The Planning Inspectorate

Appeal Decision

Site visit made on 10 September 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2019

Appeal Ref: APP/K2420/W/19/3231357
Land opposite 22-24 Merrylees Road, Newbold Heath, Newbold Verdon, Leicester LE9 9NR

- 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 Mark Whitmore against the decision of Hinckley & Bosworth Borough Council.
- The application Ref 19/00302/OUT, dated 11 March 2019, was refused by notice dated 16 May 2019.
- The development proposed is a detached 4 bedroom dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration. A location plan, a front elevation plan and block plan were submitted with the application. However, as all matters are reserved, I have treated the elevation plan and block plan as indicative only.

Main Issue

3. The main issue is whether the proposal would amount to sustainable development having regard to the development plan and national planning policies.

Reasons

4. The appeal site is located to the southern side of Merrylees Road, and at the time of my site visit was overgrown. There are properties opposite the site, and also along some sections of the southern side of the highway. A large hedgerow provides screening of the site from the highway. The locality is semi-rural in appearance.

5. Newbold Heath does not have a designated settlement boundary and is therefore designated as being within the countryside. Policy DM4 of the Hinckley and Bosworth Local Plan 2006-2026 Site Allocations and Development Management Policies DPD (the SADMP) is clear that the countryside will be safeguarded against unsustainable development and specifies the types of development that would be considered sustainable. This does not include the appeal proposal.

6. Policy DM1 of the SADMP sets out the presumption in favour of sustainable development, unless material considerations indicate otherwise, whilst Policy

DM10 stats that development should enhance the character of the surrounding other by meeting certain criteria.

7. Whilst the plan submitted with the application is indicative, the presence of a dwelling on the appeal site would be highly visible in the street scene and in the wider locality. A sizable amount of the hedgerow would be lost, and the accompanying domestic paraphernalia that accompanies a residential dwelling would undoubtably dilute the rural nature and character of the site and surroundings and as such would be contrary to Policy DM10 of the SADMP.

8. By setting out settlement boundaries, the Council seeks to concentrate development in the existing settlements, which would make the best use of existing services and infrastructure. From the information in front of me, and from my site visit, it is apparent that local services are extremely limited, which would increase reliance on private vehicles to access day to day services and employment options. This goes against the sustainability advice in Policy DM1 of the SADMP as well as Paragraphs 102 and 103 of the National Planning Policy Framework (the Framework) which states that planning should actively manage patterns of growth in support of the objective to promote walking, cycling and the use of public transport. Sustainable transport solutions can vary significantly between urban and rural areas, but from the evidence before me, it seems that there are very limited services that could be accessible from the site by sustainable transport means.

9. I therefore conclude that the proposal would not represent sustainable development in respect of their location and would conflict with Policies DM1 and DM4 of the SADMP and the sustainability aims of the Framework.

Other Matters

10. I have noted the comments of the appellant that they are willing to work on design parameters and introduce landscaping. However, this would not overcome the fundamental conflict with the development plan and the Framework that I have identified.

11. I also note that the appellant intends to bring the site into alternative use if permission is refused. This does not form part of my reasoning, and it is also likely that any other use would require planning consent.

Conclusion

12. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR