



Appeal Decision

Site visit made on 22 July 2019

by David Carter BSc MSc MRTPI

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

Decision date: 23 September 2019

Appeal Ref: APP/F2415/W/19/3223880

Tanglewood, Snows Lane, Keyham, Leicester LE7 9JS

- 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 Philip Millicheap against the decision of Harborough District Council.
 - The application Ref 18/01136/OUT, dated 29 June 2018, was refused by notice dated 6 September 2018.
 - The development proposed is erection of a dwelling and associated works (all matters reserved).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Harborough Local Plan 2011 to 2031 was adopted on 30 April 2019 following submission of the appeal. I have taken this into account in coming to my decision together with the further submissions from both the appellant and the local planning authority.
3. The description of the development above has been simplified from that set out in the original planning application form and is consistent with that set out on both the Council's decision notice and the appellants appeal statement.

Main Issue

4. This is whether the proposed development would be acceptable having regard to the settlement hierarchy and sustainable development.

Reasons

5. The proposal is for a 4-bedroom detached dwelling within the garden of Tanglewood. Tanglewood is the last dwelling on Snows Lane on the edge of Keyham which is a small, attractive village set in the Leicestershire countryside.

Settlement hierarchy and sustainable development

6. The spatial strategy for Harborough District embraces a settlement hierarchy that has essentially remained consistent in both the now superseded Core Strategy (2011), including the saved policies of the Harborough Local Plan 2001 (amended 2004) and the newly adopted Local Plan.

7. Locating growth in a manner that helps support and enhance existing services, including public transport, is central to this spatial strategy which has consistently placed the village of Keyham at the bottom of the settlement hierarchy. Critically, there is no bus service serving Keyham which means any new dwelling would rely on private vehicles for many trips. Walking and cycling are not very attractive options given the rural nature of roads in the area surrounding Keyham.
8. As the appellants have pointed out, this does not necessarily rule out all development from the bottom tier of the settlement hierarchy and such growth might help supporting facilities and services in such communities. They have identified circumstances in the nearby settlement of Hungarton, which is in the same tier in the settlement hierarchy, where two new dwellings have recently been approved. I am satisfied, however, that the specific circumstances in that case are both different and did satisfy the development plan policy requirements prevailing at the time.
9. The recently adopted Local Plan requires (Policy GD4 1.a) that new limited housing development in a village such as Keyham should only take place where this has been identified through a neighbourhood plan or rural housing needs survey. While I note there is considerable support expressed for the appeal proposal, neither of these essential elements are in-place.
10. The appellants have suggested that a number of conditions could be applied to ensure the new dwelling meets the latest credentials in respect of sustainability including solar panels, a ground source heat pump, energy storage and electric vehicle charging but I note these generally could be applied or adapted to new housing. I consider that the conditions proposed by the appellant would not be sufficient to overcome the policy objection since the approach to securing small scale development in the lowest tier of the settlement hierarchy is quite clear.
11. The latest evidence produced for the local plan (HEDNA, 2017) identifies a need for smaller or affordable dwellings in the District rather than the 4-bedroom property proposed. I also note that the Council's Housing Services team has stated there is no identified local need for the proposal. In relation to housing supply, the latest assessment (June 2019) indicates in excess of a 7-year supply.
12. I note the appellant has expressed the desire to build and move into the new dwelling so as to enable on-hand care for ageing relatives who occupy Tanglewood. Notwithstanding this, the proposed dwelling would be a private property open to sale at any point in time on the housing market. The local planning authority have pointed out there may be other options available to cover the family care circumstances which would not require a separate, permanent private dwelling.
13. I therefore consider that in respect of both housing need and supply there is not a compelling argument which would support the appeal proposal.
14. Accordingly, I conclude that the proposal would be contrary to the provisions of the Harborough Local Plan, especially SS1 Spatial Strategy, GD2 Settlement development, GD3 Development in the countryside and GD4 New housing in the countryside.

Other Matters

15. While most of Keyham is covered by a Conservation Area this does not extend to cover the properties on Snows Lane. The proposed development would not have any adverse impact on the Conservation Area.
16. Snows Lane slopes gently downwards in a south-easterly direction within a shallow valley. It is lightly trafficked as it is a minor no through road. The existing dwellings on Snows Lane lie on the northern side of this feature as would the proposed dwelling. The siting of the new dwelling would follow the established alignment of houses on Snows Lane and be set entirely within the large garden of Tanglewood, sharing an existing driveway. Trees and hedges and the topography mean that the proposed building could be accommodated without significant harm and I note that Leicestershire County Council's ecologist has raised no objection in-principle. A high quality of detailed design could assist this assimilation. The need for a high standard of design is recognised by the appellant.
17. A small pumping station lies close to the appeal site but is separated from it by a paddock. There is no evidence there is a problem with odours from the facility and on my site visit, carried out on a warm summer's day there was no smell.
18. Accordingly, I consider that the new dwelling could be constructed with no unduly harmful impact on either the character and appearance of the area or on the living conditions of nearby residents and potential future occupants of the new dwelling. However, these are not sufficient reasons to justify the appeal proposal.

Conclusion

19. For the reasons stated above and, having had regard to all of the matters raised, I consider that the proposal would be contrary to the spatial strategy and approach towards the location of new development as set out in the Harborough Local Plan 2011 to 2031. The benefits arising from the proposed development would be insufficient to overcome this policy hurdle. I hereby dismiss the appeal.

David Carter

INSPECTOR