The Planning Inspectorate

Appeal Decision

Site visit made on 18 March 2019

by Jan Hebblethwaite MA Solicitor (Non-practising)

an Inspector appointed by the Secretary of State

Decision date: 11th July 2019

Appeal Ref: APP/F2415/W/18/3219320
Land to the rear of 28 Caldecott Road, Great Easton LE16 8TB

- 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 and Mrs Neil and Lucy McKay against the decision of Harborough District Council.
- The application ref 18/00442/FUL, dated 8 March 2018, was refused by notice dated 27 July 2018.
- The development proposed is the erection of detached B&B accommodation, including access and associated works at land to the rear of Stoneacres, Caldecott Road, Great Easton.

Decision

1. The appeal is allowed and planning permission is granted for the erection of detached B&B accommodation, including access and associated works at land to the rear of 28 Caldecott Road, Great Easton in accordance with the terms of the application, ref 18/00442/FUL, dated 8 March 2018, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision letter.

Application for costs

2. An application for costs was made by Gateley Plc on behalf of the appellants against the Council. This application is the subject of a separate Decision.

Procedural Matters

3. At its meeting on 30 April 2019, Harborough District Council resolved to adopt the Harborough Local Plan 2011 – 2031 (HLP). The parties were given the opportunity to submit representations as to the effect of the new policies on their respective cases. In accordance with section 38(6) of the Town and Country Planning Act 1990 (as amended), I have determined this appeal on the basis of the newly adopted local plan.

4. In providing comments in relation to the HLP, the appellants' representative referred me to Policy GD3 in support of tourism accommodation being permitted. However, that policy states: "Outside … Selected Rural Villages development will be permitted where it is required for the following purposes…" (my emphasis). There follows a list of purposes which includes tourist accommodation. However Great Easton is a "Selected Rural Village" under policy SS1 so that the support for tourist accommodation under Policy GD3 would not be relevant to the appeal proposal.

5. Since the appeal documents were prepared, a further revision of the National Planning Policy Framework (the Framework) has been published. Paragraph 196 of the Framework is identical to Paragraph 134 as referred to by the appellant and the council.

Main Issues

6. The main issues in this appeal are;

(i) The effect of the proposed development on the character and appearance of the area; and

(ii) whether the appeal proposal would be in an accessible location.

Reasons

7. The appeal site consists of part of a field. The site of the new building would be to the rear of 22 Caldecott Road, with an access running along the southern boundaries of 28 and 28a Caldecott Road. The Great Easton Conservation Area includes the houses fronting Caldecott Road and the open field to the west of the appeal site, but not the appeal site itself. The site is adjacent to but outside the Limits to Development (LtD) as described in the Great Easton Neighbourhood Plan[1] (GENP) and the HLP.

Character and appearance

8. Great Easton is an attractive village with a mix of styles and ages of buildings. The immediate vicinity of the appeal site is the entrance to the village from the east with a linear development of residential properties on the south side of Caldecott Road. The north side of the road opposite the line of properties adjoining the appeal site, is wooded, with open farmland to the rear. Although the properties broadly follow the line of the road, they are not all front and square to the road. Taken together with the varied plot sizes of the properties, an irregular rear boundary has been created. All the properties fronting Caldecott Road are within the Conservation Area[2]. The Council has accepted that the proposal would not harm the setting of the Conservation Area and I see no reason to differ.

9. Whilst I accept that there will be glimpsed views into the development site from Caldecott Road, especially in the winter months when the deciduous trees lose their leaves, I do not consider that the views of the development would be visually intrusive.

10. Provided that the materials used in the construction of the property are appropriate to the character of the area (and this is controlled by condition), I do not consider that the proposed development would cause material harm to the character of the immediate locality and the wider village.

11. There has been much discussion of Policy E2 of the GENP and the relevance or otherwise of each of its constituent parts. For this reason, the decision reviews the appeal proposal against the whole policy. The policy provides support for development proposals which satisfy eight criteria, lettered (a) to (h). The policy also contains a further paragraph setting out circumstances where development will be supported. These are small extensions of existing

[1] Great Easton Neighbourhood Plan 2017 - 2031 adopted in January 2018
[2] Great Easton Conservation Area

employment premises anywhere in the Parish and/or small-scale new build within the LtD. Neither of these circumstances are relevant to the proposed development. It was suggested that this final paragraph should be applied to the criteria in (a) to (h), and therefore Policy E2 would not provide any support for the proposed development. However, I agree with the appellants' submissions that such a conclusion cannot be drawn in the light of the way in which criterion (a) is drafted. It envisages that there may be some potential for development outside the LtD in limited and specified circumstances.

12. Policy E2(a) provides that new employment opportunities will be supported where they fall within the LtD. It follows that development outside the LtD will not be supported. However, the policy continues to give three situations where proposals outside the LtD may be acceptable. Whilst the policy does not expressly add these circumstances to the "supported" categories, the policy cannot be sensibly read in any other way. On that basis, tourism related activities may be supported by the policy, subject to the other criteria in Policy E2 being satisfied, where they are relevant.

13. Criterion (b) requires the development to reuse land or buildings wherever possible (my emphasis). I have no evidence that the appellant has searched for existing brownfield land or buildings to adapt, nor from the Council that such land or building is available. However, in view of the emphasised phrase, I conclude that reuse of buildings is not an absolute requirement for a proposal to fall within development "supported" under Policy E2.

14. Criterion (c) relates to impact on the character, infrastructure and environment of the village and the plan area, including the countryside. I have dealt with these matters below. None of the statutory consultees on infrastructure have raised objections to the development, although some do propose conditions which I have included. This also covers criterion (f). I deal with the effect on the countryside below.

15. Criterion (d) is not relevant and I deal with disturbance to nearby residential properties below (criterion (e)). Criteria (g) and (h) are also dealt with below.

16. I have described the irregular rear boundary to the properties adjoining the appeal site above. The proposed building is sited at an angle but approximately parallel to the boundary of 22 Caldecott Road. As such, it is likely to be seen in the context of the development fronting Caldecott Road, rather than as a building standing in the open countryside. I conclude that the proposed building would not be materially harmful to the open countryside.

17. Accordingly, I conclude on this issue that the proposal would not be harmful to the character and appearance of the area. It would therefore not conflict with Policy E2 of the GENP.

Location

18. The section of the GENP dealing with the LtD, explains that they were defined by the District Council in its Core Strategy with the aim that development should take place in the most sustainable locations. The GENP designates the LtD for the village and confirms that focussing development within the LtD will help support existing services within the village centre and help protect the countryside and remainder of the plan area from inappropriate development. The LtD are shown on a plan on page 19 of the GENP, above policy SD1. In the

vicinity of the appeal site, the LtD follows the irregular boundary at the rear of the properties fronting Caldecott Road as described above.

19. The site is a short walk from the centre of the village where there is a pub a village store (with post office) and bus stop with a regular service to neighbouring villages and towns. I conclude that although the site is technically outside the LtD, it is nevertheless in a sustainable location.

Other Matters

20. There are a number of additional matters raised by the parties, all of which I have considered but none have sufficient weight to change my conclusions on the main issues dealt with above. These other matters are set out briefly in the following paragraphs.

21. A bed and breakfast facility would provide accommodation for visitors to the area which would have economic benefits to the village, through employment opportunities.

22. The collaboration agreement with the local public house sets out the potential for mutual marketing and support between local businesses, from which there is the potential to achieve economic benefits for the village.

23. I conclude that the appeal proposal would accord with HLP Policy RT4 (well-connected tourism accommodation) in view of the transport services provided to the village an accessibility to neighbouring towns and villages

24. I am satisfied that there would be no overlooking of any of the properties adjoining the site of the building which would not be overbearing. The landscaping condition will require a buffer between the site and the properties at 22, 22a and 20 Caldecott Road. The proposed use may introduce domestic noise in the garden of the property (children playing etc) but this would be likely to be no more than would be experienced when living in a village setting. I also note that the field to the west of the appeal site is within the LtD and is a housing allocation for about 4 dwellings.

25. The proposed building would accommodate one family and two other couples, so that of car trips generated are likely to be limited. The landscaping condition will require the boundary to be strengthened.

