-

Decision

- 1 The appeal is dismissed.

Procedural Matter

- 2 I have accepted the Council's change in description to that advanced by the appellant in the application form. I find the description as stated in the banner heading above better reflects the nature of the development before me.

Main Issue

- 2 The main issue is the principle of development in this location having regard to the provision of Open Space Sports and Recreation.

Reasons

- 3 The owners of the appeal site wish to extend an existing private cul-de-sac and to build houses on land which is currently used as recreational open space. The land has a public footpath on one side, which leads directly out into the open countryside, and a grass play area at the rear of a school on the other. The access along the cul-de-sac is shared by vehicles and pedestrians and the Appellants state that they previously owned the land where the access is located and that they retained a right of way over it. Both the council and residents of the existing cul-de-sac object to the proposed new housing development which would be adjacent to but outside the defined development limits for the settlement of Church Langton. Policy CS17 of the Harborough District Local Development Framework Core

Strategy of 2011 (the Core Strategy) states that development outside of the settlement will be strictly controlled and only development for the purposes of agriculture, woodland management, sport and recreation, local food initiatives, development that supports visits to the district and renewable energy production will be appropriate. The site is identified in the Core Strategy as an Open Space, Sport and Recreation site (OSSR).

- 4 Policy CS2 of the Core Strategy states that development outside defined development limits will not be permitted unless the Council has a deficit of housing land to meet its 5 year supply requirements. The Appellants accept that the Council can demonstrate a 6.94 year housing land supply. The allocation in the emerging Harborough Local Plan has indicated that 30 new houses will be developed within Church and East Langton. This would take place over a planned period and it would be expected to be met through 'windfall' sites such as those infilling gaps, so far as practicable. Policy H2 requires that Windfall sites should be within the existing built part of the village. At the examination of the East Langton Neighbourhood Plan in 2018 the examiner indicated that future demand for housing sites might change. The conclusion, however, is not that these words justify approvals on sites outside the limit of development but rather that further consideration might be needed in the future if the expectation is not realised.
- 5 I have found from the evidence before me that the OSSR site off Old School Walk is much valued by local people with strong opposition to it being taken away. The site is indicated in the Neighbourhood Plan of 2018 as one to be protected. In respect of policy ENV1, the Examiner was concerned that the land may be needed for development in the future to meet sustainable housing needs targets. He indicated that this type of open space policy should not endure any later than the Neighbourhood Plan period if it is considered to be necessary (2031). I have noted this but I consider that it is not significant at this time and, since there will be periodic reviews and monitoring through the development plan process, if there should be a shortfall it will be appropriately addressed in the future.
- 6 I have considered the appellant's argument that the designation as OSSR can become out of date because an open space assessment was conducted some time ago in 2004. It seems likely to me that the case for designation could be far greater now than in the past. The Framework, in paragraph 96, requires that Local Authorities should make provision for open space, sports and recreation land through robust and up to date assessment. Paragraph 97 explains that existing open space, sports and recreational buildings and land should not be built on unless clearly surplus to requirements, or their replacement would be at least equal in quantity and quality. It seems that evidence before me from users and the Local Authorities strongly supports the existing designation of this site. Harborough's Neighbourhoods and Green Space Officer has stated that this OSSR has been demonstrated to be particularly important to the local community.

Other Matter

- 7 I have considered the concerns expressed in regard to highways issues and pedestrian safety and I have observed the pavement in Stonton Road

which ends at the entry to Old School Walk. I have also noted that there are other properties gaining access to Stonton Road at the junction with Old School Walk. I could see the potential for accidents to occur particularly at times when children are dropped off and collected from school. In addition, I am aware that the layout of Old School Walk itself is one with a relatively narrow route which is shared between vehicles and pedestrians. I have inspected the plans showing Old School Walk and the entrance to the proposed new housing area and can understand the concerns of residents and road users. The highways officer indicated that the access road might need to be made wider and local residents indicated that the extended shared use would increase the danger to pedestrians. However, even if dimensions were to be increased, it is clear that an increase in cars and service vehicles would exacerbate the danger to pedestrians and parents with small children which exists at the entry to the cul-de sac and for this reason, the proposed access layout would be unacceptable.

- 8 The proposed development would not conform with policy CS2 and CS8 in the Core Strategy, policy ENV1 in the Neighbourhood Plan and paragraphs 96 and 97 of the Framework, and for these reasons, the appeal is dismissed.

Michael Wood

Inspector