



Appeal Decision

Site visit made on 1 July 2019

by Chris Couper BA (Hons) DiP TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2019

Appeal Ref: APP/F2415/W/19/3227385

Benvenuto, 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 outline planning permission.
 - The appeal is made by Mr Tom Wightman against the decision of Harborough District Council.
 - The application Ref 18/00601/OUT, dated 3 April 2018, was refused by notice dated 24 October 2018.
 - The development proposed was described as 'seven detached two storey houses'.
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. The application was made in outline with all matters reserved. I have dealt with the appeal on that basis, and have treated the details on drawing Nos AP2 and AP3 as illustrative only.
3. Notwithstanding the description of the development as set out above, which is taken from the application form, it is clear from the drawings, the appeal form, and the letter from the appellant dated 3 May 2018, that the scheme was for up to seven two storey houses. The Council dealt with the proposal on this basis, and so shall I.
4. The Council adopted the Harborough Local Plan 2011 to 2031 ('HLP') in April 2019. Consequently, the policies from the Harborough Core Strategy 2006 - 2028 (2011) referred to in the Council's decision are now superceded, and I have had no further regard to them. During the course of the appeal, the appellant was provided with an opportunity to comment on the HLP.
5. In his letter dated 3 May 2018 and in his statement of case, the appellant asserts that the Council does not have a five year supply of deliverable housing sites, as required by paragraph 73 of the National Planning Policy Framework ('Framework'). However, according to the Council's email of 2 July 2019 and the attached evidence in its '5 Year Housing Land Supply' statement dated 26 June 2019, it currently has 7.04 years' supply.
6. The appellant was provided with an opportunity to comment on that email. However, as I have not been provided with any cogent evidence to dispute the Council's up-to-date position, I have proceeded on the basis that the Council can demonstrate a five year supply of deliverable housing sites.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Ashby Parva Conservation Area.

Reasons

8. Outside of identified settlements and adjoining land, in order to protect the countryside from unacceptable development which would harm its intrinsic value and rural character, HLP Policy GD3 seeks to restrict development to certain specific purposes.
9. For similar reasons, and to concentrate housing in more sustainable settlements, HLP Policy GD4 sets out that new housing in the countryside outside of Selected Rural Villages and other identified settlements will only be permitted where it meets an identified and evidenced local need, or meets the needs of a rural worker.
10. The site comprises a paddock at the edge of Ashby Parva. Ashby Parva contains a mix of housing and other development, broadly arranged in a linear fashion around Main Street. Whilst it takes on the appearance of a village, it is not a Selected Rural Village or an identified settlement in the HLP which, in terms of its policy approach, treats the area as countryside.
11. There are rows of houses set back from Leire Lane broadly opposite the appeal site, and a bungalow to the south. To the north, just beyond hedgerows and an access track, are fields. The track leads to Range Farm, with its loose collection of typical agricultural buildings, some of which lie just beyond a thick hedgerow on the site's eastern boundary.
12. Although there are some buildings around the site, given the set back of many of them with landscaping in between, the limited amount of development to the east, and the site's visual linkage to the open fields to the north, it is not, in my view, closely associated with the built form of the village. It has an open and rural character, particularly, given the slight curvature in the road, when viewed on the approach to the village along Leire Lane from the north.
13. Part of Ashby Parva's rural character derives from the buildings' informal layout and their setting adjacent to, and amongst, fields and open countryside. Scale and appearance are reserved matters, but as illustrated by drawing Nos AP2 and AP3 the proposal could be laid out in short terraces to reflect the design and arrangement of the houses on the opposite side of Leire Lane. Whilst that would respect the context on that side of the road, in extending built development into an open paddock, the proposal would harm the area's local character, and the village setting.
14. Given its location, the scheme would conflict with HLP Policies GD3 and GD4, along with its Policies GD5 and GD8 which, amongst other things, require development to respect the landscape setting of settlements and to respect local character. It would also conflict with the stance at paragraph 170b) of the Framework.
15. Most of Ashby Parva, including land to the west and to the south of the appeal site is within a conservation area. Conservation areas are defined as designated heritage assets in the Framework. Its paragraphs 192-194 state

- that account should be taken of the desirability of sustaining and enhancing the significance of heritage assets, and that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Harm to its significance, including from development within its setting, should require clear and convincing justification.
16. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
 17. Given my findings above, and the importance of fields and open spaces to the setting of the Ashby Parva Conservation Area, the scheme, in this fairly prominent location, would conflict with HLP Policy HC1's requirement for proposals to protect, conserve or enhance the significance of heritage assets, including their settings. The scheme would also conflict with the broad approach of protecting the special character of conservation areas in the Council's Supplementary Planning Guidance Note 3.
 18. In reaching that conclusion I have considered a dismissed appeal for an outline scheme of seven detached houses on the site (APP/F2415/W/16/3165111) ('previous appeal'). Whilst the development plan has since changed, and this development could take on a different form compared to that scheme, my conclusions on this matter are consistent with that decision.
 19. However, in the language of the Framework, the harm caused to the Ashby Parva Conservation Area would be less than substantial, and applying its paragraph 196, should be weighed against the public benefits of the proposal.
 20. In determining the appeal, I have had regard to the judgement in *Braintree District Council v Secretary of State for Communities and Local Government & Ors* [2017] EWHC 2743 (Admin), and the subsequent Court of Appeal decision, which post-date the previous appeal. Given its context, this site is not 'isolated' as referred to at paragraph 79 of the Framework, and I accept that it is located at the edge of a village.
 21. Whilst Ashby Parva has a fairly limited range of facilities, the scheme would help to maintain the vitality of the village and its community, and it may also support services in other nearby villages. This is in accordance with Framework paragraph 78. As pointed out in various supporting representations, the proposal would also contribute to the supply of housing, and could broaden local choice, although I have no cogent evidence regarding the size of the proposed houses and their relative affordability, or local needs.
 22. Nevertheless, the provision of housing here, and employment and building activity during construction, constitute limited economic and social benefits in the scheme's favour.

Planning Balance and Conclusion

23. I have found that the scheme would harm the character and appearance of the area, including the setting of the Ashby Parva Conservation Area. It would therefore conflict with the development plan. I have given great weight to the conservation of this designated heritage asset. The harm caused to it would not be outweighed by the scheme's limited public benefits.

24. From the evidence before me, the Council can demonstrate a 5 year housing land supply. However, even if I were to conclude that it could not, or that the Council's policies regarding housing around the edge of villages such as this are not entirely consistent with the Framework, and that its paragraph 11 is therefore engaged, the scheme's impact on this designated heritage asset would provide a clear reason for refusal.
25. Consequently, having regard to all other matters raised, including representations in support, and all other material considerations, the appeal is dismissed.

Chris Couper

INSPECTOR