26. The site is located within an area containing non-designated heritage assets, namely ridge and furrow earthwork archaeological remains. The construction of a new building would have some impact on any remains within the site. The County Council were consulted as part of the application and a condition requiring on-site investigation in accordance with an approved written scheme of investigation has been proposed. Such a condition, properly implemented, would ensure that any adverse impact on non-designated heritage assets would be satisfactorily mitigated.

Conditions

27. I have reviewed the Council's proposed conditions and for the most part, I have adopted them.

28. I have required that the approval of the refuse storage facilities shall also include the location of the facilities in view of the relationship to neighbouring properties. I have updated the reference to the General Permitted Development

Order. I have amended the condition relating to permitted development rights to make it clear that the building may only be used for holiday accommodation. This is necessary because of the economic justification for the building. I have simplified several conditions

29. There are a number of pre-commencement conditions set out in the Schedule which have been agreed by the appellants.

30. Condition 1 is a statutory requirement and condition 2 is imposed for certainty. Conditions 3-5,7,9 and 11 are imposed in the interests of visual amenity and to protect the character and appearance of the area. Condition 6 seeks to prevent encroachment into the open countryside; condition 8 seeks to prevent on-street parking; condition 10 is to mitigate any impact on neighbours from the use of the building and the access track; condition 12 ensures that the occupation remains as holiday accommodation and provides a method of monitoring compliance; condition 13 is the archaeology condition required by the County Council to protect heritage interests and condition 14 ensures that there is adequate drainage provision for the development.

Conclusion

31. I conclude that the appeal should be allowed, and planning permission granted subject to the conditions set out in the schedule of conditions below.

Jan Hebblethwaite

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be in accordance with the following approved plans: • M127.P201 —Existing Site Plan &Photos • M127.P202 —Site Plan 1:500 • M127.P203 —Site Plan 1:250 • M127.P204 —Site Access Proposals • M127.P205 —Proposed Plans &Elevations • M127.P206 —Additional Elevations • M127.P207 —Local Facilities Plan.

3) No development shall commence on site until a schedule indicating the materials to be used on all external elevations of the approved building has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

4) No development shall commence on site until details of the existing and proposed ground levels and finished floor levels of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and shall be retained as such in perpetuity.

5) No development shall commence on site until details of the provision for and location of the storage of refuse and materials for recycling 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.

6) Notwithstanding the approved plans, detailed plans showing the extent of curtilage of the building and the boundary treatments to be erected 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.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed on the site.

8) The car parking and turning facilities shown on the approved plans within the curtilage of the property shall be hard surfaced and made available for use before the first occupation of the property hereby approved and shall thereafter be permanently so maintained.

9) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

   (a) indications of all existing trees and hedgerows on the land;

   (b) details of any trees and hedgerows to be retained, together with measures for their protection in the course of development;

(c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed building, the accessway, and other works;

(d) finished levels and contours;

(e) means of enclosure;

(f) hard surfacing materials; and

(g) programme of implementation.

Thereafter the development shall be implemented fully in accordance with the approved details and retained in perpetuity.

10) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years from the date of first occupation of the development, die, are removed, or become seriously damaged or diseased shall be replaced with plants of the same size and species as that lost, in the next following planting season. All hard landscaping shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), the building permitted shall be used for holiday accommodation only and for no other purpose, including use as a single family dwellinghouse.

12) The bed and breakfast accommodation permitted shall not be occupied by any individual person for a continuous period of more than 21 days in any calendar year and a register of the frequency and duration of visits and names of visitors to the property shall be maintained and made available to the Local Planning Authority on request.

13) No development shall commence until a written scheme of archaeological investigation (WSAI) has been submitted to and approved by the Local Planning Authority in writing. The WSAI shall include a statement of significance and research objectives, a programme and methodology of site investigation and recording and the nomination of a competent person or organisation to undertake the approved works, the programme for post-investigation assessment and subsequent analysis, publication and dissemination of resulting material. No development for the construction of the building may take place until the completed WSAI has been implemented and a report submitted to the Local Planning Authority

14) No development shall commence on site until full details of the means of foul and surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details and retained in perpetuity.

END OF SCHEDULE