



Appeal Decision

Site visit made on 7 October 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2019

Appeal Ref: APP/F2415/W/19/3233075

Barn to the rear 50 Main Street, Houghton On The Hill LE7 9GD

- 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 Roger Bettles (St Catharine's PCC) against the decision of Harborough District Council.
 - The application Ref 19/00596/FUL, dated 12 April 2019, was refused by notice dated 21 June 2019.
 - The development proposed is demolition of existing agricultural building and replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site would be a suitable location for the proposed development having regard to the development plan and national policy.

Reasons

3. The appeal site is situated within the Houghton on the Hill Conservation Area (CA) and in close proximity to several Listed Buildings on Main Street including the Grade II Listed cottages at Nos 46, 48 and 50 Main Street and the Grade II* Listed Church of St Catharine. The site incorporates a hardsurfaced drive accessed off Main Street. The drive leads to an irregular shaped plot, currently occupied by a barn, which is located to the rear of the neighbouring dwellings on Main Street and outside the 'Limits to Development' of the settlement as identified in the Houghton Neighbourhood Plan (made 2018) (the NP).
4. The appellant suggests that the boundaries of the NP have been drawn with an inadvertent oversight in respect of the appeal site designation. However, the boundary shown has been through the statutory NP process which was duly made and forms part of the Council's adopted development plan. It is not the role of the appeal process to redefine the settlement boundary. Therefore, for the purposes of decision making the site is located outside the 'Limits to Development' and in the countryside.
5. Policy SS1 (The Spatial Strategy) of the Harborough Local Plan (April 2019) (the LP) sets out the settlement hierarchy for the District and identifies Houghton on the Hill as a Rural Centre. Policy GD2 (Settlement development) of the LP specifies that in addition to sites allocated in the LP and neighbourhood plans, development adjoining the existing or committed built up

area, including in Rural Centres, will be permitted where, amongst other things, it does not disproportionately exceed the settlement's minimum housing requirement in Policy H1 (Provision of new housing) or where it comprises the redevelopment or conversion of redundant or disused buildings, or the development of previously developed land of low environmental value and enhances its immediate setting. Development that is physically and visually connected to and respects the form and character of the existing settlement and landscape will also be permitted.

6. The appeal site adjoins the existing built up area of Houghton on the Hill. However, Policy H1 (General Housing Provision) of the NP supports new housing where it is sited within the Houghton 'Limits to Development'. The appeal site conflicts with this requirement. The Council has confirmed that whilst the NP is an earlier document to the LP, the NP was prepared with due attention and reference made to what was the emerging LP at that time. I have given regard to Paragraph 14 of the National Planning Policy Framework (the Framework) and the degree of weight to be applied in decision making to an NP that is less than 2 years old, where it contains policies and allocations to meet its identified housing requirement. I agree with the Council that to overrule the NP at this stage would unreasonably undermine the credibility of the NP process. This is particularly so given that the evidence before me suggests that the Council is able to demonstrate a 6.94 year supply of deliverable housing land. The Council is therefore able to meet its housing requirements in accordance with the development plan and without developing land in the countryside and outside the 'Limits to Development'.
7. The appellant contends that the Council has not given due consideration to the existing use of the site and the substitution of one form of development for another. They suggest that the barn is no longer required for agriculture and has more recently been used for commercial storage. However, the requirement in the NP for new housing to be located within the 'Limits to Development' similarly rules out consideration of the proposal against the other exceptions under Policy GD2. In any case, whilst I acknowledge the substantial scale of the existing building, it is a well-established feature next to the settlement. In contrast to the proposal, it is of an agricultural character synonymous with the countryside location. The building was also in use at the time of my visit and from what I saw would still be capable of being used for agricultural purposes. I am therefore not persuaded by the evidence before me that there are material circumstances that indicate the proposal should not be determined in line with the 'Limits to Development' in the development plan.
8. To conclude, the appeal site is not in an appropriate location for the provision of a new dwelling and would conflict with Policy H1 of the NP. The proposal would be in conflict with the key principles relating to sustainability and Paragraph 12 of the Framework which states that the development plan is the starting point for decision making and where a proposal conflicts with an up-to-date development plan it should not usually be granted.

Other Matters

9. I have a statutory duty to consider whether the development affects the setting of the CA and neighbouring Listed Buildings. The Council has not identified any specific harm to these heritage assets. From what I saw on site taking into account the scale and positioning of the proposal, I find no reason to disagree

with the Council and I am satisfied that the setting of the heritage assets would be preserved. However, this does not override the harm identified under the main issue.

10. The appellant contends that the financial benefits that would accrue from selling the site with planning permission for a dwelling would assist the Parochial Church Council (PCC) in carrying out much needed repairs and alterations to the Grade II* Listed Church of St Catharine and that this would be of benefit to the local community. Whilst I recognise the importance of preserving the Listed Building, I have been provided with very limited evidence as to the extent of works required and the proportion of any costs that would be covered by the development of the site. Such work would potentially require Listed Building consent and I am unaware whether such consent has been obtained and how this might influence final costs. I am therefore unable to rationalise the level of any planning gain that might result from the proposal. Furthermore, I have nothing before me in the form of any legal document that would secure such funds for the specific intention of preserving the Listed Building. I can therefore only attach limited weight to this matter.
11. Whether or not the advice given by the Council to the appellant has been consistent is not a matter for me to assess for an appeal made under s78 of the Act. However, it is noted that there have been significant changes since the Council provided pre-application advice in terms of national and local planning policy and the Council can now demonstrate a 5-year housing land supply meaning that full weight should be applied to its development plan policies. Whether or not Council officers have been supportive of the design does not overcome the conflict of the proposal with the development plan.
12. I note the third-party support for the proposal. Even acknowledging that the proposed dwelling is of a high standard of design when considered in isolation, this does not overcome the conflict with the development plan and that domestication of the site would be at odds with the countryside location. I note the suggestion that there are few such housetypes in the area. I have not been provided with any detailed evidence in respect of need and the proposal for one dwelling would only make a limited contribution to the Council's housing supply. Whilst no detrimental impacts to neighbouring living conditions or highway safety have been identified, these are only other expected requirements of the proposal rather than any added benefits. I have no substantive details before me as to how St Catharine's church would be developed to provide a range of activities that would benefit the wider community and can therefore only attribute modest weight to this possibility.

Conclusion

13. The appeal must be determined in accordance with the development plan unless material considerations indicate otherwise. As I have set out, the evidence before me does not indicate that a departure from the development plan to allow for a dwelling outside the Houghton Limits to Development would be justified. I therefore conclude that the appeal should be dismissed.

M Russell

INSPECTOR